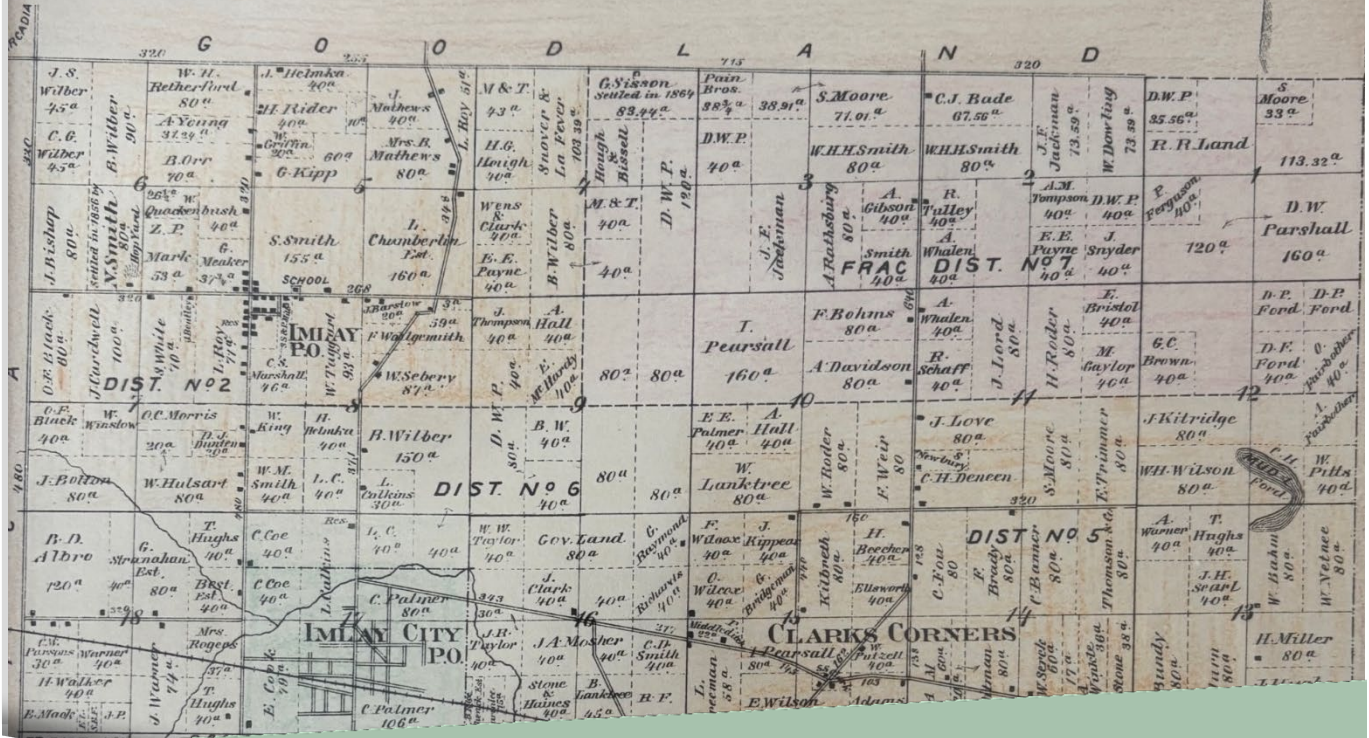


Township VII Nth IMLAY Range XII East

Scale 1 3/4 inches to the mile.



Imlay Township

Zoning Ordinance

Public Hearing Draft April 15, 2026

Adopted Date: XX, 2026

Amended Date:

About this Zoning Ordinance

Below is a brief description of what content is in each Zoning Ordinance article. An icon for some Articles is provided. Click on the bold text or icon to navigate to this Article.

Short Title – Includes catch all provisions regarding severability and if there are conflicting regulations within the Ordinance.

Definition – This Article goes over specific terms for the Zoning Ordinance that can be unique to our community. Commonly uses include to determine use classification, yard type (side or rear), etc.



Zoning District – This Article lists all of the zoning districts in the Township, and which uses are permitted, special land use, or not allowed in each district. The setbacks, lot coverage and other dimensional lot requirements are also listed for each district.



Use Requirements – For all the specific uses listed in the Zoning Ordinance if there are additional requirements due to the use it is listed here.



General Provisions – A combination of requirements that apply to all properties which include accessory buildings, fences and walls, swimming pools, natural features, and more.

General Development Design – These are requirements that primarily involve the construction of a non-residential development such as performance standards, dumpster enclosure, exterior lighting, and community impact statement.



Parking & Loading Requirements – This Article includes general requirements for all parking lots including number of required spaces, dimensions, and loading and unloading requirements.



Landscaping – This includes all of the landscaping based requirements like buffer requirements, preferred species, and minimum plant size.



Signage – This Article reviews all of the sign requirements regarding type, size, location, illumination, and number. This also includes the sign permit review process.



Nonconformities – Nonconformities or commonly known as grandfathered. The three types of nonconforming lot, uses, building and structures criteria to continue to exist or be expanded are explained here.



Administration & Enforcement – This Article lists the duties of official positions in the Ordinance, zoning permit, site plan review, condominium, subdivision control, and special land use review processes. Also clarified are conditional approvals, public hearing procedure, inspection, violation, and enforcement processes.

Amendments – Guides through the rezoning and text amendment process.

Zoning Board of Appeals (ZBA) – Lists duties of the ZBA and processes for processing a variance, interpretation, and appeal.



Quick Reference:

Throughout the Zoning Ordinance, we have a “Quick Reference” box that will include hyperlinks to relevant Articles. Select the icon and the document will jump to that section.

Quick Reference



TABLE OF USES
Sec. 3.60



GENERAL PROVISION
Article 5



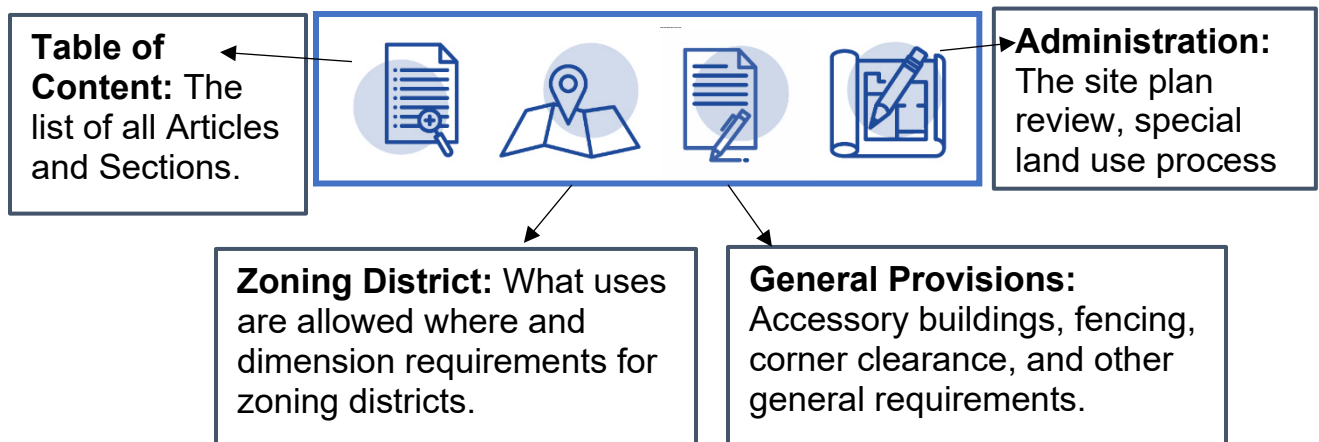
SIGNS
Article 9



ADMINISTRATION
Article 12

Bottom Navigation:

At the bottom of each page of the Zoning Ordinance will be four standard icons in a box.



Frequently Viewed Sections:

As a resident, most frequented:



FENCES

Section 5.110

Includes requirements on fences per zoning district.



KEEPING OF LIVESTOCK

Section 4.10.G

Includes requirements for keeping of livestock horse, etc. Standards incorporate Right-to-Farm Act.



ACCESSORY BUILDINGS

Section 5.10

Includes requirements on accessory buildings (pole barn, sheds, etc.)



ZONING DISTRICTS

Article 3

Includes what uses are allowed where, setbacks, and lot requirements.

As a business owner / developer most frequently used:



TABLE OF USES

Section 3.60

What zoning districts uses are allowed as permitted or special land use.



ADMINISTRATION

Article 12

Discusses review process for site plan, special land use, and enforcement.



PARKING

Article 7

Discusses parking lot design, required number of spaces.



GENERAL DEVELOPMENT DESIGN

Article 6

Discusses construction of a development such as trash enclosure, exterior lighting, etc.



GENERAL PROVISION

Article 5

Discusses misc. other requirements that apply to all districts.



LANDSCAPING

Article 8

Discusses types of required landscaping, type, and size.



SIGNS

Article 9

Discusses sign type, size, location, and number.



NONCONFORMITIES

Article 11

Discusses when a nonconformity can be maintained, expanded, or must be removed.



Table of Amendments

Ord #	Amendment Description	PC Public Hearing	Twp Board Approval	Adoption Notice	Effective Date

Imlay Township Contact Information:

Website: www.imlaytownship.org
 Phone Number: 810-724-8835
 Address: 682 N. Fairgrounds Rd
 Imlay City MI 48444

Planning Services Provided by:

Website: <https://www.wadetrim.com/>



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Article 1 Short Title

Section 1.00 Short Title

This Ordinance shall be known and may be cited as the “TOWNSHIP OF IMLAY ZONING ORDINANCE”.

Section 1.10 Purpose

An Ordinance enacted under Act 184, Public Acts of 1943, as amended, with the continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance done pursuant to P.A. 110 of 2006, as amended, known as the Michigan Zoning Enabling Act (M.C.L. 125.3101 et seq.), governing the unincorporated portions of the Township of Imlay, Lapeer County, Michigan, to regulate and restrict the locations and use of buildings, structures and land for trade, industry, residence and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts to define certain terms used herein; to provide for enforcement; to establish a Board of Appeals; and to impose penalties for the violation of this Ordinance.

This Ordinance is also enacted pursuant to Act 59, Public Acts of 1978, as amended, to regulate the condominium subdivision of land; to promote the public health, safety and general welfare; to further the orderly layout and use of land; to require that land be suitable for building sites, public and private improvements and that there be adequate drainage thereof; to provide for proper ingress to and egress from buildings; to provide a procedure for condominium subdivision approval and except as otherwise provided in this Section, assure that a condominium subdivision of land meets the standards and requirements of the Imlay Township Zoning Ordinance.

Section 1.20 Enabling Authority

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and



other public requirements, and by other means, all in accordance with a comprehensive plan; now therefore.

Section 1.30 Conflicting Regulation

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 1.40 Interpretation and Application

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

Section 1.50 Severability

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

Section 1.60 Vested Rights

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



Article 2 Definitions

Section 2.00 Construction of Language

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

- A. All word used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number.
- B. The word "building" includes the word "structure".
- C. The word "dwelling" includes "residence".
- D. The word "person" includes "corporation", "property owner", "proprietor", "operator", "copartnership", "association", as well as an "individual".
- E. The word "shall" is mandatory and the word "may", "could be", "or" and "either" are permissive.
- F. The word "lot" includes the words "plot", "land", "premises", "real estate", or "parcel".
- G. The words "used" or "occupied" includes the words "intended", "designed" or "arranged to be used or occupied".
- H. The words "work day" or "work week" shall mean Monday thru Friday excluding federal holidays.
- I. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.10 Terms A- E

Adult Entertainment Uses. A commercial establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, includes items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," or an establishment with a segment or section devoted to the sale or display of such material or items. Includes adult bookstores or video stores, adult motion-picture theaters, adult mini-motion-picture theaters, adult motels, adult nightclubs, and massage parlors.

Agricultural Business. An establishment directly related to agricultural need, support services to farms, or products developed onsite such as farm equipment, feed, greenhouses, agricultural equipment sales and service dealer, grain elevators, etc. Examples include produce packaging, livestock or feed development, etc.



Agricultural Land. Land devoted to the production of plants, animals and related food products useful to humans, including but not limited to: forage and food crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, honey, and other similar uses and activities.

Agricultural Processing Facility. The processing of crops after harvest, to prepare them for on-site marketing or processing and packaging elsewhere. Includes the following: alfalfa cubing; corn shelling; cotton ginning; custom grist mills; custom milling of flour, feed and grain; dairies (but not feedlots); drying of corn, rice, hay, fruits, and vegetables; grain leaning and custom grinding; hay baling and cubing; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; sorting, grading, and packing of fruits and vegetables, tree nut hulling and shelling. Any of the above activities performed in the field with mobile equipment not involving permanent structures are included under the definition of "crop production."

Agricultural Tourism. The business of providing activities and services to the general public associated with an on-site farming or ranching activities . Value-added agricultural products or activities can include but not limited to education tours of processing facilities; haunted hayrides, playgrounds or similar school equipment; nature trails; open air or covered picnic area with restrooms; kitchen facilities and gift shops.

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

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

Animal. Below is a further breakdown of types of animals discussed in this Ordinance.

- A. **Dangerous Pets.** Any non-household pets or non-domesticated species of animal that attacks, bites or injures human beings or domesticated animals without adequate provocation; or which, because of temperament, conditioning or training has a known propensity to attack, bite or injure human beings or domesticated animals.
- B. **Domestic Pet.** Animals which are ordinary household pets such as dogs or cats and which are kept for pleasure.
- C. **Exotic or Wild Animal.** Any animal not defined as a farm animal or domestic pet which is not native to southeast Michigan nor commonly found in the wild in southeast Michigan.



D. **Farm Animal.** Livestock, including beef and dairy cattle, ostrich, goats, hogs, horses, poultry, sheep, and other fur-bearing animals providing a farm product as defined by the State of Michigan Department of Agriculture.

Animal Boarding Facility. Any lot or premises on animals are either either permanently or temporarily boarded. An animal boarding facility shall also include any breeding operation of dogs with five (5) or more such animals over one year of age. This does not include farm animal operations. This excludes commercial stables which are under the Generally Accepted Agricultural Management Practices (GAAMP).

Animal Rescue or Shelter. A facility that is used to house or contain animals and is owned, operated, or maintained by the county or nonprofit corporation for the purpose of providing temporary kenneling and finding permanent adoptive homes for animal.

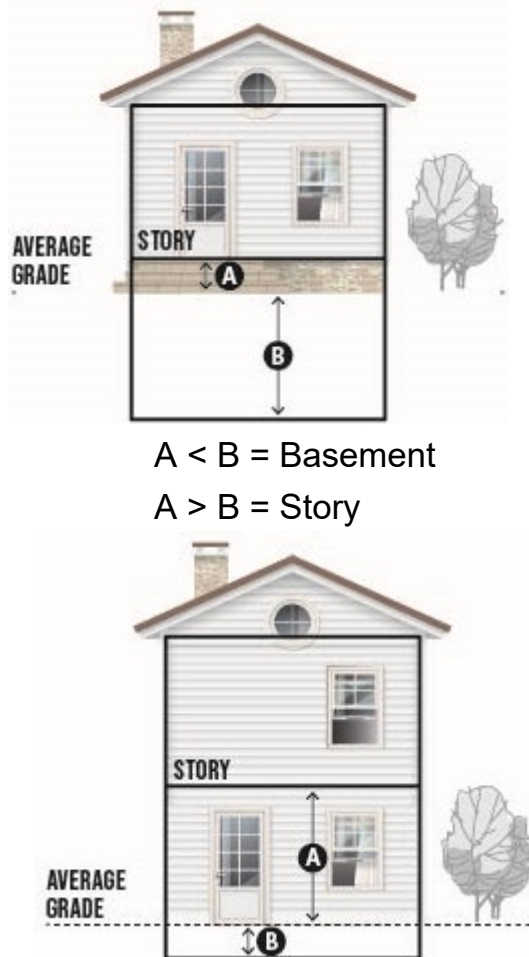
Aquaculture (Aquafarming). The cultivation of aquatic animals and plants, especially fish, shellfish and seaweed in controlled marine or freshwater environments.

Architectural Features. Includes cornices, eaves, gutters, belt courses, sills, lintels, bay window, chimneys, and decorative ornamentation.

Banquet Hall Facility. An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries, and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

Basement. That portion of a building which is partly, or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story. (Figure 2-1)

Figure 2-1: Basement Definition



Battery Energy Storage Facility. A principal design and use (or co-located with a second principal use) is to connect to the transmission grid with nameplate capacity of fifty (50) megawatts or more and an energy discharge capability of two hundred (200) megawatt hours or more.

Berm. A mound of earth planted with shrubs, grass, and trees or suitable ground cover in accordance with the Landscaping and Screening section of the Zoning Ordinance, constructed to sufficient height, length, and width to act as a screening barrier where required by this Ordinance.

Billboard. A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises. For the purpose of this Ordinance a billboard shall also mean an off-site or non-accessory sign.

Buildable Area. The space remaining after the minimum open space requirements of this Ordinance have been complied with.

Building. Any permanent structure, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building or Structure, Accessory. A building or structure which:

1. Is subordinate to and serves a main building or principal use;
2. Is subordinate in area, extent and purpose to the main structure or principal use served;
3. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the main building or principal use served; and
4. Is located on the same lot as the main building or principal use served.

Building, Temporary. Any structure which is not permanent to the property and is permitted to exist for a specific reason for a specific period of time that is less than one (1) year. Temporary buildings do not have permanent foundation in which it is attached to such as tents, awnings, etc. Excluding greenhouses.



Building Envelope.

The ground area of a lot which is defined by the minimum setback requirements within which construction of a principal building and any attached accessory structures is permitted by this Ordinance. (Figure 2-2)

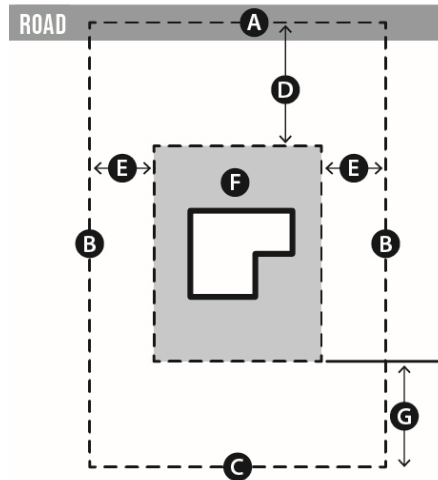


Figure 2-2: Buildable Area

Key:

- A** = Front Lot Line
- B** = Side Lot Line
- C** = Rear Lot Line
- D** = Front Yard Setback
- E** = Side Yard Setback
- F** = Buildable Area
- G** = Rear Yard Setback

Building Site. Shall

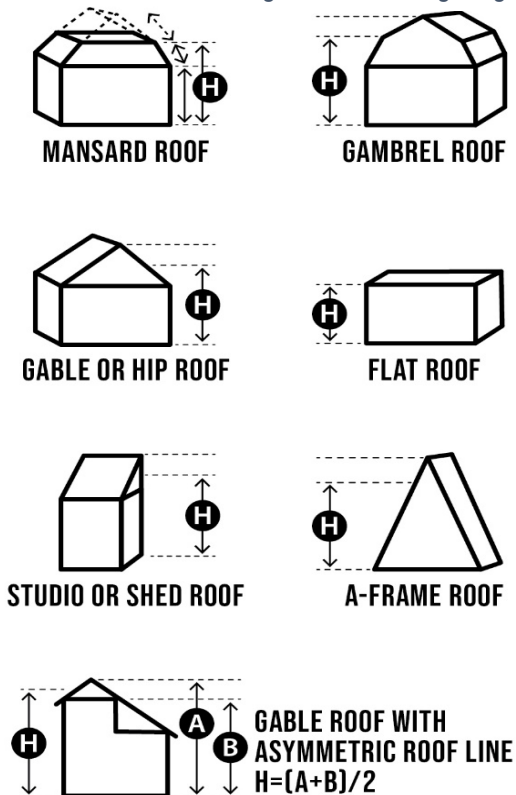
mean that area containing the limited common elements together with its condominium unit and together shall equate to the requirements of a lot and a lot's required elements as contained in Imlay Township Zoning Ordinance.

mean that area containing

Building, Principal. A building in which the principal use of the lot is conducted in.

Building Height. Is the vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (Figure 2-3)

Figure 2-3: Building Height



Building Inspector. The Building Inspector or Official designated by the Township Board.

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

Building Permit. An authorization issued by the Building Inspector to move, erect, or alter a structure within the Township.



Colocation. The location by two or more wireless communication providers of wireless communication antennas on a common support structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Commercial Outdoor Recreational Space. A commercial recreational activities or sports that take place outdoors with minimum structures or buildings. Examples include, but are not limited to shooting ranges, mini-golf, paintball fields, etc.

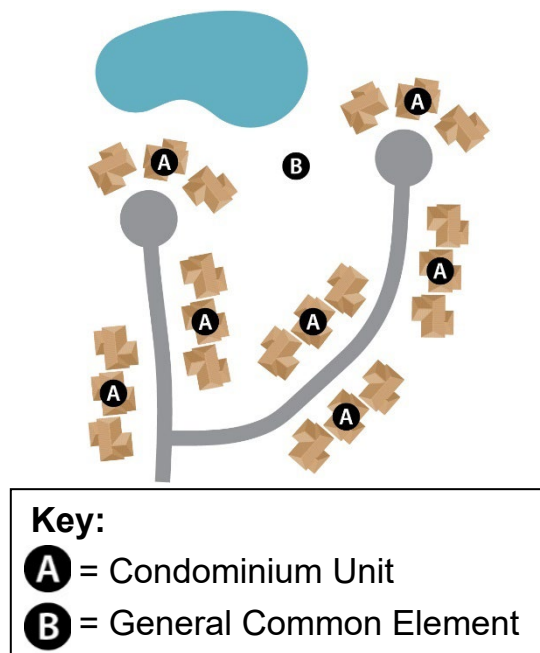
Commercial Solar Facility. A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms. A commercial solar energy system includes the solar panels, internal and perimeter roadways, spacing for service, fencing, and any other structure, transformer, or devices of the like needed for solar production or operation of the system.

Condominium Act:. Means Act 59 of 1978, as amended.

Condominium Conventional. A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area. (See Figure 2-4)

Condominium General Common Elements. Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (PA 59 of 1978). (See Figure 2-4 & Figure 2-5)

Figure 2-4: Conventional Condo Concept



Condominium Limited Common

Elements. Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all the co-owners of the condominium development, as defined in the Condominium Act (PA 59 of 1978). (See Figure 2-5)

Condominium, Site. A condominium development which includes only detached single-family residences located on individual sites. (See Figure 2-5)

Condominium Subdivision Plan. Means the site, survey, and utility plans; flood plain plans; and 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 appropriate size of common elements, and limited common elements. The Condominium Subdivision Plan, for the purpose of this Ordinance, shall include the Master Deed and By Laws of the Condominium Subdivision.

Condominium Unit. Means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed and is that area within which the building may be constructed.(See Figure 2-4 & Figure 2-5)

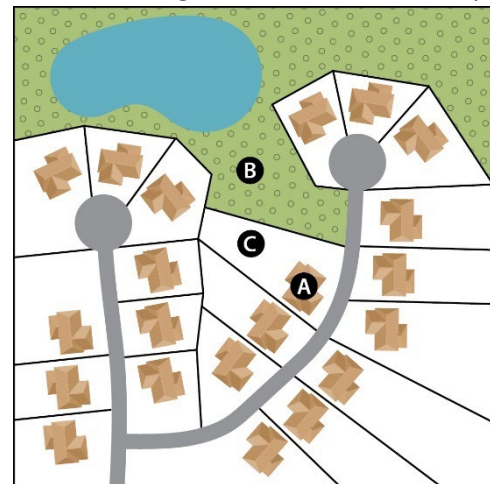
Construction. The erection, alteration, repair, renovation, demolition or removal of any building or structure; and/or the excavation, filling, and grading of a lot.

County Primary Road. As defined by the Lapeer County Road Commission, is a major thoroughfare under the jurisdiction of the Road Commission.

Data Centers. A facility that hosts a large group of network computer servers which can include remote storage, processing, or distribution of large amounts of data.

Drainage. The collection, conveyance, or discharge of ground water and/or surface water.

Figure 2-5: Site Condo Concept



Key:

- A** = Condominium Unit
- B** = General Common Element
- C** = Limited Common Element



Drive Through. A building or portion thereof where products or services are received outside the confines of the building in a motor vehicle on the site directly to the vehicle it is intended to serve.

Drive-In. A business establishment developed primarily for retail or service character that is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while they remain in the motor vehicle. (e.g. restaurants, cleaners, banks, theaters.).

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

Dwelling, One Family. Is a building designed exclusively for and occupied exclusively by one (1) family.

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

Dwelling, Multiple-Family. Is a building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Easement. An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

Elderly Housing Facilities. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care for elderly residents.

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

Excavating. The removal of sand, stone, gravel, or dirt from its natural location.

Expansion. An addition to an existing building or structure which extends or increases the floor area, or height of a building or structure and an extension of a use over a larger portion of a building, structure, or area of land.

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service to the residents of the Township by such utilities or municipal departments for the general health, safety or welfare. This definition does not include Wireless Communication Facilities.



Section 2.20 Terms F-K

Façade. The external walls of a building that are visible to those persons outside of the building.

Family. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children.

Family, Functional. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit but in no case exceeding twelve (12) individuals. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

Family Day Care Home (Child Day Care Home). A private home in which at least one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Farm. All of the contiguous, neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, farms may include, but shall not be limited to, such establishments as greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, dairies, livestock raising, pick-your-own gardens, and apiaries/bee keeping.

Fence. An unroofed structure of definite height and location to serve as an enclosure, physical barrier or marker that may consist of material such as wood, wire, metal, or any other material or combination of material.

Fence, Privacy. "Privacy fence" shall mean a structure of rails, planks, stakes, or similar material erected as an enclosure, barrier, or boundary. Privacy fences are those with ten (10) percent or less of their surface area open for free passage of light and air and designed to conceal from view the activities conducted behind them. Examples of such fences include but are not limited to stockade, board-on-board, and board and batten. Chainlink fencing with slats is not considered an appropriate privacy fence.

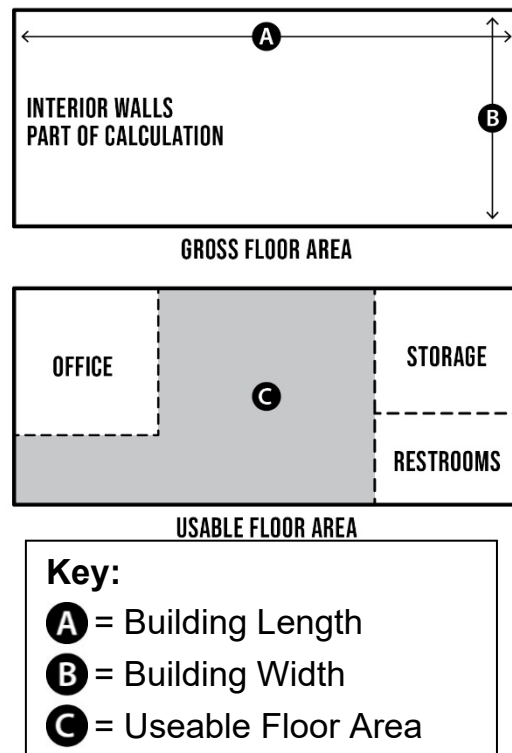


Floor Area. The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The "floor area" of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade. (Figure 2-6)

Floor Area, Usable. (For the purposes of computing parking) is all ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area". For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces. (Figure 2-6)

Figure 2-6: Floor Area Diagram



Food and Drink Establishments. A location where patrons come to consume/ ingest raw, cooked, or processed edible substances or liquids.

Food Trucks. A large vehicles equipped with facilities for preparing, cooking, and serving of food, drinks, or other consumable products.

Gas Station. Land or structures used for the purposes of dispensing or sale of motor fuels directly to users of motor vehicles as the principal use, accessory uses may include the limited sale of convenience and variety goods and facilities for lubricating, washing or the minor service and repair of automobiles.

Garage, Private. A building used primarily for the storage of self-propelled vehicles for the use of occupants of a premise on which such building is located.

Generally Accepted Agricultural and Management Practices (GAAMPS). Guidelines for farm management that help promote a positive image of Michigan



agriculture. They were developed and adopted by the Michigan Commission of Agriculture and Rural Development because of the Michigan Right to Farm Act, P.A. 93, enacted in 1981.

Grade, Building. The average elevation of ground contacting any portion of the basement or foundation of a dwelling.

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

Group Day Care Facility (Child or Adult Day Care Facility). A non-residential building or structure where care, protection, and supervision are provided, on a regular schedule at least twice a week, to either children or adults.

Group Day Care Home. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home that gives care to at least seven (7) unrelated minor children for more than four (4) weeks during a calendar year.

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

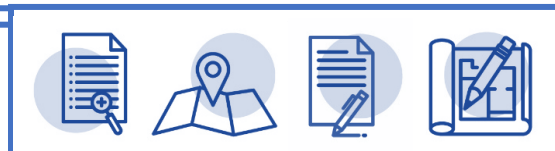
Indoor Entertainment. Private commercial recreation areas and facilities with forms of public entertainment such as video game lounges, movie theaters, escape rooms, bowling, rock climbing, arcade, etc.

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

Section 2.30 Terms L-Q

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

Lot: Is a parcel of land occupied, or which could be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required



under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

Lot Area. The total horizontal area within the lot lines of the lot. The area of any right-of-way or easement for a public or private street or road shall be used to satisfy minimum lot area requirements of this Ordinance.

Lot, Corner. A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street lines extended, form an interior-angle of less than one hundred thirty-five (135) degrees. A corner lot shall be considered to have two front lines, two rear lines, and no side lot lines unless it is other than a four-sided lot. (See Figure 2-7)

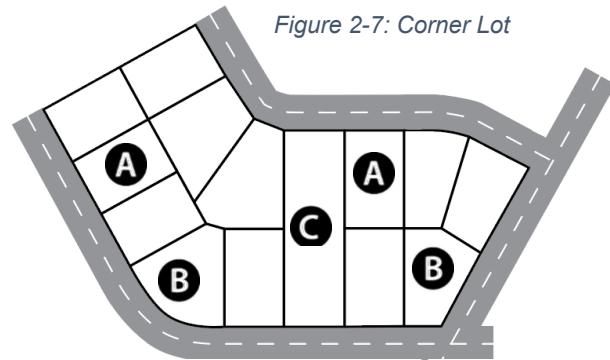
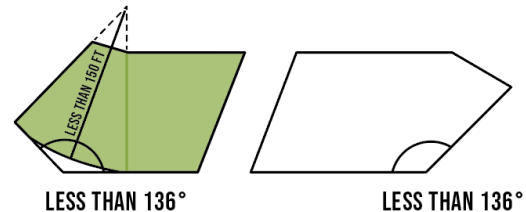


Figure 2-7: Corner Lot



Key:

- A** = Interior Lot
- B** = Corner Lot
- C** = Double Frontage

Lot, Double Frontage. Is any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lot adjacent to streets shall be considered frontage, and front yards shall be provided as required. (See Figure 2-7)

Lot, Interior. Any lot other than a corner or double frontage lots.

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



Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between side lot lines. (Figure 2-7)

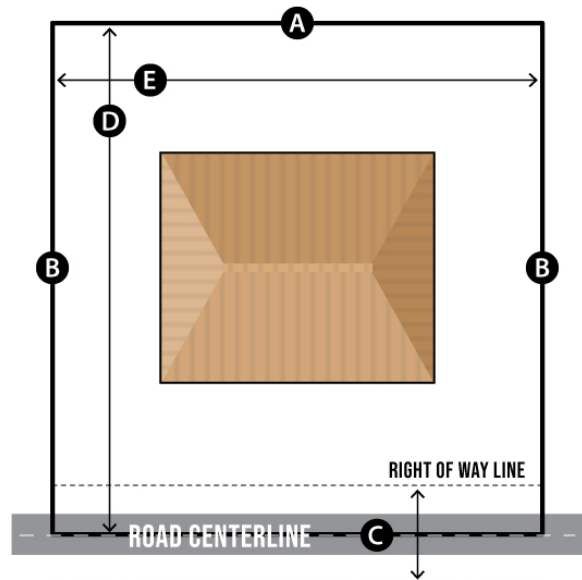
Lot Lines. The lines bounding a lot.

A. **Front Lot Line.** In the case of an interior lot, the line separating said lot from the road. In the case of a corner lot, there shall be two front yards and two side yards. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. In the case of a lot with water frontage, the highwater mark shall also be considered a front lot line. (Figure 2-9 & Figure 2-10)

B. **Rear Lot Line.** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot with two front lot lines, there are two rear lot lines. In the case of a double frontage lot, there are no rear lot lines. (Figure 2-10)

C. **Side Lot Line.** Any lot line other than a front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A four-sided corner lot has no side lot line, only two front lot lines and two rear lot lines. (Figure 2-9 & Figure 2-10)

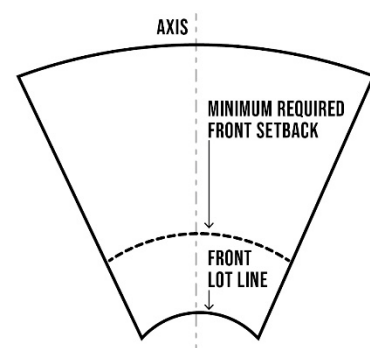
Figure 2-8: Lot Depth & Width



Key:

- Ⓐ = Rear Lot Line
- Ⓑ = Side Lot Line
- Ⓒ = Front Lot Line
- Ⓓ = Lot Depth
- Ⓔ = Lot Width

Figure 2-9: Curved Lot Line



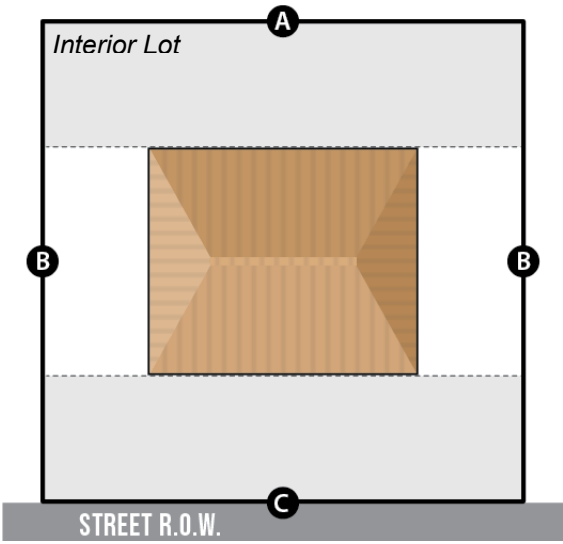
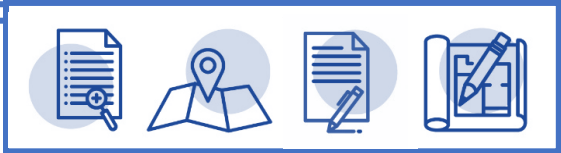
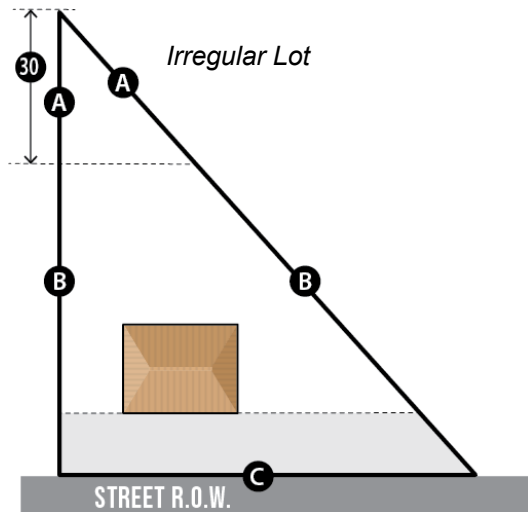
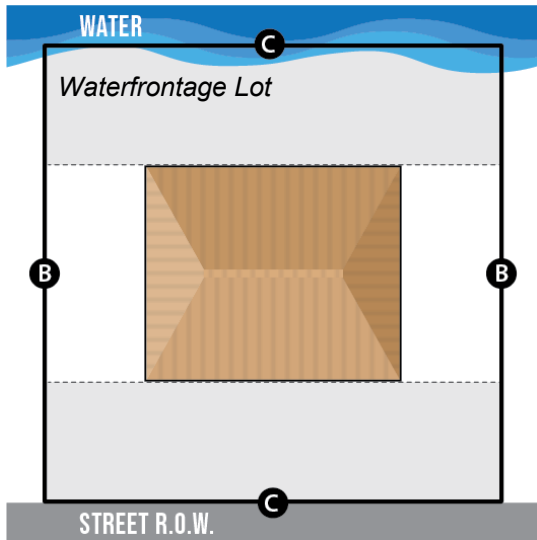
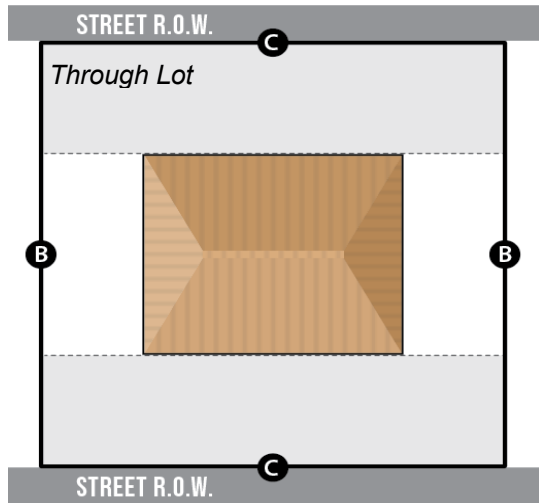
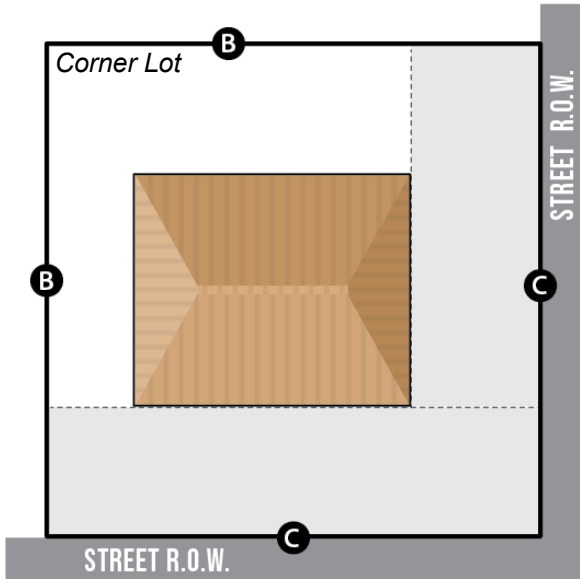


Figure 2-10: Lot Line Graphics

Key:

- A** = Rear Lot Line
- B** = Side Lot Line
- C** = Front Lot Line



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

Lot, Waterfrontage. That portion of a privately owned lot or parcel of land existing on documentation recorded within the Lapeer County Register of Deeds, which abuts or intersects with the normal highwater mark of a lake. This shall include lots or parcels owned by one (1) or more persons as well as lots or parcels commonly owned by several persons. For the purpose of computing the length of frontage, the measurement shall be along the water's edge at the normal highwater mark of the lake as determined by the Department of Environmental Quality (now known as EGLE, Michigan Department of Environmental Great Lakes and Energy). If EGLE has not made such a finding, the normal highwater mark location shall be determined by the Township. The measurement shall be made only along a natural shoreline.

Lot Width. The horizontal distance between the side lot lines measured at the two points where the building line, or front setback intersects the side lot lines. The area of any right-of-way or easement for a public or private street or road shall not be used to satisfy minimum lot width requirements of this Ordinance. (Figure 2-8)

Malfeasance. Official misconduct; the commission of an unlawful act, done in an official capacity; an act for which there is no statutory authority. Malfeasance in office requires an affirmative act or omission, for example: failure of a member to disclose a conflict of interest when voting on a matter before the board or commission.

Manufactured Building. A Manufactured Building includes all factory constructed buildings, or three-dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three-dimensional module or unit intended to constitute a building and all three-dimensional modules or units intended to be combined on a site to form a building. The term "manufactured building" applies only to those major structural, three-dimensional modules or units requiring relatively minor, incidental combination on site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction.



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

Mezzanine. A Mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor above it is twenty-four (24) feet or more. (Figure 2-11)

Micro-Brewery. A brewery that produces not more than 60,000 barrels of beer for distribution annually, and which may or may not have a tasting room and/or food service.

Micro Spirits Distiller (Micro- Distillery). A distillery that produces not more than 60,000 gallons of all brands combined annually, and which may or may not have a tasting room and/or food service.

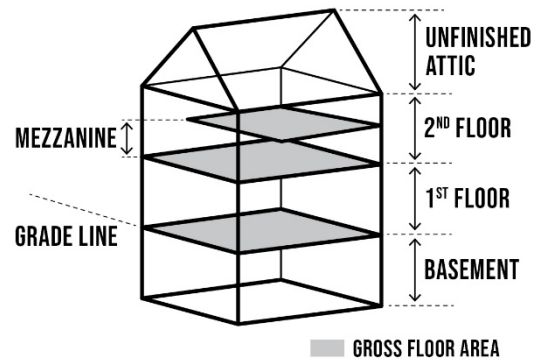
Mining Facility. The removal of sand, clay, gravel, soil, or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.

Mini-Warehousing or Storage Facilities. An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for long-term storage of their household goods or personal property. Outdoor storage may be allowed when explicitly permitted by the Ordinance provisions.

Misfeasance. Negligence in the discharge of one's official duties or statutory obligations; carelessness in the discharge of public duties; for example: approval or disapproval of an application based on standards not evident in the community's Ordinance.

Mobile Home. A factory assembled structure, manufactured in accordance with standards established pursuant to the National Mobile Home Construction and Safety Standards Act of 1974, as amended, transportable in one (1) or more sections, which is built on a chassis and designed to be use as a dwelling with or without permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile Home does not include a recreational vehicle.

Figure 2-11: Mezzanine Diagram



Mobile Home Condominium Project. Means a condominium project in which mobile homes are intended to be located upon separate condominium units Mobile Home Park. Any premise occupied or designed to be occupied by more than one (1) family living in their individually occupied mobile homes.

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

Nonconforming Lot. Any lot or parcel of land which was conforming prior to enactment of this Ordinance, or amendments thereto, which fails to the requirements of the zoning district in which it is located for lot area or lot width.

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

Nonfeasance. Failure to perform one’s official duties or statutory obligations; for example: failure to attend the meetings of a board or commission to which one is appointed.

Occupied. Includes intended, designed or arranged for occupancy.

Off-Street Parking Lot. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, and designed and arranged for the parking of automobiles.

On-site Solar Energy Collector. A solar energy collector that is within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

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

Personal Service Establishment. Establishments providing nonmedically related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats; psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Planning Commission. The Imlay Township Planning Commission.

Public Service. Public Service Facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.



Public Utility. Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Section 2.40 Terms R- Z

Recreational Vehicle Park. Is a place utilized for the temporary storage of travel trailers for camping purposes, where there is no permanent storage of mobile homes for year-around occupancy and where commercial activity is limited to service the needs of the temporary occupants of the travel trailer park.

Roadside Stands. A temporary or permanent building operated for the purpose of selling agricultural products raised or processed by the proprietor of the stand; its use shall not make into a commercial district land which would otherwise be agricultural or residential and its use shall be deemed an agricultural activity.

Setback. The distance between the edge of a building or structure where open space is unoccupied and unobstructed from the ground upward and a road right-of-way line or a property line. (Figure 2-12)

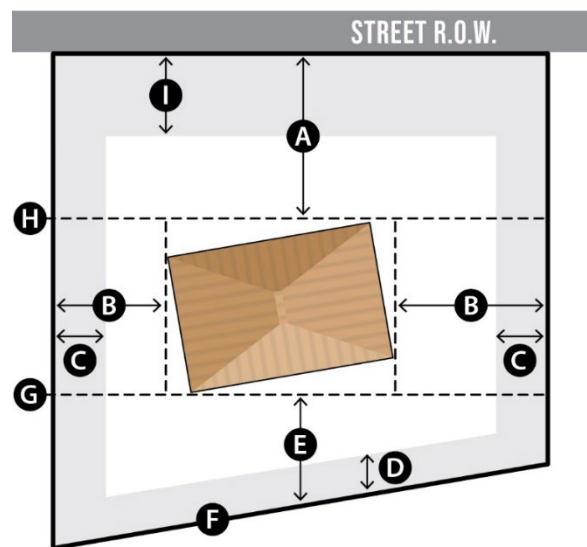
Setback, Required. The requirement that a building be set back a certain distance from the street or lot line, whether on the street level or at a prescribed height. The aim is to allow more room for the pedestrian or to reduce the obstruction to sunlight reaching the streets and lower stories of adjoining buildings. (Figure 2-12)

Shared Residential Driveway (Private): A residential driveway that provides vehicular access to two (2) single family dwelling units.

Short Term Rental. Any single-family dwelling and accessory buildings leased or occupied for nonagricultural rental purposes for periods of fourteen (14) days or less.

Key: *Figure 2-12: Setback Diagram*

- A** = Front Setback
- B** = Side Setback
- C** = Required Side Setback
- D** = Required Rear Setback
- E** = Rear Setback
- F** = Rear Lot Line
- G** = Rear Face of Building
- H** = Front Face of Building
- I** = Required Front Setback



Sign. The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards) such as are used to show an individual, firm, profession or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises where located.

Sign, Building Mounted. A three-dimensional structure that is attached to a building where a message, business, group of businesses or center name is affixed.

Sign, Freestanding. A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

Sign, Temporary. A sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without structural frame, or any other sign intended for a limited period of display, but not including decorative display for holidays or public demonstration.

Small Wine Maker (Micro-winery). A producer of wine or hard cider that manufactures or bottles not more than 50,000 gallons of wine or hard cider annually, and which may or may not have a tasting room and/or food service.

Solar Energy Collector. A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute, and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other forms of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands. This includes solar panels and solar shingles.

- **Structure-mounted Solar Energy Collector.** A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall window, or other element in whole or in part of a building.
- **Ground-mounted Solar Energy Collector.** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located. Ground-mounted solar energy collectors shall meet all setback requirements of accessory buildings.

Solar Panel or Panel. A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

Solar Racking. Solar racking is any structure or building material used in the mounting of a solar panel.



Solar Shingles. A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

Specified Anatomical Areas.

- A. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities.

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse, or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

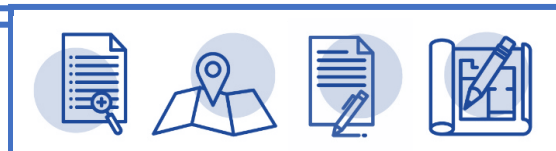
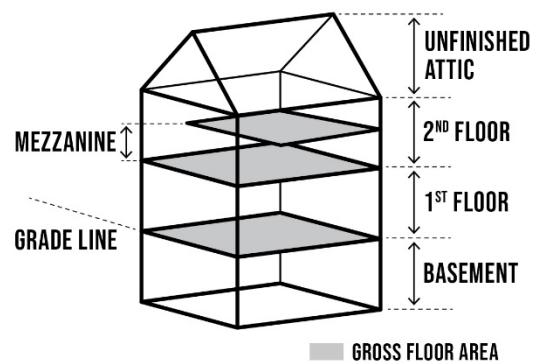
State-Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979, as amended, or Act No. 116 of the Public Acts of 1973, which provides resident services for six (6) or less persons under 24-hour supervision or care for persons in need of that supervision or care. This term shall not apply to adult foster care facilities licensed by a State agency for care and treatment of persons released from or assigned to adult correctional institutions. In accordance with Section 125.3206 of the Michigan Zoning Enabling Act, a state-licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones not subject to a special or conditional use permit.

Story. Is that part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. (See Figure 2-13)

Street. Is a public thoroughfare which affords the principal means of access to abutting property. Structure. Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground except driveways and pavement.

Subdivision Ordinance. Means the Imlay Township Subdivision Control Ordinance, as amended.

Figure 2-13: Story Diagram



Temporary Use. Is a use that is not permanent to the proeprty and is permitted to exist for a specific reason for a specific peroid of time less then one (1) year.

Tourist Facility. A building where lodging is provided and offered to the public for compensation, and open to transient guests and is not a boarding house.

Travel Trailer. A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

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

Use, Accessory. A use or structure which:

- A. Is subordinate to and serves a main building or principal use;
- B. Is subordinate in area, extent and purpose to the main structure or principal use served;
- C. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the main building or principal use served; and
- D. Is located on the same lot as the main building or principal use served.

Utility & Public Services. The use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service.

Variance, Non-Use. A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the zoning district.

Variance, Use. Any variance which allows a land use which is not included in the principal uses permitted or the special land uses permitted within the zoning district.

Vehicle Major Repair. A place where the following activities may be carried out: vehicle body repair, tires, detailing, quick oil changes, lubrications, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

Vehicle Minor Repair. A place where the following activities may be carried out: vehicle body repair, tires, detailing, quick oil changes, lubrications, undercoating, tire recapping, upholstery work and auto glass work.

Wall. The vertical exterior surface of a building and the vertical interior surfaces which divide a building's space into rooms, or a solid barrier of stone, brick, concrete or similar material.

Watercourse. An open trench either naturally or artificially created which periodically or continuously contains moving water draining has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

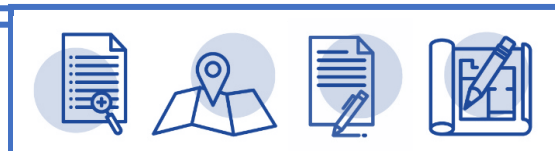


Wetland. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation and/or aquatic life. Also known as a bog, swamp, marsh, etc. (Public Act 451 of 1994, as amended). The Michigan Department of Environment, Great Lakes, and Energy is the authority on the presence and regulatory status of wetlands.

Wireless Communication Facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities, monopoles and lattice towers. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal laws which preempt municipal regulatory authority.

Yards. The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance (See Figure 2-14):

- A. **Front Yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. The front yard shall not include any road right of way. In the case of a corner lot or through frontage, there shall be two front yards each between the front lot line to the main building. On lots with water frontage, the area between the water's edge/ highwater mark and the required front yard setback shall be the front yard in addition to the road front yard.
- B. **Rear Yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. In the case of a through lot, there shall have a rear yard between the required front yard setback and the main building. The rear yard shall be adjacent to the front lot line farthest from the main building. On lots with water frontage, on the water side it shall be the area between the required front yard setback and the main building. In the case of a triangle or irregular lot, the rear yard shall be measured from the farthest point thirty (30) feet toward the principal building.
- C. **Side Yard:** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. In the case of a corner lot, all other yards not part of the front yard shall be considered side yard.



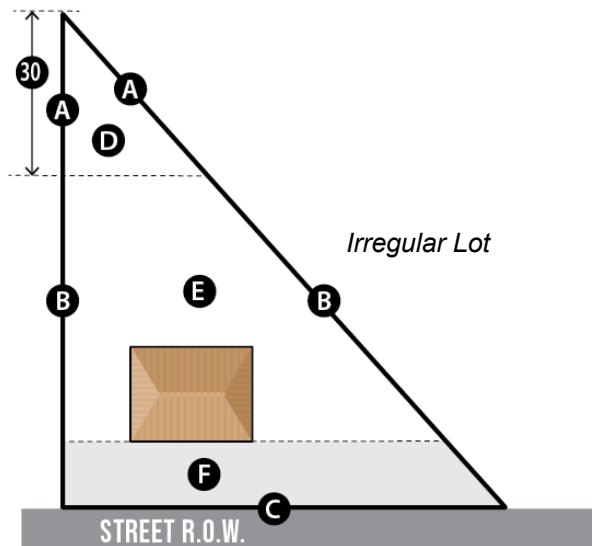
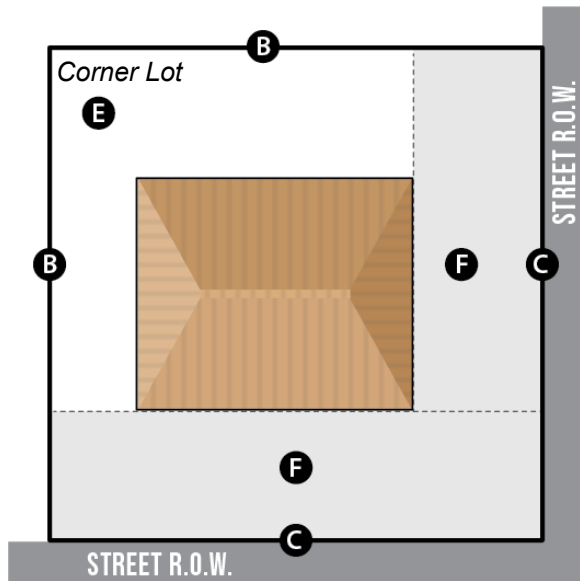
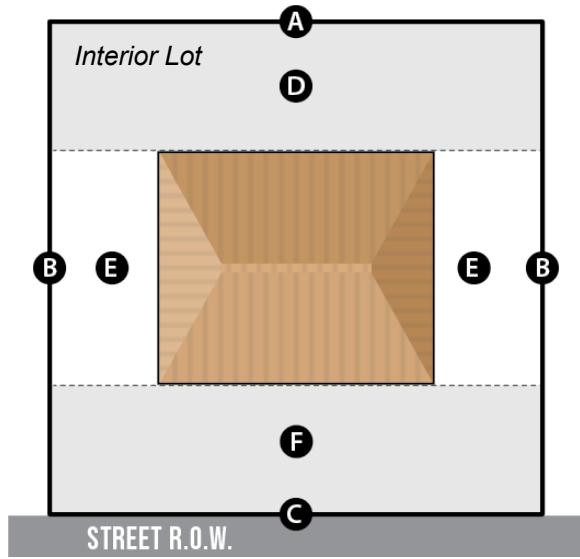
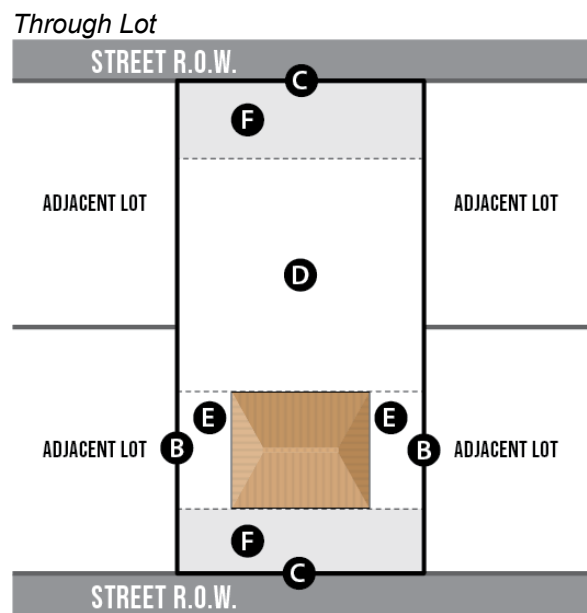
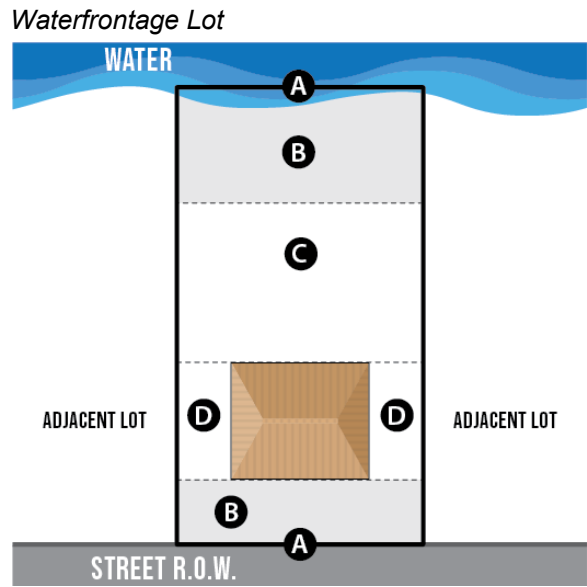


Figure 2-14: Yard Determination

Key:

- A** = Rear Lot Line
- B** = Side Lot Line
- C** = Front Lot Line
- D** = Rear Yard
- E** = Side Yard
- F** = Front Yard



Yard Waste Composting Facility. The uses or sites which accept yard waste and other organic matter for the purpose of conducting yard waste commercial composting facilities, (those that manage the biological decomposition of organic matter under controlled, aerobic conditions).

Zoning Board of Appeals. Is the board established by Imlay Township under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

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

Zoning District, Residential. Zoning districts where the primarily purpose is to protect and house residential uses. The districts established by this Ordinance include: R-1 One Family Residential, RM-1 Multiple Family Residential, and MH Mobile Home Park.

Zoning District, Non-Residential. Zoning districts where the primarily purpose is to have non-residential uses which includes the following districts established by this Ordinance: B Business, I Industrial, and AG Agricultural.

Zoning Ordinance. The Imlay Township Zoning Ordinance, as amended.

Zoning Permit. Written approval by the Zoning Administrator that is required before commencing any construction, reconstruction, alteration of any building or other structure, or before establishing, extending, or changing any use on any lot.



Article 3 Zoning Districts

Section 3.00 Districts

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

- A. AG Agricultural District
- B. R-1 One-Family Residential District
- C. RM-1 Multiple-Family Residential District
- D. MH Mobile Home Park District
- E. B Business District
- F. I Industrial District

Section 3.10 Zoning District Boundaries & Map

- A. The boundaries of these districts are established as shown on the Zoning Map, Imlay Township Zoning Ordinance, which accompanies this Ordinance, and which, with all notations, references, and other information as much a part of this Ordinance.
- B. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
- C. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

Section 3.20 Rezoning

The amendments of the zoning map shall be recorded in this section including the parcel ID, the zoning district changes, and the approval date.

- A. Place holder

Section 3.30 Zoning Annexed Areas

This section will be a record of any properties from the zoning map of any properties that are changes by annexed areas.

- A. Place holder

Section 3.40 Zoning Vacated Areas

Whenever any street, alley or other public way, within the Township of Imlay shall have been vacated by official governmental action, and when the lands within the



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

Section 3.50 Zoning Districts

A. Intent

1. **AG Agricultural.** The AG Agricultural District is designed to accommodate primarily agricultural land uses, with necessary support services, and to provide for single-family home sites in areas more rural than agricultural in character. This district is intended to promote and protect active farming activities and country living.
2. **R-1 One Family Residential.** The R-1 One-Family Residential District is designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Master Plan for residential development in the Township. The uses permitted by right and as special land uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.
3. **RM-1 Multiple Family Residential.** The RM-1 Multiple-Family Residential District is designed to provide sites for multiple dwelling structures, dense single family residential developments. This district may serve to transition from single family and agricultural land to non-residential uses. The RM-1 District is intended generally for the development of a planned complex of buildings on acreage parcels.
4. **MH Mobile Home Park.** The MH District is intended to provide manufacturing or cluster single family residential dwelling units.
5. **B Business.** The B General Business Districts are designed to provide sites for many business types and services. The services and goods within this district serve nearby residents, passerby, highway-oriented traffic.
6. **I Industrial.** The I Industrial Districts are designed so as to primarily accommodate agricultural and food-related industries and support services, wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district, and in no manner affect in a detrimental way any of the surrounding districts, The I District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material.



Section 3.60 Table of Uses.

A. In order to ensure all possible benefits and protections for the zoning districts in this Ordinance, all land uses have been classified as follows (See Table 3-1):

1. Permitted Use (P) are uses where land and/or buildings in this district may be used for the purposes listed by right. This may require site plan review per Section 12.05 Site Plan Review.
2. Special Land Use (SLU) are uses which may be permitted by obtaining Special Land Use approval when all applicable requirements in that designated zoning district are met.
3. If a use is not marked with a P or SLU, then that use is not allowed in that corresponding zoning district.



Table 3-1: Table of Uses

Uses	AG	R-1	RM-1	MH	B	I	Req.
Agricultural							
Agricultural Business	P				P		Sec. 4.10.A
Agricultural Equipment Sales & Service Dealer	P						Sec. 4.10.B
Agricultural Processing Facilities	SLU					P	Sec. 4.10.C
Agricultural Tourism	SLU						Sec. 4.10.D
Farm and Agriculture	P						Sec. 4.10.E
Intensive Livestock Operations	P						Sec. 4.10.F
Keeping of Animals	P	P					Sec. 4.10.G
Micro-Brewery	SLU						Sec. 4.10.H
Micro-Distillery	SLU						Sec. 4.10.H
Micro-Winery	SLU						Sec. 4.10.H
Riding Academies and Commercial Stables	P						Sec. 4.10.I
Roadside Stand/ Farm Market	P	P					Sec. 4.10.I



Uses	AG	R-1	RM-1	MH	B	I	Req.
Renewable Energy Facilities							
Battery Energy Storage Facility (BESS)	SLU					SLU	Sec. 4.20.A
Commercial Solar Facility	SLU					SLU	Sec. 4.20.B
Onsite Solar Energy 7,605 sqft or Less	P	P	P	P	P	P	Sec. 4.20.C
Onsite Solar Energy More than 7,605 sqft	P	P			P	P	Sec. 4.20.C
Onsite Private Wind Energy	P/SLU	P	P	P	P	P	Sec. 4.20.D
Residential							
Attached Single Family Dwelling Units			P				Sec. 4.30.A
Detached Single Family Dwelling Unit	P	P					Sec. 4.30.B
Elderly Housing Facility with 6 units or less	P	SLU	P	P			Sec. 4.30.C
Elderly Housing Facility with 7 units or more			P	P	SLU		Sec. 4.30.D
Family Day Care Homes (Child or Adult)	P	P					
Group Day Care Homes (Child or Adult)	SLU	SLU					Sec. 4.30.E
Home Occupation Type 1	P	P					Sec. 4.30.F
Home Occupation Type 2	SLU	SLU					Sec. 4.30.F
Mobile Home Park				P			
Multiple Family Dwelling Units			P	P			Sec. 4.30.G
State-licensed Residential Facilities, unless otherwise stated	P	P	P				Sec. 4.30.H
Summer Labor Housing	P						Sec. 4.30.I
Temporary Residential Housing	P	P					Sec. 4.30.J



Uses	AG	R-1	RM-1	MH	B	I	Req.
Tiny House	P	P					Sec. 4.30.K
Two Family Dwelling Units			P	P			Sec. 4.30.L
Institutional							
Airports and Related Uses	SLU					SLU	Sec. 4.40.A
Cemetery	P	P					Sec. 4.40.B
Cremation Facilities (Animal)	SLU	SLU					Sec. 4.40.C
Cremation Facilities					P	P	Sec. 4.40.D
Child Day Care Center					P		
Churches and other places of worship	P	SLU			P		Sec. 4.40.E
Government Offices	P	P			P		
Hospital					SLU		
Library	P	P			P		
Private or Public Educational Institutions	SLU	SLU			P		Sec. 4.40.G
Utility and Public Services Facility without Outdoor Storage	SLU	SLU	P	P	P	P	Sec. 4.40.H
Utility and Public Services Facility with Outdoor Storage	SLU		SLU		P	P	Sec. 4.40.H & 4.60.K
Waste Lagoon Ponds		SLU	SLU			P	Sec. 4.40.I
Private Water Supply		SLU	SLU			P	
Recreational							
Commercial Outdoor Recreational Space	SLU					SLU	Sec. 4.50.A
Golf Course or Similar Use	SLU	SLU			P		Sec. 4.50.B
Indoor Entertainment					P	P	
Private or Public Campground, Recreational Vehicle Park or Similar Use	SLU						Sec. 4.50.C
Public Park	P	P					



Uses	AG	R-1	RM-1	MH	B	I	Req.
Race Tracks for Animals, Vehicles, or Similar Use					SLU	SLU	Sec. 4.50.D
Commercial							
Adult Entertainment					SLU		Sec. 4.60.A
Animal Boarding Facility	SLU				P		Sec. 4.60.B
Artist's Studio or Workshop					P	P	
Bank and Other Financial Institution					P		
Banquet Hall Facility					P		
Drive-Thru or Drive In Facility					SLU		Sec. 4.60.C
Dry Cleaning Facility					P		
Food and Drink Establishments					P		
Food Trucks					P	P	Sec. 4.60.D
Funeral Home					P		Sec. 4.60.E
Gas Station					SLU		Sec. 4.60.F
Landscapers, landscape Services or Similar Home Based Business	P				P		Sec. 4.60.G
Medical Office					P		
Office and Showroom of Plumber, Electrician, or Similar Trades					P		
Outdoor Sales and Display (Accessory)	P				P		Sec. 4.60.H
Outdoor Storage (Accessory)	P				P	P	Sec. 4.60.I
Personal Service Establishment					P		
Private Club or Lodge Hall					P		
Professional Office					P		
Retail Establishment 10,000 GFA or Less					P		



Uses	AG	R-1	RM-1	MH	B	I	Req.
Retail Establishment 10,001 GFA or More					SLU		
Retail Use of an Industrial Character						P	Sec. 4.60.J
Short Term Rentals	SLU	SLU			P		Sec. 4.60.K
Tourist Facility, Hotel, Motel, or Similar Use					P		
Vehicle Major Repair					P	P	Sec. 4.60.L
Vehicle Minor Repair					P	P	Sec. 4.60.M
Vehicle Sales and Showroom					P		
Vehicle Washing Facility (Auto or Manual)					P		Sec. 4.60.N
Veterinary Offices	SLU				P		
Industrial							
Asphalt or Concrete Plants						SLU	Sec. 4.70.A
Data Centers (10 acres or less)					SLU	SLU	Sec. 4.70.B
Data Center (More than 10 acres)						SLU	Sec. 4.70.B
Freight Terminal						P	
Heating and Electrical Power Generating Plants and Accessory Uses						SLU	
Incinerator						SLU	
Junk or Salvage Yard						SLU	Sec. 4.70.C
Lumber and Planing Mills						P	
Manufacturing, Compounding, Processing, Packaging, or Treatment of Raw, Semi-Raw, and Finished Products						P	
Metal Plating, Buffing, and Polishing						SLU	Sec. 4.70.D



Uses	AG	R-1	RM-1	MH	B	I	Req.
Mining Facility	SLU					SLU	Sec. 4.70.E
Mini-Warehouse Facilities					P	P	Sec. 4.70.F
Mini-Warehouse Facilities with Outdoor Storage					SLU	SLU	Sec. 4.70.F Sec. 4.60.I
Railroad Transfer, Storage, and Accessory Uses						P	
Storage Facilities for Building Material, Sand, Gravel, Contractor's Equipment or Supplies						P	Sec. 4.60.I
Tractor and Trucking Facility With Storage and Repair						P	
Warehousing					P	P	
Yard Waste Composting Facilities						SLU	Sec. 4.70.G
Misc.							
Accessory Buildings and Uses Customarily Incidental to Principal Use	P	P	P	P	P	P	Sec. 5.10
Accessory Private Ponds	P	P					Sec. 4.80.A
Filling of Land	P	P	P	P	P	P	Sec. 4.80.B
Limited Soil Removal	SLU	SLU	SLU	SLU	SLU	SLU	Sec. 4.80.C
Temporary Uses	SLU	SLU	SLU	SLU	SLU	SLU	Sec. 4.80.D
Wireless Communication Tower	P/ SLU	SLU	SLU	SLU	P/ SLU	P/ SLU	Sec. 4.80.E



Section 3.70 Schedule of Dimensions

The following are the dimensional requirements for the Imlay Township zoning districts:

	AG	R-1	RM-1	MH	B	I
Min Lot Area (Acres) A	1.5	1.5	2	5 w/ utilities 10 w/out utilities	2	5
Min Lot Width (Feet) A	165	165	250	-	250	250
Lot Coverage	35%	35%	50%	-	-	-
Setback (Feet)						
Front	50	50	25	25	25	25
Side	20 C	15 C	20	10	20 B	20 B
Rear	30 C	30 C	40	10	40 B	40 B
Building Height (Stories)	2	2	2	2	2	2
(Feet)	35	25	30	25	35	40
Min Floor Area Dwelling Unit (SQFT)	1,200	1,200	-	-	-	-

Footnotes:

- A. A maximum lot width/depth ratio of 1:4 is required for parcels less than 40 acres.
- B. When the abutting property line is located next to a residential zoned district, the required setback shall be doubled.
- C. Detached accessory buildings have a specific setback requirement noted in Section 5.10 Accessory Uses, Buildings, and Structures.



Article 4 Use Requirements

Section 4.00 Purpose

The purpose of this Article is to provide regulation for specific uses permitted within the Township. These design standards are in place to ensure the use is harmonious with surrounding properties, protects the public health, safety, and welfare of the community, eliminates or minimizes nuisances to surrounding properties, and ensures safety of patrons.

Section 4.10 Agricultural Use Requirements

A. Agricultural Business.

The business of providing services directly related to agricultural need, support services to farms, or products developed onsite such as farm equipment, feed, greenhouses, agricultural equipment sales and service dealer, grain elevators, etc. This use must meet the following requirements:

1. One (1) display area is permitted within the required setback area for merchandise for sale, not to exceed five hundred (500) square feet in gross floor area.
2. The hours of operation shall be provided. Factors associated with limits to the hours of operation are found below:
 - a. Shall be harmonious with the surrounding land uses and zoning districts.
 - b. The setback of public space is great enough or has sufficient buffer to minimize or eliminate nuisances to neighboring property.
 - c. The hours of operation are necessary for the operation.

B. Agriculture Equipment Sales and Service Dealer

1. Shall be located on a paved Lapeer County Primary Road or Michigan State Highway.
2. All service and repair shall occur within a completely enclosed building.
3. No vehicle or equipment testing shall occur within two hundred (200) feet of a dwelling unit.
4. Storage of new and used vehicles and equipment shall be setback at least one hundred (100) feet from a dwelling unit.
5. All service and storage areas shall be screened from view of an adjoining residence.



C. Agricultural Processing Facilities.

Facilities that are part of this use include egg factories, mushroom processing plant and farms, processing of dairy products, produce processing and packaging, etc. This use must meet the following requirements:

1. Buildings and/or processing plants, other than those for keeping of animals, shall be setback at least one hundred (100) feet from all property lines.
2. Operations shall conform to the applicable Generally Accepted Agricultural and Management Practices (GAAMP's) adopted under the Michigan Right to Farm Act 93 of 1981. Applicable GAAMP's include but are not limited to accepted practices for site selection, manure management and utilization and care of farm animals.

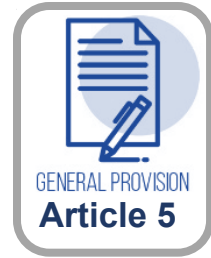
D. Agricultural Tourism.

The agricultural tourism use may include some of the following common uses such as: petting zoo, seasonal haunted house, you-pick operations, cider mill, educational programming and camps, etc. that are not otherwise specifically listed in Section 3.60 Table of Uses. These uses must meet the following requirements.

1. The minimum lot size is ten (10) acres.
2. Adjunct food services and/or accessory food trucks may be provided.
3. The hours of operation shall be provided. Factors associated with limits to the hours of operation are found below:
 - a. Shall be harmonious with the surrounding land uses and zoning districts.
 - b. The setback of public space is great enough or has sufficient buffer to minimize or eliminate nuisances to neighboring property.
 - c. The hours of operation are necessary for the operation.
4. The minimum setback of public space shall be fifty (50) feet. Increasing the required setback shall be based on ensuring sufficient buffering to minimize or eliminate nuisances to neighboring property.
5. A barrier of the public space area shall be marked to help clearly establish these areas as deemed appropriate by the Planning Commission and may include signage, rope, fencing, etc.
6. No temporary sanitary facility or trash receptacles shall be located within one hundred (100) feet of a lot line, unless the principal building and adjacent lot are in single ownership.
7. All buildings and structures used by the public shall have a setback of fifty (50) feet from all property lines.



E. Farms and Agriculture.



1. Farms shall be five (5) acres or more including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming and other similar bona fide agricultural enterprise or use of land and structure.
2. All such uses shall demonstrate compliance with best management practices as required by the GAAMPs.
3. Aquaculture, Hydroponics, and Aquaponics. All such uses shall demonstrate, to the satisfaction of the Township Board by the submission of a community impact statement, that they will have no adverse impacts on:
 - a. The value of adjoining and nearby residential property.
 - b. Surface water supplies in the watershed and groundwater supplies in the aquifer.
 - c. Traffic in the immediate neighborhood.
 - d. The health, safety and welfare of neighboring residences and businesses.
 - e. Public services in the Township.
4. Grain Elevator and Similar Uses.
 - a. All buildings and structures shall be setback at least two hundred (200) feet from a dwelling unit.

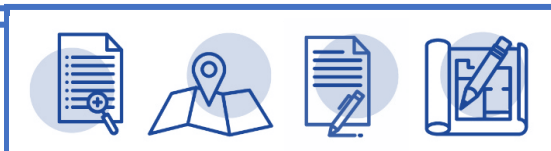
F. Intensive Livestock Operations.

Intensive livestock operations shall include, but not be limited animals be raised for the purpose of meat, milk, or other animal by products. This use shall meet the following requirements:

1. Buildings and/or processing plants, other than those for keeping of animals, shall be setback at least one hundred (100) feet from all property lines.
2. Intensive Agricultural Operations shall conform to the applicable Generally Accepted Agricultural and Management Practices (GAAMP's) adopted under the Michigan Right to Farm Act 93 of 1981. Applicable GAAMP's include but are not limited to accepted practices for site selection, manure management and utilization and care of farm animals.

G. Keeping of Animals.

1. Large animals shall be defined as including horses, ponies, cattle, miniature ponies, sheep, goats, pigs, other hoofed animals, and similar



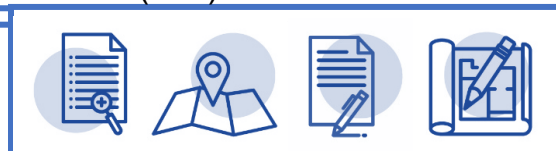
animals. The minimum required parcel size for keeping one (1) large animals or four (4) small animals shall be five (5) acres with one (1) additional acre required for each additional large animal or each four (4) additional small animals. The minimum lot width shall be three hundred (300) feet.

2. Small animals shall be defined as miniature ponies, sheep, goats, pigs, poultry, rabbits and similar animals. The minimum required parcel size for keeping small animals shall be one and a half (1.5) acre. All small animals located on a parcel of less than five (5) acres must be cooped or housed within a secure enclosure. Small animals located on a parcel of five (5) acres or more may choose to free-range on the owner's property or leasable land.
3. In order to satisfy the minimum required parcel size the occupant of property in the AG district may lease a contiguous parcel of property. In order for the leased property to qualify, the applicant shall demonstrate that the property will be used for the pasture and or keeping of the animals.
4. Animals housing care, number of animals, and manure management shall be accordance with Generally Accepted Agricultural Management Practices (GAAMP).
5. All buildings used to house large and small animals shall comply with the following requirements:
 - a. Only animals belonging to the property occupant may be kept, except as otherwise permitted in the Ordinance.
6. All buildings must be setback at least one hundred (100) feet from a property line.
7. All accessory buildings shall conform with the provisions of Section 5.10 Accessory Uses, Buildings, and Structures.
8. A suitable fence or other enclosure shall be erected (including electric fencing) and maintained around the entire premises for outside use and containment of large animals and as noted in subsection 2 above for small animals. This shall include areas of leased land used by the animals. Fences shall otherwise meet all other requirements in Section 5.110 Fences.



H. Micro-Winery, Micro-Brewery, and Micro Distillery.

1. The minimum site size shall be five (5) acres and the minimum lot width shall be three hundred (300) feet.



2. There shall be a minimum side and rear yard setback of fifty (50) feet for all structures available to the public for the micro-facility.
3. The storage of any equipment, wastes, supplies, recyclables, pallets, product and the like shall occur within a completely enclosed building or screened from view by a minimum six (6) foot high and maximum eight (8) foot high, privacy fence. Nothing shall be stacked or stored higher than the privacy fence.
4. The hours of operation shall be provided and evaluated to be harmonious with the surrounding area.
5. The provided setback and/or buffering of public space is great enough or has sufficient to minimize or eliminate nuisances to neighboring property.
6. Food and production wastes associated with the small wine maker, micro-winery, microbrewery or micro spirits distiller shall be properly stored and disposed of so as not to be or become a nuisance for nearby neighbors.
7. All loading and unloading activities shall occur, insofar as possible, within an area screened by a privacy fence, unless otherwise approved by the Planning Commission.
8. A small wine maker, micro-winery, micro-brewery, or micro spirits distillery may have additional accessory uses. If those accessory uses are permitted in the AG zoning district would be treated as a permitted use. If those accessory uses are special land uses, a special land use review will be required for the application.
9. If the small wine maker, micro-winery, microbrewery or micro spirits distillery will include a restaurant or similar food service.
10. Outdoor patio areas can be proposed and would count towards the number of required parking spaces. If music is proposed outside, the applicant shall clarify how they will mitigate noise from impacting the surrounding neighbors.

I. Uses Specifically Named under the State of Michigan Generally Accepted Agricultural and Management Practices (GAAMP's).

The following listed uses shall meet the requirements as required by the most current GAAMPs guidelines and requirements.

1. Roadside Stands and Farm Markets
2. Riding Academies and Commercial Stables



Section 4.20 Renewable Energy Facilities

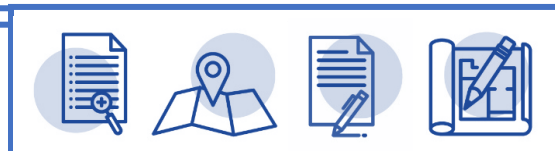
A. Battery Energy Storage Facility (BESS).

1. **Setbacks.** The following minimum setback requirements as measured from the nearest facility structure shall be:
 - a. A one-hundred (100) foot setback from property lines from all non-participating properties.
 - b. A one-hundred (100) foot setback from the public road right of way.
2. **Height.** The height of battery energy storage system structures, except for electric distribution and transmission poles, shall not exceed a height of twenty (20) feet.
3. **Fencing.** The system shall be completely enclosed with fencing in compliance with the latest version of the National Electrical Code or any applicable successor standard.
4. **Sound.** The sound pressure level shall not exceed a noise level of forty-five (45) dB(A) average hourly decibels as modeled at the nearest outer wall of the nearest dwelling unit located on a nonparticipating property. Decibel modeling shall use A- weighted scale as designed by the American National Standards Institute. The sound level limits apply to the contribution from the facility only and do not include contributions from background ambient sounds. The site plan shall include modeled sound isolines extending from the sound source(s) to the property lines or dwellings located on adjacent nonparticipating property to demonstrate compliance with this standard.
 - a. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the applicant within twelve (12) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.
5. **Safety Signage.** The system shall post signs in compliance with National Fire Protection Association requirements or any applicable successor code in place at the time of application for approval. Additionally, signage shall be provided per NFPA 855 7.4.4, or any applicable successor code in place at the time of application for approval, including information on the system type and technology, special hazards, for suppression system and twenty-four (24) hour emergency contact information, including reach-back phone number. A clearly visible warning sign concerning



voltage shall be placed at the base of all pad-mounted transformers and substations.

6. **Fire Protection & Emergency Response.** The facility shall comply with NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” or any applicable successor standard adopted by National Electrical Code. A fire response plan and emergency response plan shall be provided and approved by who provide Fire Department services, county, and other local agencies.
7. **Access Drive.** Shall provide an access drive consistent with the minimum width requirements of Section 5.70 Private Drive. The Planning Commission may allow a non-hard surface to be used such as (gravel, asphalt millings, etc.) based on an anticipated low use of the access drive and does not negatively impact requirements in the fire response plan and emergency response plan (contamination).
8. **Installation and Operational Safety.** The system shall comply with all the following requirements:
 - a. The system shall be designed and constructed for the interconnection to a Michigan Public Service Commission or Midcontinent Independent System Operator regulated utility electrical power grid and shall be operated with such interconnection.
 - b. The system and all foundation elements shall comply with all applicable building and electrical code requirements, and any applicable federal/state regulations. The manufacturer’s engineer or another qualified engineer shall provide written certification that the design, installation (including foundations), and interconnection is compliant with the manufacturer and industry standards, all applicable local construction and electrical codes, and any applicable federal/state regulations.
 - c. Other than transmission or distribution lines for interconnection to the electric power grid, all electrical wiring shall be buried underground; except where the manufacturer’s engineer or a qualified engineer employed by the utility that owns/operates the electrical grid to which the system shall be interconnected certifies an underground wiring installation is not permitted by an applicable code and/or applicable federal/state regulation, with attached complete documentation supporting any such certification.
9. **Decommissioning and Removal.** If the energy storage facilities ceases to operate or is abandoned for a period of twelve (12) months or is deemed by the Zoning Administrator or Building Inspector to be unsafe or not consistent with code, the current land owner shall repair and restore



the system to good working order within a reasonable time set by the Zoning Administrator or Building Inspector or, if no longer operating or no longer in compliance with federal, state or local codes, the current land owner shall remove the system in its entirety.

- a. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
- b. A bond or escrow shall be established for the cost to decommission the energy storage facility. The Township may evaluate the decommissioning bond or escrow on an annual basis.

B. Commercial Solar Facility.

1. General Requirements.

- a. All systems shall be set back at least fifty (50) feet from all property lines for one family dwelling units unless waived by the Planning Commission.
- b. The applicant shall provide documentation that glare will be eliminated, as far as possible. Therefore, all racking and other material associated with the solar energy collector must be neutral in color and nonreflecting material. The panel or any material associated with the solar energy collector shall not be used for advertising.
- c. This may include manufacturer's specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring properties.
- d. The panel or any material associated with the solar energy collector shall not be used for advertising.
- e. Mechanical equipment must be screened from neighboring residences by privacy fencing or landscaping.
- f. The solar energy collector shall be repaired or replaced within three (3) months of becoming nonfunctioning.
- g. The applicant shall provide the manufacturer's directions for the inspector to ensure installation, maintenance, and use is in accordance with the manufacturer's directions.
- h. The solar energy collectors shall comply with all construction code, electrical code, and other state requirements.
- i. Notice is required to be submitted to the utility company (DTE Energy).

2. **Decommission Plan.** A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning



of solar panels must occur in the event they are not in use for twelve (12) consecutive months.

- a. The plan shall include provisions for removal of all structures, foundations, electrical equipment, and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.
 - b. To ensure proper removal of the commercial solar energy system when it ceases to be used for a period of one (1) year or more, the plan shall include a performance guarantee, guaranteeing removal of the solar energy system which will be posted at the time of receiving a building permit for the facility.
 - c. The performance guarantee shall be a: 1) cash bond, 2) deposit to a Township escrow account, or 3) performance bond in a form approved by the Township.
 - d. The amount of such guarantee shall be no less than the estimated cost of removal and may include provision for inflationary cost adjustments.
 - e. The estimate shall be prepared by the Township Engineer for the developer and shall be approved by the Township. The application shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.
3. An analysis of the potential visual impacts from the project including glare analysis, solar panels, roads, and fencing along with measures to avoid, minimize, or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts in accordance with this Ordinance.
 4. A site plan, drawn to scale and conforming to Section 12.05 Site Plan Review, shall show existing and proposed structures, drainage plan, driveways, adjacent structures within one hundred (100) feet of the parcel boundaries of the subject properties, the number and size of proposed panels, surface area of solar energy collector, array of buildings or substations, location of access road, and any other information requested by the Planning Commission that is necessary to determine compliance with this Ordinance.
 5. Structure-Mounted Solar Panels.
 - a. Panels may extend up to five (5) feet above a flat roof surface and two (2) feet from the mounted structure.
 - b. Panels shall not hang over the edge of the building or project below the eaves.



- c. The solar panels or shingles cannot be placed within three (3) feet of any peak, eave, or valley.
 - d. The solar panels or shingles shall be permanently and safely attached to the structure in which it is mounted on.
6. Ground Mounted Solar Panels.
- a. The maximum ground-mounted panel height is ten (10) feet, measured from the grade to the top of the panel.
 - b. Panels shall be screened from residential districts and public rights of way by a greenbelt and/or six (6) -foot-high privacy fence. Screening requirements may be waived or reduced by the Planning Commission when existing natural vegetation accomplishes the same.
 - c. The solar panels and associated racking shall be permanently and safely attached to the ground.
 - d. Native ground cover is required onsite during the operation, until the site is decommissioned.
7. **Abandonment.** If the solar energy system ceases to operate or is abandoned for a period of twelve (12) months or is deemed by the Zoning Administrator or Building Inspector to be unsafe or not consistent with code, the current land owner shall remove the system in its entirety upon following the process outlined in Section 12.05 Special Land Use Review. This shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
- a. The current owner shall have the entire system removed or be actively working on it within ninety (90) days of the property owner receiving the Zoning Administrator's determination that the system is abandoned solar energy system.

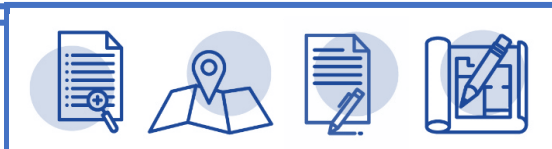
C. Onsite Solar Energy.

1. General Requirements.
- a. Only one (1) solar energy system is permitted per lot or premises.
 - b. All systems shall be setback at least twenty (20) feet from all property lines.
 - c. The applicant shall provide documentation that glare will be eliminated, insofar as possible. Therefore, all racking and other material associated with the solar energy collector must be neutral in color and nonreflecting material. This may include manufacturer's specifications



of the panels, proficient angling, adequate screening, or other means, so as to not adversely affect neighboring properties.

- d. The panel or any material associated with the solar energy collector shall not be used for advertising.
 - e. Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.
 - f. A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within one hundred (100) feet, the number and size of proposed panels, surface area of solar energy collector, and any other information requested by the Zoning Administrator or Planning Commission that is necessary to determine compliance with this Ordinance.
 - g. The solar energy collectors shall be added to the maximum lot coverage, unless the solar energy collector is located entirely on top of the structure it is mounted on.
 - h. The solar energy collector shall be repaired or replaced within twelve (12) months of becoming nonfunctioning.
 - i. The applicant shall provide the manufacturer's directions for the inspector to ensure installation, maintenance, and use is in accordance with the manufacturer's directions.
 - j. The solar energy collectors shall comply with all construction code, electrical code, and other state requirements.
 - k. Complete professionally prepared site plans signed and sealed by the responsible parties shall not apply to applications proposing a structure or ground mounted solar panels.
2. Structure- mounted solar panels.
- a. Ground mounted solar panels or solar surface that exceed seven thousand six hundred and five (7,605) square feet.
3. Structure- Mounted Solar Panels.
- a. Panels may extend up to five (5) feet above a flat roof surface and two (2) feet from the mounted structure.
 - b. Panels shall not hang over the edge of the building or project below the eaves.
 - c. The solar panels or shingles cannot be placed within three (3) feet of any peak, eave, or valley.
 - d. The solar panels or shingles shall be permanently and safely attached to the structure in which it is mounted on.



4. Ground Mount Solar Panels.
 - a. Shall only be located in the rear or side yard.
 - b. The maximum ground area occupied by solar panels and associated paved surfaces is one (1) acre.
 - c. If more than two thousand (2,000) square feet of impervious surface is proposed, a drainage plan shall be submitted.
 - d. The maximum ground-mounted panel height is eight (8) feet, measured from the grade to the top of the panel.
 - e. Panels shall be screened from residential districts and public rights of way by a greenbelt and/or six (6) foot-high privacy fence.
 - f. The solar panels and associated racking shall be permanently and safely attached to the ground.
5. **Decommissioning.** If the solar energy system ceases to operate or is abandoned for a period of twelve (12) months or is deemed by the Zoning Administrator or Building Inspector to be unsafe or not consistent with code, the current land owner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

D. Onsite Private Wind Energy.

Private wind energy conversion systems (WECS) for the purpose of providing electricity to a residence, farm, and/or business may be permitted as an accessory structure.

1. Private wind energy conversion systems are only permissible as an accessory structure to the primary building and/or permitted use in the respective zoning district. The systems must be designed to primarily serve the needs of a home, farm, or business.
2. Minimum lot size for a wind energy conversion system in any permitted zoning district shall be one and a half (1.5) acres. Systems proposed on properties of one and a half (1.5) acres or greater but less than five (5) acres must meet the notification requirements in this Section. Those proposed on properties of five (5) acres or greater are exempt from this requirement.
3. Only one tower and generator shall be permissible on any individual property, and only as an accessory to the principal permitted structure. For operational farms over ten (10) acres in any zoning district, two (2) towers and generators may be permitted so long as one is devoted to the



principal residence and the other is devoted to an agricultural building or use.

4. The setback of the support structure and all ancillary components from all property lines shall be at least equal to one hundred and ten percent (110%) of the height of the entire system at its highest point, or the minimum building setback for the respective zoning district, whichever is greater.
5. All structures shall be freestanding. No structure shall be constructed in any zoning district which requires guy-wires or any similar form of secondary support.
6. System height (from the ground to the tip of the blade at its highest point) shall not exceed two and a half (2.5) times the maximum building height for the respective zoning district.
7. Turbine blades shall maintain a minimum of twenty (20) feet of clearance between grade and the tip of the blade at its lowest point.
8. The setback of the support structure from any existing or planned overhead utility lines shall be at least equal to one hundred and ten percent (110%) of the height of the entire system at its highest point. It shall be the applicant's responsibility to note the location of utility poles and/or overhead lines on a dimensioned drawing as required in this Section.
9. With the exception of severe wind storms, systems shall not produce sound pressure in excess of fifty-five (55) dB(A), measured at the property line closest to the system. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient dB(A) plus five (5) dB(A).
10. Systems shall be constructed of a material, painted, or otherwise treated so as to be nonreflective and matte white in color.
11. Wind energy conversion systems must be approved/certified by the American Wind Energy Association (AWEA) and/or the U.S. Department of Energy.
12. Systems shall comply with all applicable state construction and electrical codes and Township building permit requirements. Building permit applications for wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Michigan Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is typically supplied by the manufacturer.

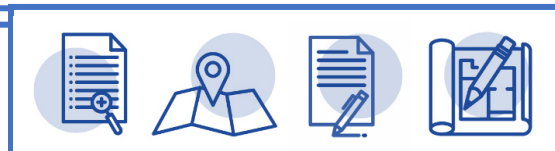


13. Wind energy systems must comply with applicable Federal Aviation Administration regulations, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.)
14. Building and electrical permit applications for residential wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
15. A wind energy system connected to the electric utility grid must obtain an Interconnection and Operation Agreement or its equivalent from the utility company, demonstrating the utility company's approval of an interconnected, customer-owned generator. Interconnected systems shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems shall be exempt from this requirement.
16. A system proposed on a property greater than one and a half (1.5) acres but less than five (5) acres shall require notification of the applicant's intent to all adjacent properties, including diagonally opposed ("kitty-corner") properties. The notification shall include a standard form letter provided by the Township, as well as a dimensioned rendering of the applicant's property with the proposed location and proposed height identified. Applicant is free to include any supplemental materials he or she deems appropriate, and is encouraged to speak to his or her neighbors about the proposal. It shall be the applicant's responsibility to provide the Township with the appropriate quantity of materials to be distributed. The Township shall allow fourteen (14) days for the adjacent property-owners to respond prior to issuance of administrative approval. Any concerns expressed by neighboring property-owners shall be considered as part of the administrative approval process. Properties in excess of five (5) acres shall be exempt from the notification requirement.

Section 4.30 Residential Use Requirements

A. Attached Single Family Dwelling Units.

1. Shall meet all the Single Family Dwelling Unit requirements in Section 4.30.B below.
2. Attached single family dwelling units shall not exceed a total building length of one hundred forty-four (144) feet or six (6) units whichever comes first.



3. For the calculation of attached single family dwelling units, the total minimum lot size, must be available onsite even if some of the land is designated as open space or common area.

B. Detached Single Family Dwelling Units.

1. All such dwelling units must meet the current construction standards of the State of Michigan and Imlay Township prior to being brought into the Township and prior to issuance of a building permit. The minimum acceptable standard for mobile 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.
2. All such dwelling units must meet the minimum floor area requirements of this Ordinance. Any addition to a mobile home unit must be designed and constructed by the original manufacturer or an architectural plan for a compatible addition may be submitted to the Planning Commission for approval. All additions shall be constructed with similar quality workmanship as the original structure, shall be permanently attached to the principal structure, and permanently supported by and anchored to an approved foundation.
3. All such dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in affect in the Township and 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 mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. All wheels, axles, and towing apparatus must be removed from a mobile home prior to issuance of a certificate of occupancy.
5. All such dwellings shall be connected to a public sewer and water system or private facilities approved by the local health department.
6. All such dwellings shall be compatible in appearance with other site-built homes in the Township. All such dwelling units shall have a minimum width on all sides of at least twenty-four (24) feet for at least seventy-five (75%) percent of the length of the dwelling unit.
7. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State Law or



Federal Law or otherwise specifically required in Article XI of this Ordinance.

C. Elderly Housing Facilities with 6 Units or Less.

1. No building shall be located closer than fifty (50) feet to any property line.
2. Shall meet all the Single Family Dwelling Unit requirements in Section 4.30.B.

D. Elderly Housing Facilities with 7 Units or More.

1. All access shall be directly onto a paved roadway.
2. No building shall be located closer than fifty (50) feet to any property line.
3. Shall meet all the Single Family Dwelling Unit requirements in Section 4.30.B.

E. Group Day Care Homes.

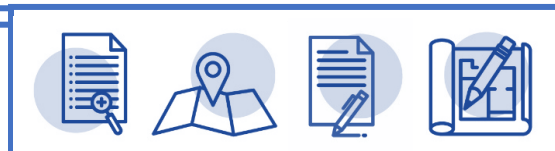
1. The home is not located closer than one thousand five hundred (1,500) feet as measured along a road or place maintained by the State, County, or a local unit of government and generally open to the public as a matter of right for the purposes of traffic, not including an alley, to another licensed group day care home, adult foster care small or large group home, licensed facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, community correction center, resident home, halfway house, or other similar facility which houses an inmate population.
2. All outdoor play areas are adequately fenced by a minimum 4 foot 6 inch (4'-6") high cyclone or equivalent non-climbable type fence.
3. The property is consistent with the characteristics of the surrounding area.
4. All group day care homes must provide evidence of meeting all standards in the "Licensing Rules for Family and Group Child Care Homes," as may be amended from time to time, by the Michigan Department of Health and Human Services.

F. Home Occupations.

1. General Requirements.
 - a. Not more than one paid assistant shall be employed.
 - b. In no case shall the primary function of the premises be other than for residential purposes.



- c. No traffic shall be generated by such home occupation in greater volumes than would significantly exceed that normally expected in a residential neighborhood.
 - d. The operator of the home occupation shall be the primary resident at the dwelling unit.
 - e. No equipment or process shall be used that creates smoke, dust, open storage, glare, fire, noise, odors, or wastes that constitute as a nuisance as described in Section 6.00 Performance Standards.
2. **Type 1 Home Occupations.** Any changes in the exterior appearance of the building or premises otherwise, including any visible evidence of a home occupation, shall be minimal and shall not detract from the residential character of the area. Type 1 Home Occupations is a customary accessory use where only minor changes to its physical and functional characteristic, is completely incidental to the principal residential land use, and conforms to the following requirements:
- a. Type 1 Home Occupations shall involve activities, processes, products and/or services that are provided through telephone, fax, internet, mail, or off-site contact.
 - b. Any product(s) produced on the premises for sale and/or distribution off site shall be prepared by equipment and/or processes such as those found in home offices, home workshops, or a home handcraft activity.
 - c. All activities pertaining to the home occupation shall be conducted entirely within the main dwelling unit of the property, and not more than twenty-five percent (25%) of the floor area and no more than six hundred (600) square feet of the dwelling unit, whichever is greater, shall be devoted to such an occupation.
 - d. Registered primary caregivers shall be permitted as a Type 1 Home Occupation pursuant to the following requirements:
 - 1) Registered primary caregivers shall follow all state laws and rules regarding this use, including but not limited to the Michigan Medical Marihuana Act, P.A. 2008 Initiated Law, MCL 333.26423(d), and the General Rules of the Michigan Department of Health and Human Services.
 - 2) All registered primary caregivers registered as a Type 1 Home Occupation shall be located no less than a one thousand (1,000) feet radius from any school, including childcare and daycare facilities operated by a school, to ensure compliance with Drug-Free School Zone Requirements.



- 3) The number of primary caregiver home occupations shall be limited to one (1) primary caregiver per parcel or approved dwelling unit.
 - 4) All medical marihuana plants shall be contained within the main building, in an enclosed and locked facilities on all sides, and shall only be permitted access by the registered caregiver or qualified patients.
 - 5) The registered primary caregiver shall consent to inspection by the Township Zoning Administrator to determine that the home occupation remains in compliance with all of these provisions.
3. **Type 2 Home Occupations.** A more intense use characteristic than Type 1 Home Occupations. They shall be considered a customary accessory use, but shall conform to the following requirements:
- a. The proposed use shall only be located within an attached building or detached accessory building that is incidental to the principal dwelling unit on the property.
 - b. The processes and operations of the occupation shall be fully enclosed, and no outdoor storage or equipment use shall occur outside.
 - c. Services involving the use of a commercial vehicle for use off premises shall be provided to the Township. All other equipment and/or supplies utilized for this occupation shall only be kept on the premises when located within a fully enclosed accessory building.
 - d. Any changes in the exterior appearance of the building or premises otherwise, including any visible evidence of a home occupation, shall be minimal and shall not detract from the residential character of the area.

G. Multiple Family Dwelling Units.

1. No multiple shall be erected on a lot or parcel of land which has an area of less than two (2) acres.
2. The total building length shall not exceed of one hundred forty-four (144) feet.
3. The density of units shall meet requirements by the Lapeer County Health Department for adequate water and sanitary needs.
4. Dwelling unit sizes must be provided for each type of unit.
5. Shall meet all the Single Family Dwelling Unit requirements in Section 4.30.B.



H. State-Licensed Residential Facilities.

These shall include qualified residential treatment program facilities, community correction center, resident home, halfway house, or other similar facility which houses an inmate population.

1. A spacing of one thousand, five hundred (1,500) feet from another similar licensed facility.
2. Maintains the property consistent with the visible characteristics of the neighborhood.

I. Summer Labor Housing.

1. Migrant worker housing on farms provided such housing shall not be occupied for more than eight (8) months in any calendar year, and then only for the housing of migratory seasonal farm laborers, while engaged in farm work.
2. Such permit may be renewable every twelve (12) months.

J. Temporary Residential Housing.

1. Temporary Mobile Home, for a period not to exceed one (1) year, for use of the property owner as a residence while a permanent dwelling is under construction, except for emergency access of a temporary mobile home as regulated in this Ordinance. Two (2) permit extension of six (6) months may be granted if the home is not complete and substantial progress is being made, as determined by the Zoning Administrator after consultation with the Building Inspector.
2. All such temporary mobile homes shall be safely anchored to the ground, properly skirted on all sides, and attached to an approved public or private water supply and sewage disposal system.
3. The applicant shall deposit with the Township Treasurer, a cash performance guarantee, in an amount set by motion of the Township Board, to ensure removal of the temporary mobile home and proper restoration of the site after expiration of the temporary permit. (See Section 12.08 Performance Guarantees)

K. Tiny House.

1. A single tiny house may be constructed on a property when the following requirements are met:
 - a. A spacing of eight hundred and twenty-five (825) feet from another tiny home.



- b. The dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in affect in the Township.
- c. The dwelling unit constructed of materials and type as required in the building code for single family dwellings and is consistent with the surrounding neighborhood.
- d. All wheels, axles, and towing apparatus must be removed from a mobile home prior to issuance of a certificate of occupancy.
- e. A well and septic system meeting all requirements of the Lapeer County Health Department. Portable methods of managing utilities are not acceptable.

L. Two Family Dwelling Units.

- 1. Shall meet all the Single Family Dwelling Unit requirements in Section 4.30.B.

Section 4.40 Institutional Use Requirements

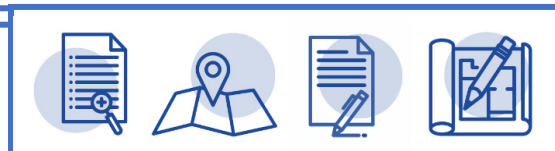
A. Airports and Related Uses.

Airports, landing fields, and platforms, hangars, masts and other facilities for the operation of aircraft, shall be subject to the following requirements:

- 1. The applicant shall design the proposed facility in accordance with the rules and regulations of the Michigan Aeronautics Commission (MAC). MAC approval shall be obtained prior to a request for special land use approval from Imlay Township.
- 2. The approach to all runways, landing strips, landing fields, and the like shall not be located over properties zoned R-1, RM or MH for at least one quarter mile (1,320 feet) beyond the airport boundary.
- 3. All buildings and all areas for the storage of aircraft shall be setback at least one hundred (100) feet from all property lines.
- 4. Storage of damaged or wrecked aircraft shall be limited to thirty (30) days unless such aircraft is part of any State or Federal investigation into the cause of an aircraft crash.

B. Cemeteries.

- 1. The minimum site size shall be ten (10) acres.
- 2. There shall be no burial plots within twenty-five (25) feet of the perimeter of the site.
- 3. All service and storage yards shall be screened from view by a screen wall or privacy fence at least six (6) feet high.



C. Cremation Facilities (Animals).

1. All cremation facilities must be within an enclosed building.
2. All remains, prior to incineration, must be stored in an enclosed building.
3. The applicant or applicant's representative for a crematorium shall make a presentation to the Planning Commission on the proposed cremation equipment, including emission control devices and chimney stack height. Such presentation shall include plans for ongoing emission monitoring and performance testing and documentation that all emissions fall within accepted industry practices and meet all applicable state or federal air quality standards. In the case of use of an existing building, the information shall be provided to the Zoning Administrator.
4. Stack heights must be elevated to a height necessary to ensure that emissions from the stack do not result in excessive concentrations of any smoke in the immediate vicinity of the source as a result of atmospheric downwash, eddies, and wakes which may be created by the source itself or nearby structures. If the height exceeds the maximum height allowed for the zoning district, the Planning Commission may allow a taller stack after a public hearing.
5. Animal crematoriums may provide room(s) for private viewing of the cremation by members of the animal's family but may not be used to conduct public or private funeral services.
6. All emissions shall comply with the performance standards in Section 6.00 Performance Standards.
7. Must demonstrate compliance with all applicable state, federal, and county regulations.

D. Cremation Facilities.

1. All cremation facilities must be within an enclosed building.
2. All remains, prior to incineration, must be stored in an enclosed building.
3. Stack heights must be elevated to a height necessary to ensure that emissions from the stack do not result in excessive concentrations of any smoke in the immediate vicinity of the source as a result of atmospheric downwash, eddies, and wakes which may be created by the source itself or nearby structures. If the height exceeds the maximum height allowed for the zoning district, the Planning Commission may allow a taller stack after a public hearing.
4. The setbacks for such stack from all abutting streets or adjacent parcels shall be a distance equal to the height of such stack.



5. All emissions shall comply with the performance standards in Section 6.00 Performance Standards.
6. Must demonstrate compliance with all applicable state, federal, and county regulations.

E. Churches and Other Places of Worship.

1. All buildings shall be setback at least fifty (50) feet from all property lines.

F. Hospitals

1. All access shall be directly onto a paved County Primary Road or a paved State Highway.

G. Private and Public Education Institutions.

1. All access shall be directly onto a paved road.
2. No building other than a building for residential purposes shall be closer than fifty (50) feet to any property.

H. Utility and Public Service Buildings.

Utility and public service buildings, including telephone exchange buildings, electric transformer substations, gas regulator stations, and the like (excluding storage yards).

1. All such uses shall be within completely enclosed buildings.
2. All buildings shall be setback at least fifty (50) feet from all property lines.

I. Waste Lagoon Ponds.

1. In no instance shall a waste lagoon pond be closer than one hundred and fifty (150) feet to an existing or proposed street right-of-way or abutting residential district.
2. An eight (8) foot completely obscuring wall or privacy fence shall be erected around the entire site, and control gates for ingress and egress shall be installed. In lieu of a wall or fence an earth embankment in the form of a berm with a minimum height of eight (8) feet may be utilized at the discretion of the Township Board upon recommendation by the Planning Commission. See Section 8.120 Berm Dimensions.

Section 4.50 Recreational Use Requirements

A. Commercial Outdoor Recreation Space.

Commercially used outdoor recreational space for children's or adults' amusement parks, carnivals, shooting ranges, rebound tumbling facilities, miniature golf courses, and golf driving ranges.



1. All development features shall be located to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines.
2. Activities shall be adequately screened from abutting property.
3. The Planning Commission may impose restrictions as to hours of operation and sanitation requirements.
4. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.

B. Golf Courses.

1. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
2. No structure shall be located closer than fifty (50) feet from the lot line of any adjacent residential land and from any existing or proposed public right-of-way.
3. If a swimming pool is proposed as part of the complex, they shall meet the requirements in Section 5.60 Swimming Pools.

C. Private and Public Campgrounds, Recreation Vehicle Park, etc.

Private recreation areas such as, but not limited to, picnic grounds, playgrounds, ball fields, swimming facilities, bicycle motorcross and the like, but not including campgrounds or motorized on or off-road vehicles.

1. All such uses shall be developed on sites of at least twenty (20) acres and five hundred (500) feet in width.
2. No individual campsites shall be located closer than thirty (30) feet to all property lines.
3. No building shall be located closer than one hundred (100) feet to all property lines.
4. There shall be no public address or other amplified sound system, except by written permission of the Township Board.

D. Race Tracks for Animals, Vehicles, or Similar Use.

1. All access shall be directly onto a paved County Primary Road or a paved State Highway.



2. A screen wall, obscuring fence or greenbelt shall be provided on those sides abutting a residential district in accordance with Section 8.30 Required Screening Between Districts.

Section 4.60 Commercial Use Requirements

A. Adult Entertainment.

It is recognized that there are some uses which, because of their nature, are recognized as having objectionable, operations characteristics, particularly when several of them are concentrated in an area, thereby having deleterious effect upon adjacent areas. Special regulations of these uses are necessary to ensure that these adverse effects will not contribute to the blighting, deteriorating, and/or downgrading of the area and the adjacent areas. The Township believes control or regulation is for the purpose of preventing the overcrowding of such uses into a particular location and thereby minimize their adverse impact on any specific neighborhood.

1. Any adult regulated use/building shall be at least five hundred (500) feet from any other existing adult regulated use and any residential district.
2. Distance limitations shall be measured along a straight line forming the shortest distance between any portion of the subject parcel and parcels zoned residential or occupied by uses specified herein.
3. Any adult regulated use/building offering material described in this chapter shall comply with the following performance standards:
 - a. That any display of adult-oriented material be shielded from public view either placed behind a counter, or by providing a separately established room which would have restricted access controlled by the owner or employees;
 - b. That all access to adult-oriented material be restricted to person eight-teen (18) years of age or older;
 - c. That signage be posted regarding the restrictions to this type of material; and
 - d. That the location of the counter or room be limited to an area away from the main entry.
4. The parcel shall be located along a paved State Highway.
5. Building size shall not exceed five thousand (5,000) square feet of gross floor area.
6. The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas, as



defined in this chapter, cannot be observed by pedestrians or motorists on a public right-of-way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.

7. The building shall provide sufficient sound-absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way.
8. The hours of operation shall be provided. Factors associated with limits to the hours of operation are found below:
 - a. Shall be harmonious with the surrounding land uses and zoning districts.
 - b. The setback of public space is great enough or has sufficient buffer to minimize or eliminate nuisances to neighboring property.
 - c. The hours of operation are necessary for the operation.

B. Animal Boarding Facility.

1. All animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
2. Exercise yards and kennel buildings shall be located no closer than one hundred fifty (150) feet to any abutting residential property line.
3. The interior of the kennel building shall be capable of being hosed down and sanitized. Water supply shall be available and floor drains shall be connected to the septic system.

C. Drive-In or Drive-Through Window Service.

1. Entrance and exit drives shall be at least two hundred (200) feet from any residential district.
2. The hours of operation shall be provided. Factors associated with limits to the hours of operation are found below:
 - a. Shall be harmonious with the surrounding land uses and zoning districts.
 - b. The setback of public space is great enough or has sufficient buffer to minimize or eliminate nuisances to neighboring property.
 - c. The hours of operation are necessary for the operation.



D. Food Trucks

1. A food truck when operated as an accessory to a festival, township sponsored event, and/or when sponsored by a neighborhood association or other organization that is not for public consumption are exempt from this regulation.
2. The review of these temporary uses will go through an administrative zoning permit process in Section 12.02 Zoning Permits. Compliance shall meet the requirements in this Section.
3. A food truck shall be located on an improved surface and have proper drainage.
4. The applicant shall provide a letter of support from the property owner, method to power, generator information, copy of Lapeer County Health Dept approval, hours of operation, and days of the week it will be operation.
5. This use shall not interfere with maneuverability of pedestrians or vehicles in the parking lot area and may occupy required parking spaces.

E. Funeral Homes.

1. The vehicular entrance shall not be closer than two hundred (200) feet residential district boundary.
2. The parking, circulation, and management plan shall be designed to prevent automobiles from waiting on a public street.

F. Gas Stations.

Gas stations are the sale of gasoline, retail area, repair work, and/or vehicle washing.

1. Entrances and exits shall be no less than one hundred (100) feet from a street intersection and at least two hundred (200) feet from any residential district.
2. Outside display of parts and/or products for sale shall be maintained in a neat and orderly fashion and shall not interfere with vehicular access or obstruct driver visibility. Outside display shall not be located within the required front yard.
3. Gasoline pumps, air and water hose stands and other appurtenances shall be setback not less than thirty (30) feet from all existing or proposed street right-of-way lines.



G. Landscapers, Landscape Services, and Similar Home-Based Businesses.

1. AG Agricultural district standards:
 - a. Minimum lot size shall be five (5) acres.
 - b. The maximum number of business vehicles, trailers, and equipment not stored on trailers shall be limited to six (6) in any combination.
 - c. All vehicles, trailers, and equipment not stored on trailers shall be kept within a fully enclosed building or screened from view of neighboring properties and public or private streets by a privacy fence, in conformance with Section 5.110 Fences, or landscape greenbelt, in conformance with Landscaping. No storage shall be located in a front yard or side yard.
 - d. The maximum number of employee vehicles parked on-site shall be limited to four (4) and all employee vehicles shall be parked either within the residence's driveway or the fenced or landscaped area.
 - e. Outdoor storage of materials used by the business may be permitted on a parcel five (5) acres or larger within the screened storage area. There shall be no outdoor storage of wastes generated by the business except within a closed dumpster located within the screened storage area.
 - f. No maintenance or repair of equipment or vehicles shall occur outside a building or the screened storage area.
2. R-1 One-Family- Residential districts standards:
 - a. Minimum lot size shall be five (5) acres in R-1.
 - b. The maximum number of business vehicles, trailers, and equipment not stored on trailers shall be limited to four (4) in any combination.
 - c. All vehicles, trailers, and equipment not stored on trailers shall be kept within a fully enclosed building or screened from view of neighboring properties and public or private streets by a privacy fence, in conformance with Section 5.11, or landscape greenbelt, in conformance with Section 5.7. No screened storage area shall be located in a front yard or a required side yard.
 - d. The maximum number of employee vehicles parked on-site shall be limited to two (2) and all employee vehicles shall be parked either within the residence's driveway or the fenced or landscaped area.
 - e. There shall be no outdoor storage of materials used by or wastes generated by the business.



- f. No maintenance or repair of equipment or vehicles shall occur outside a building or the screened storage area.

H. Outdoor Displays and Sales.

1. Must be located on an improved surface (paved or gravel).

I. Outdoor Storage (Accessory)

1. Outdoor storage shall be completely obscured from view of adjoining properties and public roads. A privacy fence, building, landscaping, or wall can be sufficient.
2. Must be located on an improved surface (paved, gravel, or aggregate treated surface).
3. Open storage shall be screened from the roadways, residential districts or dwelling units by a landscaping, privacy fence, masonry wall, berm and landscaping combination not less than six feet (6') or more than eight feet (8') high. The required buffer shall be determined by the Planning Commission so as to properly screen all materials. Consistent with requirements with Article 8 Landscaping.

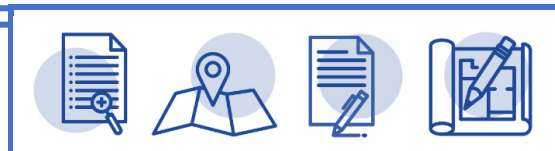


J. Retail Use of an Industrial Character.

Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to: lumber yards, building materials outlets, flea markets, upholsterer, cabinet maker, outdoor boat or house trailer, automobile, or agricultural implement sales) or serve convenience needs of the industrial district (such as, but not limited to: eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motel or bowling alley, trade or industrial schools, or medical or other offices serving the district, including an industrial clinic).

K. Short Term Rental.

1. No establishment shall exceed an occupancy number to provide less than two hundred and twenty-five (225) square feet of air space per occupant. The guest rooms shall be equipped with operating smoke detector alarms, lavatory, and bathing facilities available.
2. The short-term rental shall have a minimum of two (2) means of exit directly to the outdoors. A collapsible fire ladder in each guest room with posted instructions for use may satisfy the requirement for a second exit. A floor plan and elevation drawings (or photographs) shall accompany the application.
3. All short-term rentals shall have a designated local agent.



4. There shall be no exterior alterations to the dwelling that are not customary for other principal single-family residences in the Township. If guest rooms are not part of the original structure but are proposed to be added, plans prepared by a Registered Architect shall be submitted to the approving body for review which demonstrate the following:
 - a. The addition is compatible in style and design with the original structure.
 - b. The rooms proposed to be added could be incorporated into the structure for single family residential use in the future, if the owner chooses to terminate the use of the dwelling as a short-term rental.
5. The applicant shall submit proof of the local Health Department's evaluation regarding the adequacy of the on-site sewage disposal system, in relation to the number of guest rooms proposed, in addition to the principal residential use.
6. The applicant shall provide evidence of a commitment for general liability insurance.
7. If the subject lot does not meet the district minimum lot area or has other dimensional nonconformities, it shall not be suitable for short term rental use.

L. Vehicle Major Repairs.

Vehicle major repairs, including collision shops, engine or transmission repair, restoration shops, and similar facilities.

1. All repair activities shall be conducted within a completely enclosed building.
2. All activities shall be conducted in such a manner as to minimize adverse effects on adjacent and neighboring properties. Entrances to individual service bays shall not face abutting residential parcels.
3. The facility shall be equipped with all necessary venting, filtration, storage and containment equipment to avoid any adverse effects on adjacent and neighboring areas. All painting shall occur within a fully enclosed booth.
4. Outside storage is required for wrecked vehicles. The screening shall meet the requirements in outdoor storage screening in Section 8.30 Required Screening Between Districts and Section 4.60.I.
5. Shall be located at least five hundred (500) feet from an entrance or exit to the property on which is located a public or private school, playground, playfield, or park.



6. Provide documentation and method to deal with hazardous material onsite or potential leaks of vehicles in outdoor storage waiting for repair.

M. Vehicle Minor Repairs.

Vehicle Minor Repair providing light repairs, services and materials such as: tires (not recapping), batteries, mufflers, undercoating, auto glass, detailing, reupholstering, quick oil change, lubrication, wheel balancing, brakes and suspension services, and motor tune-up for passenger cars and vans.

1. All repair and/or servicing activities shall be conducted within a completely enclosed building.
2. There shall be no outside storage of partially dismantled, inoperable or unlicensed vehicles, or discarded parts.
3. Outside display of parts and/or products for sale shall be maintained in a neat and orderly fashion and shall not interfere with vehicular access or obstruct driver visibility.
4. The location of the automotive service center shall be architecturally treated and designed to be compatible with the adjacent land uses. Entrances to individual service bays shall not face abutting residential zoning districts.
5. Provide documentation and method to deal with hazardous material onsite or potential leaks of vehicles in outdoor storage waiting for repair.

N. Vehicle Washing Facility.

1. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property or heavy tracking onto a public street. A combination of alternatives may be used, including, but not limited to, blowers, hand drying, length of exit drive and general site drainage and design.
2. The site plan shall detail the location of all proposed vacuum stations. These areas shall be located so as not to conflict with any required parking, drive, or automobile standing areas.
3. Self-contained, covered waste receptacles shall be provided at each proposed vacuum station to provide convenient disposal of customer refuse. Vacuum stations shall not be located within fifty (50) feet of the boundary of an adjoining residential district.



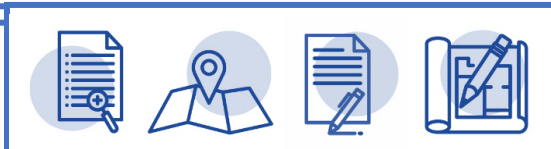
Section 4.70 Industrial Use Requirements

A. Asphalt or Concrete Plants.

1. The application shall clearly demonstrate strict compliance with all requirements for air, ground water, and surface water quality. In particular, compliance with Section 6.00 Performance Standards.
2. A Community Impact Study shall accompany the application, according to a format provided by the Township in Section 6.70 Community Impact Statements.
3. A Market Study, which demonstrates the need for the specific facilities proposed to serve the surrounding area, shall accompany the application.
4. The stated life of the plant, in years, shall be specific and tied to the operator's anticipated local reserves of the sand and aggregate materials for the plant.
5. The application shall demonstrate that the plant location is the closest possible to the source of sand and aggregate materials for the plant. The Lapeer County Road Commission shall approve of the vehicle load and routing.
6. The plant equipment shall maintain a minimum separation of one thousand three hundred (1,300) feet from a residential zoning districts.
7. The permit for a concrete or asphalt plant shall be renewed annually with a zoning permit.
8. The hours of operation shall be provided. Factors associated with limits to the hours of operation are found below:
 - a. Shall be harmonious with the surrounding land uses and zoning districts.
 - b. The setback of public space is great enough or has sufficient buffer to minimize or eliminate nuisances to neighboring property.
 - c. The hours of operation are necessary for the operation.

B. Data Center

1. All principal buildings, accessory structures, and Data Center Electric Utility Substations must be setback at least two-hundred (200) feet from all property lines.
2. Data Center campuses containing more than one building are encouraged to provide a variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site. Consideration of topography



shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location on the property or along a public street.

3. The noise generated from the operation shall meet the requirements in Section 6.00 Performance Standards.
 - a. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the applicant within twelve (12) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this ordinance.
4. **Fire Safety.** The applicant shall provide a fire response plan and emergency response plan approved by the local Fire Department, other county, or other local agencies. Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
5. **Emergency Contact.** Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.
6. Burying power lines serving the property is strongly encouraged.
7. A Section 6.60 Community Impact Statements shall be provided.

C. Junk and Salvage Yards.

1. The premises shall be entirely enclosed within a minimum eight (8) foot high obscuring wall.
2. Materials for processing or storage shall not be piled higher than the wall and there shall be a free walkway around the privacy obscuring wall.
3. The annual permit renewal permit is required by the Township. An administrative review will verify compliance with the approved site plan and special land use requirements. An onsite inspection may be required by a Township representative to verify compliance.

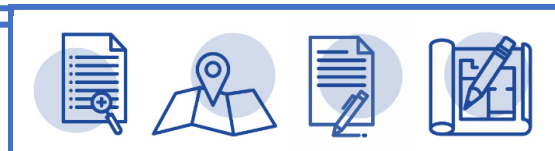


D. Metal Plating, Buffing, and Polishing.

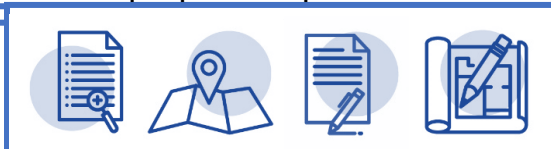
1. Appropriate measures shall be taken to control the type of process in order to prevent noxious results and/or nuisances.
2. The use shall be completely enclosed with no activities occurring outdoors except ancillary loading and unloading of raw materials and finished products.

E. Mining of Sand/Gravel/Topsoil.

1. Processing and stockpiling of materials will be accomplished in a manner that minimizes the affect on adjacent properties.
2. Uses permitted herein shall be screened from view and setback from the property lines at least one hundred (100) feet on all sides, provided the Township Board may increase this requirement where additional protection is required for adjacent properties and/or uses.
3. Uses permitted shall comply with all applicable pollution control requirements of the State of Michigan, Lapeer County and Township of Imlay.
4. Mining of deposits shall not constitute a hazard to public health, safety, and welfare, and shall be conducive to and result in the reclamation of the land for another use or uses permitted in the district.
5. **Uses Permitted.** The following uses shall be permitted, each of which shall meet applicable performance standards and be subject to all limitations described herein.
 - a. Mining, excavating, extracting, or quarrying of sand, gravel, stone and/or similar material (hereinafter referred to as mining or mined).
 - b. Construction and maintenance of plants, be they temporary or permanent, for the processing of such mined material, and to include necessary accessory uses, buildings, and equipment.
 - c. Storage and stockpiling of the mined material.
6. **Application Procedures for Mining Permit.** The following application procedure shall be complied with prior to the commencement of any new mining and/or the horizontal expansion of any mined area which exists as of the effective date of this Ordinance.
 - a. Application Contents:
 - 1) Name of the owner, or owners, of land from which removal is to be made.
 - 2) Name and address of applicant making a request for such permit.



- 3) Name and address of the person, firm, or corporation that will be conducting the actual removal operation.
 - 4) Location, size, and description of the area from which the removal is to be made.
 - 5) Location of the processing plant.
 - 6) Type of materials or resources to be removed.
 - 7) Proposed-method of removal, general haul route, and whether blasting or other use of explosives will be required.
 - 8) General description of equipment to be used.
 - 9) The estimated number of years to complete operations.
 - 10) A statement that a performance guarantee satisfactory to the Township Board. Upon submission of a topographical survey by a registered civil engineer showing completion of the reclaimed areas, the bond or security shall be released, in accordance with the amount of security required per acre.
- b. As part of the application, the applicant shall submit a topographic survey of the existing parcel drawn to scale and prepared by a Registered Civil Engineer or Registered Land Surveyor with ten-foot contour intervals based upon U.S.G.S datum. The drawing shall also clearly show the area to be mined, areas for stockpiling, processing plant locations, maintenance areas, and similar use areas. The applicant shall also prepare a plan of reclamation which depicts the final elevations referenced to U.S.G.S. datum and prepared by a Registered Civil Engineer and/or Registered Land Surveyor. The applicant will propose a certain plan of operation and will be expected to comply with such a plan during the year a mining permit is issued for.
- c. In order to provide the Township with periodic review for compliance with all operational and special land use requirements, the mining permit shall be annually reviewed each July 1. The mining permit renewal shall be granted prior to the parcel being mined. Prior to granting continued approval, the Township Board shall review the mining operation as to compliance with the original site and rehabilitation plans.
- d. In order to defray the expenses incurred by the Township for surveillance of the mining operation and engineering inspections to insure compliance with the approved mining plan and rehabilitation plan, there shall be an annual surveillance and inspection fee for each mining operation. The amount of the fee shall be based on the surface area, in acres, of the proposed operation times the depth, in yards, of



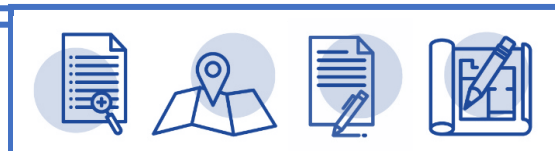
the pit. The amount of the surveillance/ inspection fee per acre shall be set by resolution of the Township Board. In setting the amount of the fee, the Board may consult with a Registered Civil Engineer or Registered Landscape Architect with expertise in reclamation of mining sites and the costs associated with reclamation.

7. Design Standards For Mining Operations

- a. **Equipment Setback.** All equipment shall be located no closer than one hundred fifty (150) feet to the nearest abutting property line.
- b. **Mining Setback.** No excavation or mining shall take place within one hundred fifty (150) feet of the nearest abutting property line.
- c. **Fencing.** During operations and at all times prior to final reclamation, the pit areas shall be fenced with a six (6) foot high, cyclone-type fence along the property line protected by lockable gates.
- d. To permit site reclamation following mining activities, topsoil sufficient to cover the site to a depth of at least four (4) inches shall be retained. If the site is to be reclaimed for non-residential uses, retention of additional topsoil may be required. Organic soils such as peat or muck shall not be used as topsoil for reclamation.
- e. **Screening.** All active excavations shall be screened from view by plantings of coniferous trees having a minimum diameter of three (3) inches along the boundaries of the property with sufficient staggered rows and of a depth, that will guarantee effective screening.
- f. The hours of operation shall be provided. Factors associated with limits to the hours of operation are found below:
 - 1) Shall be harmonious with the surrounding land uses and zoning districts.
 - 2) The setback of public space is great enough or has sufficient buffer to minimize or eliminate nuisances to neighboring property.
 - 3) The hours of operation are necessary for the operation.
- g. All equipment and facilities used in the production, processing or transportation of sand, gravel, or stone shall be constructed, maintained, and operated, in such manner as to eliminate, insofar as practicable, noises, vibrations, or dust which are injurious or unduly annoying.
- h. All trucks leaving the site shall have their loads, covered to prevent blowing of material onto Township roads and/or private property.



- i. **Access.** All sand and gravel sites operable under the provisions of this Ordinance shall have direct access onto a paved roadway.
 - j. **Access Maintenance.** Any paved public road providing access to the mining site shall be swept, as needed, to prevent any accumulation of sand and/or gravel on the public roads. All gravel public or private roads providing access to the mining site shall be kept dust-free at all times during mining operations.
 - k. **Haul Route.** The applicant shall acquire approval as to haul routes, bonding requirements, weight limits, speed limits, and other matters within the jurisdiction of the agencies responsible for the public roads. The haul route shall be chosen so as to cause the least amount of disturbance to uses outside the Agricultural districts.
 - l. **Slope.** No cut shall be made in the original excavation that exceeds a slope of three feet horizontal to one foot vertical (3 by 1), and such cut shall not begin closer than one hundred fifty (150) feet from any property line.
 - m. An agreed upon performance guarantee shall be deposited with the Township Board. The excavation shall proceed in cells of ten (10) acres maximum, and each such working cell shall be fully restored and rehabilitated prior to proceeding into the next cell, unless the operator chooses to submit the required performance guarantee for the additional cell or cells. See Section 12.08 Performance Guarantees.
 - n. Other limitations may be established by the Township Board to insure protection of the adjoining neighborhood, such as, truck trips per day, total amount of material removed from an individual site on a daily basis, special measures to reduce noise levels, rumble strips on-site, and similar limitations determined to be necessary to protect the health, safety and general welfare of nearby residents and land uses, and the community as a whole.
 - o. Upon termination of any excavation and/or mining operation either by the operator, owner, the Township through the Ordinance, and/or through judicial means, the land shall be backfilled and graded to the developer's site plan which was reviewed by the Planning Commission and approved by the Township Board.
8. Rehabilitation of Mined Areas.
- a. All excavations shall be made either to a water-producing depth of at least eight (8) feet below the low-water mark for at least eighty percent (80%) of the water area, or shall be graded or backfilled with earthen materials, to ensure:



- 1) That the excavated area shall not collect and permit to remain therein, stagnant water; or,
 - 2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, and so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
- b. The banks of all sand and gravel excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical, and said banks shall be restored with vegetation in a manner set forth hereunder.
 - c. Where a permanent body of water will result from the mining operations, the slopes on all sides of the pit beginning at the high water mark, shall not exceed five (5) feet horizontal to one (1) foot vertical until the water reaches a depth of five (5) feet at the low water mark.
 - d. Vegetation shall be restored by the use of sufficient soil and overburden and by appropriate seeding of grasses or planting of shrubs or trees in all parts of the mining area where such area is not be submerged under water, as provided above.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operator, within a reasonable period of time not exceeding twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment unless such building or structures can be lawfully used in the district in which they are located.
 - f. A final inspection shall be performed by the Township Engineer to verify conformance with the plan of reclamation submitted in accordance with this Section. A final inspection form, signed by the Township Engineer, shall be required prior to release of the performance bond by the Township.

F. Mini-Warehousing/Storage Facilities.

1. Building separation between self-storage buildings on the same site shall be a minimum of twenty-four (24) feet or equal to the building height, whichever is greater.
2. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
3. The total lot coverage of all structures shall be limited to thirty-five percent (35%) of the total lot area.



4. Building height shall not exceed one story or fourteen (14) feet except that a caretaker or resident manager's unit may be allowed a building height of two stories of twenty-five (25) feet. Building over fourteen (14) feet may be permitted by special land use.
5. No single storage building shall exceed seven thousand five hundred (7,500) square feet.
6. All storage on the property, with the exception of item 9 below, shall be kept within an enclosed building.

G. Yard Waste Composting Facilities.

Yard Waste Composting Facilities are those facilities that manage the biological decomposition of organic matter under controlled, aerobic conditions.

1. Site Location and Design
 - a. If the site abuts property shown as residential on the Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to five hundred (500) feet from existing residences and fifty (50) feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants from stormwater runoff.
 - b. The portion of the compost site visible from a public street shall be screened from public view by a combination berm/ landscaped buffer or other method acceptable to the Planning Commission and approved by the Township Board in compliance with Article 8 Landscaping.



2. Operation
 - a. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
 - b. Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings. All yard wastes must be brought to the site loose or in biodegradable paper bags with a cornstarch or similar base designed to degrade rapidly under aerobic conditions. All bags brought to the site shall be broken up and turned into compost windrows within five (5) days of delivery to the site. In no instance shall non-degradable plastic bags be placed into the windrows.



- c. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors.
- d. Poned water shall not be permitted to collect on a yard waste composting site. An engineering plan for collection, retention and drainage of storm water shall be provided for review and approval. Vegetation filtration of runoff prior to discharge off-site shall be accomplished by use of a fifty (50) foot wide (minimum) perimeter strip/swale of grass, or similar measure. Any direct discharge to a water body may require a Michigan Department of Natural Resources permit.
- e. The operator shall provide sufficient equipment to properly manage the composting process. As a minimum this shall include a front end loader or similar machinery for loading and unloading; a windrow machine for turning and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks for dust control & proper moisture content in windrows; and a screen to improve the quality and marketability of the final product.
- f. The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to Imlay Township.
- g. Treated yard wastes shall be actively rotated in an aerobic condition.
- h. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment. Secondary containment facilities shall be adequate to accept the full volume of the hazardous materials stored in the primary container, in the event of a leak or spill.
- i. The applicant shall provide a plan for the removal of unmarketable compost.
- j. An annual inspection/permit fee for all yard waste composting facilities shall be established by resolution of the Imlay Township Board.
- k. Copies of all Michigan Department Natural Resources applications/permits, if required, shall be provided to the Planning Commission as part of the application package.



- I. The operator shall provide performance guarantee to provide for restoration of the site upon default of the operator. The amount of the bond shall be set from time to time by resolution of the Township Board on a per acre basis. It shall meet the requirements in Section 12.08 Performance Guarantees.

Section 4.80 Misc. Use Requirements

A. Accessory Private Ponds.

1. **Applicability.** An administrative site plan shall be submitted to the prior to the construction of a new pond, enlargement of an existing pond, or the cleaning of a pond, that will result in the removal of one hundred (100) yards or more of material.
 - a. The property owner and/or contractor shall submit a completed pond application to the Township, pay associated fees, performance bond as required, a site plan that demonstrates compliance with this Section.
 - b. The Township may require a detailed drainage plan, prepared by a registered civil engineer, to ensure that the proposed pond and associated placement of spoils on-site will not negatively impact drainage patterns both on and off the site.
 - c. Plans shall show the location and approximate depth of any domestic water supply well on the property.
2. A minimum lot size of five (5) acres shall be required in order to establish a private residential pond accessory to a single-family dwelling.
3. Ponds created by damming of rivers or streams must have the approval of the Michigan Department of Natural Resources and a Soil Erosion and Sedimentation Control Permit approved by Lapeer County if they are to be located within five hundred (500) feet of a lake or stream or if the pond will disturb over one (1) acre of land.
4. No slope on the beach side of the pond that is in excess of 3:1 (three feet horizontal to one foot vertical).
5. Excavated materials may be hauled off the site and not require a mining permit. (County sediment control. Require information of their plan.
6. Agricultural tile drainage lines encountered during construction of a pond shall not be cut, plugged, or altered in any way that would cause them to no longer function for the purpose for which they were installed. This shall include a prohibition against actually or effectively raising the elevation of the outlet, as in the case of an embankment pond. If necessary, existing agricultural tile drains or similar facilities shall be



rerouted around the pond by the owner and the contractor constructing the pond.

7. 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.
8. No pond shall be constructed, enlarged, cleaned or otherwise altered in a manner than causes pond overflow water to runoff onto adjacent lots or parcels. This provision shall also apply to the placement of excavated material or overburden from pond construction. Where appropriate, methods to provide proper drainage (e.g. swales, tiles, culverts, etc.) shall be shown on the site plan.
9. Ponds shall be designed as open water bodies that remain continuously wet under normal conditions.
10. Ponds shall meet the following setback requirements measured from the edge of the pond excavation, defined as the point where the proposed grade is less than the pre-existing grade:
 - a. One hundred (100) feet from all adjacent property lines
 - b. One hundred (100) feet from every road right-of-way
 - c. One hundred (100) feet to the nearest point of a septic tank and/or tile disposal field.
 - d. Twenty-five (25) feet to the nearest point of the dwelling and all accessory buildings on the site.
11. Excavated material or overburden from private residential pond construction shall be placed in a manner so that its weight will not endanger the stability of the pond's side slopes, and in a manner that is aesthetically pleasing. There shall no be less than twelve (12) feet between the toe of the fill and the edge of the pond. The overburden shall be properly sloped, graded, planted, and landscaped with vegetation to blend into the surrounding landscape. Placement of the fill on the prevailing windward side of the pond can help to reduce evaporation losses.

B. Filling of Land with Soil, Sand, Gravel, Clay, or Similar Materials.

The filling of land with soil, sand, gravel, clay or similar natural materials may be permitted as a principal activity to improve property or as an activity accessory to other development.



1. Only naturally occurring soil, sand, stone and like materials shall be permitted. Properly processed materials, such as crushed concrete, may be permitted. Garbage, refuse, construction wastes, fill that has been contaminated by hazardous substances, and similar materials are hereby prohibited. Used concrete, asphalt, or similar paving materials are hereby prohibited unless they have been properly processed and approved for use by the Township Board.
2. A site plan shall be submitted, conforming to the requirements of Section 12.05 Site Plan Review, for any filling of land that exceeds two hundred (200) cubic yards of material. For filling activities that involve less than two hundred (200) cubic yards of material, a sketch plan shall be submitted for approval by the Building Inspector. No separate permit shall be required for any filling activity that is authorized by a valid building permit issued by Imlay Township.
3. No fill shall be placed or deposited in or upon a flood plain, wetland, watercourse, natural drainageway, river, stream, county drain, or similar feature, or in a manner that adversely affects drainage from, to, or through adjacent properties, unless the proper permits are obtained.
4. Plans shall include detailed statements of:
 - a. The type of natural materials to be deposited.
 - b. The number and types of equipment to be used.
 - c. The estimated length of time to complete the filling activities.
 - d. The proposed days and hours of operation during which filling activities will occur.
5. At the direction of the Township Board, filling operations in excess of (200) cubic yards may be required to submit a performance guarantee to ensure completion of the proposed work and compliance with requirements of this Ordinance during filling operations.
6. The filling of land with anything other than soil, sand, gravel, clay or similar natural materials shall require approval by the Township Board based upon a finding that the material is similar in quality and characteristics to those permitted by this Section.
7. No filling shall commence until a permit has been issued by the Township.

C. Limited Soil Removal.

Limited Soil Removal may be issued only for an activity that is accessory to the actual and approved development of property in Imlay Township. As a



prerequisite for the issuance of a Limited Soil Removal, One of the following shall occur:

1. If the proposed development is a platted subdivision, the developer shall obtain Final Preliminary Plat Approval, or
2. If the proposed development is going to be a condominium, final approval of a condominium site plan shall be required, or
3. Land divisions on existing public roads that seek approval under the Land Division Act shall require the land divisions be approved and at least 25% of the divided lots be sold before issuance of a Limited Soil Removal and commencement of the excavation, or
4. Any other use that requires Site Plan Approval shall submit a site plan for final approval prior to obtaining a Limited Soil Removal.
5. The actual removal of soil materials under a Limited Soil Removal shall only proceed in conformance with the approved site plan and an engineering plan that complies with all design, information, permit, fees, inspection, operation and reuse requirements of the Imlay Township Zoning Ordinance for Soil Removal Operations, Sec. 4.70.E and the following:
 - a. The purpose of the Limited Soil Removal shall be to facilitate the removal and sale of excess topsoil that is necessary in order to complete a development approved by the Planning Commission or the creation of a body of water meeting the requirements of this Section.
 - b. The maximum site size for a development that includes a request for a Limited Soil Removal shall be twenty (20) acres.
 - c. Not more than thirty percent (30%) of the total area of the site shall be involved in the soil removal activities allowed under the Limited Soil Removal.
 - d. Actual construction of a proposed lake shall occur within one year.
 - e. Notwithstanding the timetable referenced above for the completion of the lake, the applicant and his assigns shall, with the exception of November 15 through April 15, unless the frost laws dictate a longer period of time, diligently and continuously excavate the lake until completion.
 - f. The maximum size of a lake under this provision shall be five (5) acres. The creation of a lake larger than five (5) acres shall require MDEQ Lake permit approval and shall not be permitted by means of



a Limited Soil Removal but shall require approval and permit under Section 4.23.

- g. In order to prevent all unnecessary dust and blowing of sand, there shall be no stockpiling of sand in piles in excess of one thousand (1000) cubic yards each and all stockpiles shall be restricted to a maximum height of fifteen (15) feet.
- h. All such uses, including stripping operations, shall conform to Section 12.08 Performance Guarantees.

- 6. A performance guarantee, acceptable to the Imlay Township Board, shall be required as a condition for the issuance of a Limited Soil Removal.
- 7. A Limited Soil Removal shall be issued only after findings of fact made by the Planning Commission and approved by the Township Board, demonstrating no adverse impacts on adjoining properties beyond the phase of the approved, permanent use to which the Limited Soil Removal is accessory.
- 8. Any deviation from the approved plat, site plan and/or Limited Soil Removal shall be grounds for immediate revocation of the Limited Soil Removal and forfeiture of the performance guarantee.

D. Temporary Uses.

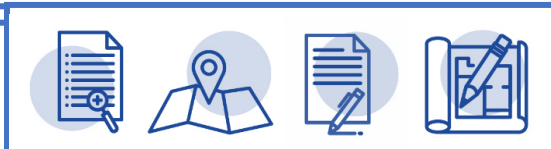
May permit, upon proper application, temporary uses not otherwise permitted in any district for periods not to exceed twelve (12) months with the granting of twelve (12) months extensions being permissible unless otherwise required by this Ordinance. Example uses include: carnivals, public meeting tents, circuses, etc.

- 1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
- 2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- 3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general-welfare of the inhabitants of the Township, shall be made at the discretion of the Board of Appeals.
- 4. The use shall be in harmony with the general character of the district.

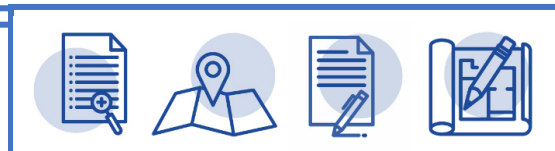


E. Wireless Communication Facilities.

1. Standards and Conditions Applicable to All Wireless Communication Facilities
 - a. Facilities shall not be demonstrably injurious or otherwise detrimental to the public safety and welfare.
 - b. Facilities shall be located and designed to be harmonious with the surrounding areas. The use of monopole towers shall be required unless the applicant demonstrates that monopole towers are not feasible for the proposed use.
 - c. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - d. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower height. The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to colocate on the structure). Accessory buildings shall be limited to the maximum height for accessory structures within the respective district.
 - e. The setback of the support structure from any property line and existing or proposed road right of way line shall be at least the height of the highest point of the support structure. Multiple towers on the same parcel or adjoining parcels shall each meet the above criteria and be separated from any other tower for a distance at least equal to the height of the tallest tower. This provision is not applicable to Wireless Communication Facilities which meet the criteria of this Section.
 - f. There shall be unobstructed access to the facility for operation, maintenance, repair and inspection (maybe provided by an easement).
 - g. Rooftop wireless communication facilities shall be architecturally compatible with the principal building.
 - h. The color of the support structure and all accessory buildings are to minimize distraction, maximize aesthetic appearance, and ensure compatibility with surroundings, subject to regulations of the Federal Aviation Administration.
 - i. Provide information to justify the need for an additional tower at the proposed location.



- j. A structural report shall be provided.
 - k. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.
 - l. The Planning Commission, after considering the type, size and height of all equipment being proposed, may require landscaping or screening where the Planning Commission determines it is necessary to minimize the impact on adjacent properties.
 - m. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations, except those which are necessary for safety or emergency repairs at that particular site.
 - n. The application shall include a certification by a State of Michigan licensed Professional Engineer specifying how the proposed structure will fall.
 - o. The applicant shall provide a decommissioning plan for the tower.
 - p. The applicant shall provide the name, address and phone number of the person to contact for all engineering, maintenance and other notice purposes. This information shall be continuously updated while the facility is on the premises.
2. Wireless communication facilities shall be principal uses permitted in the following circumstances shall follow the with requirements in Section 12.02 Zoning Permits:
- a. An existing structure will serve as a support structure for a Wireless Communication Facility within an AG, B, I district or upon any publicly-owned land. Nothing is proposed to change beyond the fenced area.
 - b. A proposed colocation upon an existing Wireless Communication Facility which had been previously-approved by the Township. Nothing is proposed to change beyond the fenced area.
 - c. An existing utility pole located within a right-of-way or utility easement which will serve as a support structure for a Wireless Communication Facility, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests. This shall include DTE Energy extra high voltage towers and similar facilities.



3. Requirements for Colocation:
- a. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.
 - b. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that colocation is not feasible.
 - c. The policy of the Township is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall be deemed to be a nonconforming structure and use.
 - d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five years from the date of the failure or refusal to permit the colocation. Applicants to the Zoning Board of Appeals regarding this provision must demonstrate that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or would have the effect of prohibiting the provision of personal wireless communication services.
4. Wireless communication facilities which do not meet the criteria in Section 4.40.2 above, may be authorized as special land uses.
- a. The applicant shall demonstrate the need for the facility to be located as proposed based upon the presence of one or more of the following factors:
 - 1) Proximity to major thoroughfares
 - 2) Population concentrations
 - 3) Business centers
 - 4) Signal interference
 - 5) Topography
 - 6) Other specifically identified reason(s) creating facility need



- b. The proposal shall demonstrate conformance with the colocation requirements of Section 4.40.3 above.
- 5. Applications for facilities which are not principal uses permitted under Section 4.40.2 above, and which are proposed to be located outside of a AG, B, and I zoning district or publicly-owned area where they are permitted as a special land use, shall conform with the following standards, along with those in Sections above:
 - a. The applicant shall demonstrate that a location within a district where the facility is permitted as a Principal Use Permitted or Special Land Use cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - b. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form, which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.
 - c. The applicant shall locate the facility at a religious or institutional site, park or other large permanent open space, or any other nonresidential use, subject to application of all other standards.



Article 5 General Provisions

Section 5.00 Purpose

This Article provides more stringent requirements for specific uses and circumstances, consistent with Township's desired vision for future development and community character. These regulations may apply to one or more zoning districts or uses.

Section 5.10 Accessory Uses, Buildings, and Structures

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

- A. Accessory buildings which are structurally attached to a main building shall conform with all regulations of this Ordinance applicable to the main building.
- B. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- C. All accessory buildings or structures shall be suitably anchored to a foundation in accordance with the building code.
- D. 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.
- E. Buildings which are accessory to an agricultural or farm operation in the AG and R-1 Districts shall comply with the following:
 1. No number, size or height restrictions apply where an accessory building or structure is utilized solely for activities directly related to agriculture or farm operations on the same parcel.
 2. No accessory agricultural building or structure, regardless of use, shall be located outside of the required setback requirements in Section 3.70 Schedule of Dimensions.
 3. Detached accessory buildings which are accessory to single-family residences in all districts shall comply with the following (See Table 5-1):

Table 5-1: Accessory Building Requirements

Parcel Size in Acres	Total Allowable Area	Maximum Number	Maximum Height
1.25 or less	1,200 sq. ft.	1	Same Height as Principal Building in Applicable Zoning District
Each additional 0.25 acres up to 10 acres	75 sq. ft. to a maximum of 3,825 sq. ft. for 10 acres	2	
Over 10 acres	No limit	No limit	



4. One (1) attached garage not to exceed seventy percent (70%) of the 1st floor area of the building in area shall be permitted on an individual lot.

5. Detached accessory buildings shall be located only in a side or rear yard. Accessory buildings shall be permitted within the front yard of a double frontage lot, so long as the structure meets the front setback requirement relative to both streets. (See Figure 5-1)

6. When a building accessory to a residential building is located on a corner lot or double frontage lot, the accessory building or structure shall maintain the front yard setback from both streets.

7. Detached accessory buildings shall be located at least ten (10) feet from any other building, structure.

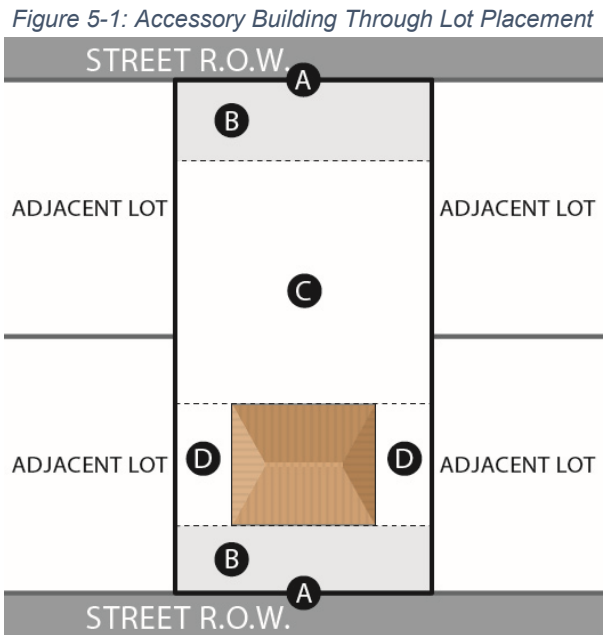
8. The setback from detached accessory buildings shall be ten (10) feet from any property line.

9. Detached accessory buildings on lots five (5) acres or less shall not occupy more than thirty (30) percent of a rear yard.

10. Deviations from requirements of this Section will require a variance from the Zoning Board of Appeals (ZBA) in Section 14.40 Variances.

F. No accessory building shall be constructed prior to construction of the main building on the same lot or parcel, except for single-family residences, a permanent accessory building may be erected in order to secure tools or materials for the residence under construction after issuance of a building permit for the residence.

G. Accessory Buildings or structures in all RM-1 Multiple Family Residential, B Business, I Industrial, and MH Mobile Home Park Districts shall comply with the following:



Key:

- A** = Street Right-of-Way
- B** = Required Front Yard
- C** = Buildable Non-Required Front Yard Area
- D** = Buildable Side Yard Area



1. Site plan review shall be required for all accessory buildings or structures in accordance with Section 12.05 Site Plan Review.
2. All accessory buildings shall be treated as principal buildings regarding location requirements in Section 3.70 Schedule of Dimensions.



Section 5.20 General Exemptions

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

- A. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township, it being the intention to exempt such essential services from the application of this Ordinance.
- B. **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of property as a voting place in connection with a Township or other public election.
- C. **Height Limit.** The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments, wind energy conversion systems, or wireless transmission towers, provided, however, that the Township Board may specify a height limit for any such structure when such structure requires authorization as a special land use.
- D. **Lot Area.** Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than special land uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance, except as provided in Section 11.20 Nonconforming Lot, such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.
- E. **Lot Adjoining Alleys.** In calculating the area of a lot that adjoins an alley or land, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
- F. **Yard Regulations.** When yard regulations cannot reasonably be complied with, as in the case of a planned development in RM-1 Multiple-Family Residential District, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangements, such regulations may be modified or determined by the Zoning Board of Appeals.



- G. **Multiple Dwelling Side Yard.** For the purpose of side yard regulations, a row house or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.
- H. **Porches.** An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.
- I. **Projections Into Yards.** Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.
- J. **Residential Yard Fences.** Fences or walls of not more than six (6) feet in height may be constructed in residential districts within a required rear or side yard, and not more than thirty-six (36) inches in height within a required front yard, e.g., along the property line.
- K. **Access Through Yards.** For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yards.

Section 5.30 Road Frontage

- A. Every dwelling or principal building shall be located on a lot or parcel which fronts upon a public road for the full width of the lot or upon an approved private road developed in accordance with the Imlay Township Private Road Ordinance.
- B. Cul-de-sac lots shall have not less than sixty-five (65) feet of frontage on the cul-de-sac provided they also meet the minimum lot width requirement at the front setback line.
- C. Modification of this requirement may be permitted by the Zoning Board of Appeals, for parcels with unusual topography or lot configuration and similar circumstances.

Section 5.40 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 5.50 Residential Entrance Way

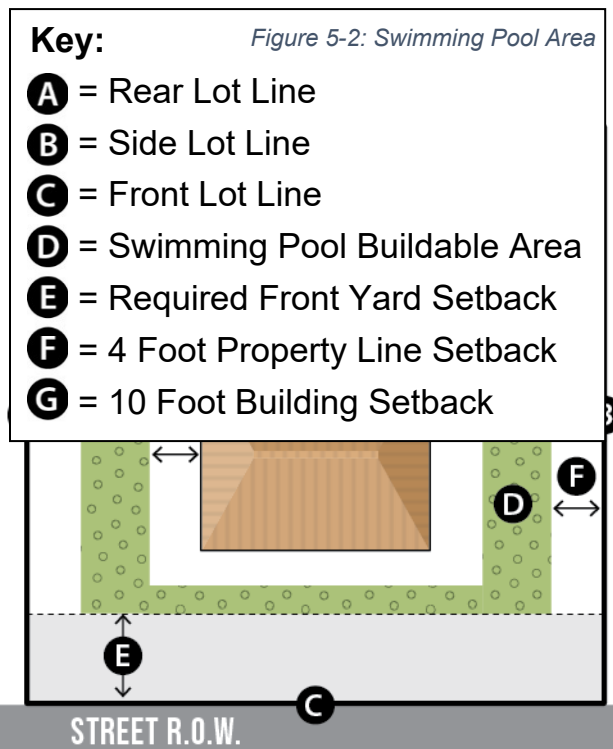
In residential zoning districts and the AG Agricultural zoning district, an entrance way structures, including but not limited to walls, columns, and gates, marking entrances to single-family subdivisions, multiple housing projects, or mobile home parks, may be permitted and may be located in a required front yard, except as provided by Article 9 Signage, and provided that such entrance way structures shall comply to all codes and Ordinances of the Township and be approved by the Building Inspector who issues the permit.



Section 5.60 Swimming Pools

All swimming pools erected in the Township shall comply with the following requirements:

A. A building permit shall be required to erect a swimming pool consistent with the Michigan Residential Code and shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, public utilities, specifications and plans to scale of pool walls, slope, bottom, walkway and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features deemed necessary by the Building Inspector.



B. The pool and required fence/barrier must maintain the required front setback. Rear or side yard setback shall not be less than four (4) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line. The pool setback shall not be less than ten (10) feet between pool wall and any building on the lot. (See Figure 5-2)

C. For the protection of the general public, all swimming pools shall be completely enclosed by a fence or other means of access control. Above



ground pools may have gates, removable or swing steps or other means to limit entry in lieu of a fence.

Section 5.70 Private Drive

Private drives, other than private roads, which serve parcels of land without frontage as described in Section 5.30 Road Frontage, may be permitted in the AG Agricultural District subject to the following requirements (See Figure 5-3):

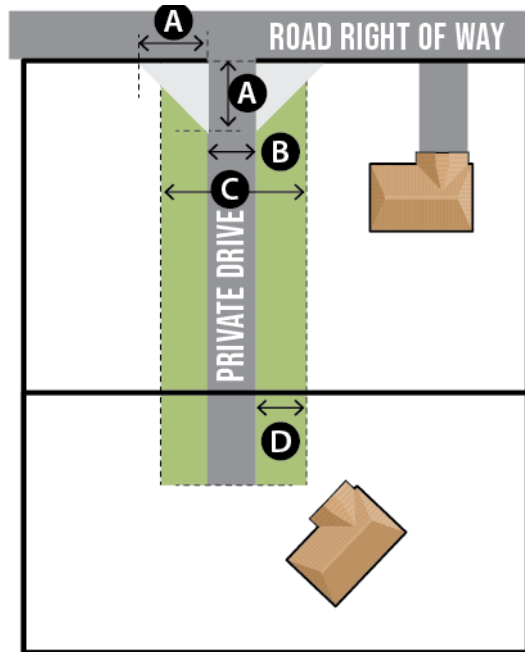
- A. All parcels served by private drives shall be a minimum of two (2) acres in area.
- B. The private drive shall not exceed six hundred (600) feet in length.
- C. A copy of the property deed shall be submitted and shall clearly indicate that the maintenance of the private drive is the responsibility of the owners of said parcel.

- D. Only one (1) residence shall have access to and from such a private drive.
- E. The easement or driveway width shall be a minimum of thirty (30) feet. The driveway shall be properly landscaped and maintained and dust shall be controlled at all times by hard surfacing or chemical treatment.

- F. **Emergency Access.** In order to improve response time and ensure adequate access by emergency services vehicles, all principal uses shall install a driveway meeting the standards of this Section prior to issuance of any certificate of occupancy. The following standards shall apply to all private driveways for all principal uses, in all zoning districts in Imlay Township.

1. All trees and brush shall be kept cleared for a minimum width of fourteen (14) feet for the full length of all private drives.
2. All topsoil, stumps, and unstable soil shall be removed and backfilled with appropriate granular material and surfaced with gravel, crushed limestone, finely crushed concrete or similar material for a minimum width of twelve (12) feet for the full length of the driveway.
3. The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles

Figure 5-3: Private Drive Diagram



Key:

- A** = 14 FT Driveway Clearance
- B** = Minimum Drive Width
- C** = Minimum Easement Width
- D** = 5 FT Vegetation Buffer



4. The above standards shall not apply if the rear of the principal building is one hundred fifty (150) feet or less from the public road right-of-way or easement.
5. Driveways shall provide a minimum centerline radius of forty (40) feet for all curves to ensure access by firefighting equipment. (Refer to sketch below for an illustration of this standard). In addition, the driveway shall provide minimum clearance from trees and brush of eighteen (18) feet through all curved sections.
6. No bridges shall be permitted as part of driveway construction unless they are certified by a registered Civil Engineer as capable of supporting a thirty (30) ton fire truck.
7. No structures shall be over or across any driveway unless they maintain not less than fourteen (14) feet vertical and horizontal clearance.
8. **Vegetation Buffer.** A landscape strip or lawn area a minimum of five (5) feet in width shall be required between the edge of driveways and all property lines to provide adequate room for drainage, snow storage, and privacy. Driveways providing access to agricultural uses shall be exempt from this requirement, and improvement of driveways located less than five (5) feet from a property line that existed on or before the effective date of this Ordinance shall be permitted.

Section 5.80 Shared Drive

Shared drives, other than private roads, which serve a maximum of two (2) parcels of land with frontage as described in Section 5.30 Road Frontage, may be permitted subject to the following requirements:

- A. A shared drive maintenance agreement shall be submitted to the Township and recorded as a part of the deed for every parcel to which the drive provides access. The agreement shall specify the responsibilities of property owners regarding driveway maintenance, and shall detail the manner in which ongoing maintenance costs will be apportioned.
- B. The shared drive shall be constructed in accordance with Imlay Township's Section 5.70 Private Drive.

Section 5.90 Residential Driveways

- A. The Township will not permit the use of a shared residential driveway.
- B. All residential driveways shall be five (5) feet setback from the property line.



Section 5.100 Visibility and 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, but are taller than seven (7) feet 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. (See Figure 5-4 and Figure 5-5)

Figure 5-4: Corner Clearance Diagram

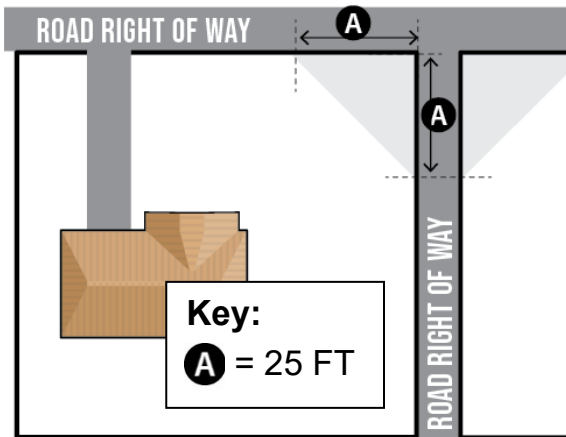
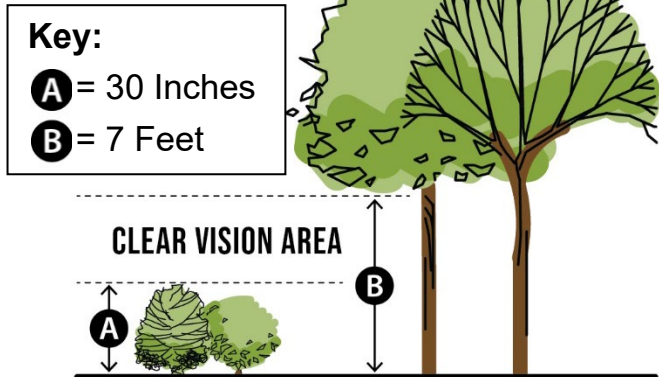


Figure 5-5: Clear Vision Area Vertical



Section 5.110 Fences

All fences of any nature, type or description located in the Township shall conform to the following regulations:

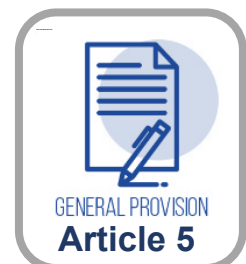
- A. The erection, construction or alteration of any fence, wall or other type of protective barrier shall conform to applicable building codes, the requirements of the zoning district wherein they are located, and to the requirements of this Section. Fences and enclosures for uses protected by the Michigan Right to Farm Act (P.A. 93 of 1981) shall be exempt from the standards of this Ordinance.
- B. No fence in any zoning district shall encroach on a neighboring property line or road right-of-way line. Any reference within this Ordinance to a fence “along” or “on” a property line or road right-of-way line shall be interpreted to mean a fence which does not encroach on that line. Prior to installation of any fence or wall, it shall be the responsibility of the property owner to locate all property lines and road right-of-way lines for the purpose of fence placement, and to ensure that the fence will be constructed within the required boundaries and will meet all applicable building codes and the standards of this Section.
- C. For purposes of enclosure, fences in the AG Agricultural District and fences for permitted agricultural uses in all other zoning districts may be located on any property line or road right-of-way line, provided such fences are



maintained in a good condition and will not result in an unreasonable hazard to persons who might come near them.

D. Fences in residential districts (AG Agricultural, R-1 One-Family Residential, RM-1 Multiple-Family Residential, and MH Mobile Home Park), which are not specifically required under the regulations of the individual zoning districts, shall conform to the following requirements:

1. All fences erected along property lines or road right-of-way lines, or within any required side or rear yard, shall be a minimum of three (3) feet and a maximum of eight (8) feet in height above the grade of the surrounding land.
2. No solid or other completely obscuring fence, more than three (3) feet in height shall be located in the required front yard of the lots or parcels in question.
3. All fences erected shall be for purposes of enclosure or of an ornamental nature only. Barbed wire, spikes, nails, single wire, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences shall be prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings as deemed necessary in the interest of public safety.
4. Fences for the purpose of enclosure may include chain-link (cyclone) fences. Support poles, rails, and/or cross-members shall be located on the side of the fenced-in property and not the side of the neighboring or abutting property. Such non-ornamental enclosure fences shall not be permitted within the required front yard.
5. Privacy and/or ornamental fences may include masonry walls, wrought iron, split-rail, picket, privacy, and other high quality fences composed of metal, vinyl, wood, or plastic and shall have the finished or decorative side facing toward all abutting or neighboring properties.
6. Only non-obscuring ornamental fences (split-rail, wrought-iron, picket, etc.) shall be permitted in the required front yard, so long as they are three (3) or more feet but not more than eight (8) feet in height, measured from the grade of the surrounding land. Completely obscuring fences (privacy, masonry wall, etc.) shall only be permitted in the required front yard if they are three (3) feet in height, except for lots with double frontage (corner or through lots) may have one (1) of the front yards with a privacy fence not to exceed eight (8) feet in height.
7. No fence or wall shall be erected, established, or maintained on any corner lot which will obstruct the view of



a driver of a vehicle approaching the intersection, per Section 5.90 Residential Driveways.

- E. Whenever a fence is proposed in other than AG Agricultural, R-1 One-Family Residential, RM-1 Multiple-Family Residential, and MH Mobile Home Park, it shall require the issuance of a building permit and shall comply with the following:
1. The maximum height for all fences, including security fences and privacy fences, shall be ten (10) feet, unless otherwise provided for in this Ordinance.
 2. Plastic, vinyl, aluminum, or wood slats, or similar devices placed through the wire of chain-link (cyclone) fences, shall not be used to satisfy the requirements of this Ordinance for a screening or an obscuring fence.
 3. When a privacy wood fence is proposed, it shall be constructed entirely of pressure treated wood or metal posts and pressure treated wood panels, to assure durability and relative freedom from the need for regular maintenance.

Section 5.120 Private Satellite Dish, Radio, and Television Antennas

In an AG Agricultural or R-1 One-Family Residential District, no antenna for receiving or broadcasting radio and/or television signals shall be located between the principal building and the front lot line. Ground-mounted antennae shall be set back the height of the antenna from all other lot lines. The maximum diameter of round antennas and the maximum length and width of all other antenna shapes shall be twelve (12) feet. Only perforated, mesh-type, or open lattice work antennas shall be permitted when mounted on or above a building roof. No antenna shall exceed the height limit of the zoning district in which it is located.

Section 5.130 Excavation/ Filling

- A. The construction, maintenance, or existence within the Township of any unprotected, unbarricaded open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, or welfare, are prohibited.
- B. A permit is not required for excavation if properly protected (roped or fenced off) and warning signs posted in such manner as may be approved by the Building Inspector
- C. This Section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.



Section 5.140 Dangerous Animals

The keeping of dangerous pets shall be prohibited as defined in Section 2.10 Terms A- E.

Section 5.150 Drainage

- A. Building grades shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.
- B. When a building, parking lot, or topography changes during a change that requires Township site plan review (administrative or full review) that impacts the natural topography of the area, the excessive drainage shall be maintained onsite. It is prohibited for run-off of surface water to flow onto the adjacent properties.
- C. In the event there are drainage tiles onsite, information shall be provided to ensure any changes onsite do not impact adjacent properties.
- D. Final grades shall be approved by the Building Inspector.

Section 5.160 Occupancy of Residential Buildings

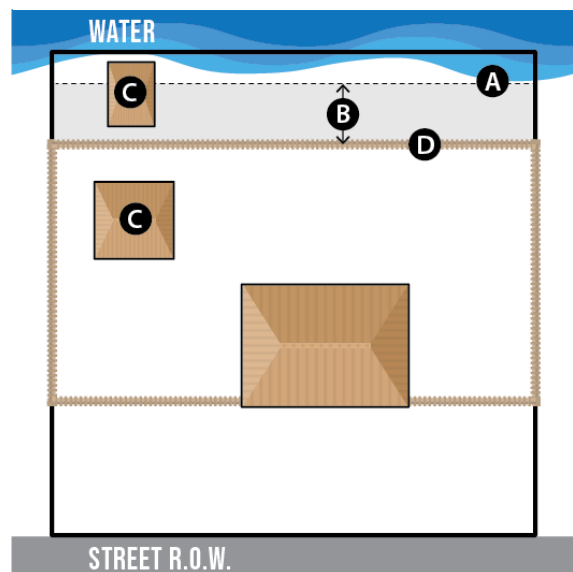
- A. Garages, barns, pole barns, accessory buildings, basements, tents, campers, recreational vehicles (RV)s, or other structures shall not be occupied as dwellings. However, the Zoning Administrator may grant temporary occupancy pursuant to Section 5.160.J.
- B. All dwelling units shall have access to potable water, kitchen amenities, and sanitary facilities.

Section 5.170 Waterfront Properties

For properties that have frontage along a shared waterbody or lake with other property owners shall meet the following requirements (See Figure 5-6):

- A. A setback of thirty (30) feet from the highwater mark for all structures (fences, buildings, etc.), unless as otherwise noted.

Figure 5-6: Waterfront Property Concept



B. One (1) boat house may be permitted within the required setback meeting the requirements in Section 5.10 Accessory Uses, Buildings, and Structures and Section 5.110 Fences.

C. The requirements in requirements that may be required of property owners also required to meet requirements of homeowner associations, easements, deed restrictions, etc.



this Section do not restrict further

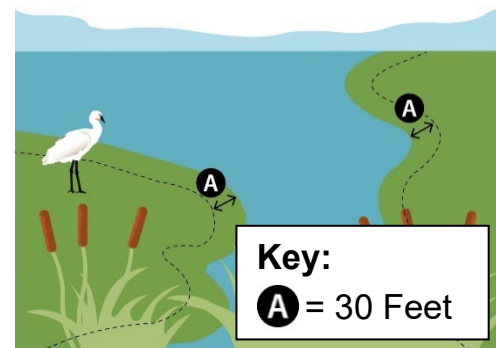
Key:

- A** = Highwater Mark
- B** = Required Waterfront Setback
- C** = Accessory Buildings
- D** = Fence

Section 5.180 Wetland and Watercourse Setback

All structures shall be setback at least thirty (30) feet from natural features such as drains, regulated wetlands, natural ponds, lakes, and streams. The setback shall start at the high water mark or edge of waterbody at the time of associated permit approval. This setback excludes accessory structures like docks as permitted by the Township and requirements in Section 5.170 Waterfront Properties. (See Figure 5-7)

Figure 5-7: Wetland & Watercourse Setback



Section 5.190 Other Agencies

This Ordinance's regulation and review of compliance shall follow all Federal, State, and County regulations. Examples of County agencies include but are not limited to Lapeer County Road Commission, Lapeer County Drain Commission, and Lapeer County Health Department.

Section 5.200 Tent Structure Regulation

A. **Applicability.** A tent shall consist of a non-rigid or flexible membrane material, such as fabric or canvas, supported by a framework of poles, pipes, cables, or similar supports, and not enclosed by rigid walls.

B. **General Requirements.** See the below requirements:

1. All tent shall meet required setback requirements in Section 3.70 Schedule of Dimensions.
2. All tent shall meet required use based requirements Section 3.60 Table of Uses. and Article 4 Use Requirements. For example, if a tent is proposed as part of a temporary use or as part of a special land use it must be identified on the site plan and meet those additional requirements.



3. Shall not be used as a dwelling unit as stated in Section 5.160 Occupancy of Residential Buildings.
 4. The tent shall be maintained in a good state of repair. Unsafe and tent in poor condition shall be removed. Unsafe or tents in poor condition shall include, but not limited to structurally unsafe, constitute a hazard to safety or health by reason of inadequate maintenance, tears and holes, dilapidation, or abandonment, and unlawfully installed, erected, or maintained.
- C. **Processing.** No permit shall be required for a tent proposed to stay onsite for fourteen (14) or less consecutive days. For any tent proposed to stay onsite for more than fourteen (14) consecutive days shall require a zoning permit or be noted on an approved site plan.



Article 6 General Development Design

Section 6.00 Performance Standards

Except for agricultural operations using generally recognized, good farming techniques, and residential uses and purposes no use otherwise allowed shall be permitted within any district which does not conform to the following minimum requirements and standards of use, occupancy and operation:

- A. **Smoke.** It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to an opacity greater than twenty percent (20%), such measurement being taken as the average over a period of six minutes, as measured by the U.S. EPA method #9.
- B. **Dust, Dirt and Fly Ash.** No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

Method of Measurement: For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector or Official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

- 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, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

E. **Noise.** No operation or activity shall cause or create noise that becomes a nuisance to adjacent uses and/or that exceeds the sound levels prescribed below, using an A weighted decibel scale, dB(A), when measured at the lot line of any adjoining use, based upon the following maximum allowable levels for each use district (See Table 6-1):

Table 6-1: Noise Limits

Zoning of Adjacent Land Use	Maximum Allowable Noise Level (measured in dBA)	
	6 am – 9 pm	9 pm – 6 am
AG, R-1, RM-1, MH	70	55
B	70	65
I	80	70

F. **Odors.** Odorous matter released from any commercial or industrial use or district shall not exceed the odor threshold concentration beyond the property lines when measured either at ground level or habitable elevation.

G. **Wastes.** No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point; wastes are discharged into the public sewer.

1. Acidity or alkalinity shall be neutralized within an average PH range of between 5- 1/2 to 7-1/2 as a daily average on the volumetric basis, with a temporary variation of PH 4,50 to 10.0.
2. Wastes shall have no cyanides. Wastes shall contain no chlorinate solvents in excess of 1 p.p.m.; no fluorides shall be in excess of 10 p.p.m.; and shall contain no more than 5 p.p.m. of hydrogen sulfide and shall contain not more than 10 of sulfur dioxide and nitrates; and shall contain not more than 25 p.p.m. of chromates.
3. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 500 p.p.m., or fail to pass a number eight standard sieve or have a dimension greater than inch.
4. Wastes shall not have chlorine demand greater than 15 p.p.m.
5. Wastes shall not contain phenols in excess of .05 p.p.m. F. Wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.



H. Waste and Rubbish Dumping. No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates, or other offensive or obnoxious matter shall be piled, placed, stored, or dumped on any land within the Township until the operator has obtained a landfill permit from the Michigan Department of Natural Resources (MDNR) and Township Board approval pursuant to Section 4.70.C, of this Ordinance. All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of same at least once each month in accordance with State Law and Township Ordinance. Nothing contained herein shall prevent the use of fertilizers, manures, and similar materials for the improvement of land used for agricultural purposes in accordance with the Generally Accepted Agricultural and Management Practices (GAAMP) for manure management published as part of the Michigan Right to Farm Act P.A. 93 of 1981.

Section 6.10 Open Storage

- A. The open storage of any industrial or commercial equipment, vehicles, and all materials, including waste, except new vehicles for sale and/or display, shall be screened from public view, from a public street and from adjoining properties by a privacy wall or fence not less than the height of the equipment, vehicles, or materials to be stored.
- B. Whenever such open storage is adjacent to any residential zoned (R-1 One-Family Residential, RM-1 Multiple-Family Residential, or MH Mobile Home Park Districts), residential use or road right-of-way, the required privacy wall or fence shall be at least six (6) feet in height. The Planning Commission may require additional screening consistent with requirements in Section 8.30 Required Screening Between Districts.
- C. Open storage of equipment, vehicles and/or materials are only permitted in the non-required side and rear yards.



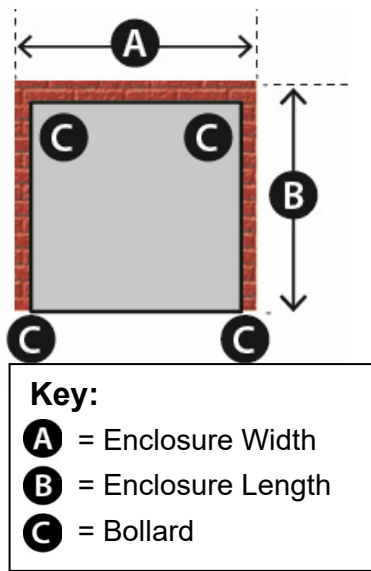
Section 6.20 Dumpster Enclosure

- A. All non-single family dwelling units must identify their method of waste removal. All areas used for the storage of trash and other waste products shall be completely screened from view. Where appropriate curb pick up bins may be used to satisfy this requirement depending on the operation.
- B. Enclosure shall be constructed of a completely obscuring material such as treated wood, PNV, masonry, or other equivalent material. Plain CMU block shall not be allowed nor a chain link fence with slats.



- C. Dumpster enclosures shall be at least six (6) feet but not more than eight (8) feet high and shall obscure all waste and/or containers within. A privacy wood gate on a steel frame shall be installed which forms a complete visual barrier the same height as that of the other three (3) sides. A chain link fence with slats is not an acceptable equivalent.
- D. Enclosures may be located in the side or rear yard.
- E. All enclosures shall have four (4) six (6) inch concrete-filled steel bollards to protect the rear wall enclosure and gates from damage by collection vehicles. (See Figure 6-1)

Figure 6-1: Dumpster Enclosure



Section 6.30 Building Appearance

- A. For properties zoned B Business and I Industrial Districts, the front façade of the building shall have a required minimum of twenty-five percent (25%) of improved exterior building material.
- B. Improved exterior building material is considered high quality, durable, and low maintenance. Materials with these qualities include masonry, stone, brick, hardy board, steel, textured or colored split face block, or glass. The Planning Commission can determine if other materials are considered sufficient.
- C. For existing nonconforming buildings that do not meet this requirement, compliance is only required when the building exterior is being changed by over fifty percent (50%). When a building addition is proposed of a nonconforming building only the addition area is required to be in compliance.

Section 6.40 Access Management

- A. **Intent.** The intent of this Section is to establish minimum regulations to promote safe and efficient access to property. Standards for shared access, driveway spacing, parking lot cross access and service roads are established for evaluation during the site plan review process. The provisions of this Section are intended to promote safe and efficient travel within the township to achieve the following objectives:
 1. Minimize disruptive and potentially hazardous traffic conflicts;
 2. Separate traffic conflict areas by reducing the number of driveways;
 3. Provide efficient spacing standards between driveways, and between driveways and intersections;
 4. Provide for shared access between abutting properties;

5. Implement recommendations of the Master Plan;
6. Protect the substantial public investment in the street system;
7. Ensure reasonable access to properties, though not always the most direct access;
8. Provide for coordinated access decisions with the Michigan Department of Transportation (MDOT) and the Lapeer County Road Commission (LCRC), as applicable.

B. **Applicability.** The standards of this Section apply to site plans and plat applications along road rights-of-way which are under the jurisdiction of the Lapeer County Road Commission (LCRC), or the Michigan Department of Transportation (MDOT). The standards herein shall be applied in addition to, and may be more restrictive than the standards of, the LCRC and MDOT, which have jurisdiction within the right-of-way. Construction within the public right-of-way under the jurisdiction of Lapeer County must also meet the permit requirements of the County. Where any conflicts arise, the more stringent standard shall apply.

C. Definitions

1. **Access:** A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from the public road system or between abutting sites.
2. **Acceleration Lane:** A speed changing lane, including taper, for the purpose of enabling a vehicle entering the roadway to increase its speed to a rate at which it can safely merge with through traffic.
3. **Commercial Driveway:** For the purposes of this Section, a commercial driveway is defined as any vehicular access except those serving one (1) or two (2) dwelling units or serving just an essential public service structure.
4. **Connected Parking Lot:** Two (2) or more parking lots that are connected by cross access.
5. **Deceleration Lane:** A speed-change lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.
6. **Driveway Spacing:** The distance between driveways is measured from the centerline of one driveway to the centerline of the second driveway along the same side of the street or road.
7. **Limited Access Driveway:** For the purposes of this Section, a limited access driveway is defined as any vehicular access where turning



movements are restricted to right turn in and out only. Left turns are prohibited.

8. **Offset:** The distance between the centerline of the subject driveway and the centerline of driveways on the opposite side of the street.
9. **Service Drive:** A local street or service roadway located in the front, rear, or perpendicular to principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.
10. **Shared Commercial Driveway:** A driveway connecting two or more contiguous properties to the public road system.
11. **Temporary Access:** Provision of direct access to a road until that time when adjacent properties develop in accordance with a joint access agreement, service road, or other shared access arrangement.

D. Application Review, Approval and Coordination Process

1. Applications for driveway or access approval shall be submitted as an element of an application for site plan or plat approval. The application form as well as the proposed plans shall be forwarded to the applicable road authority prior to the Planning Commission meeting. The Planning Commission shall not take action on a request for a new road, driveway, shared access or a service drive that connects to a public road without first consulting the applicable road agency.
2. The following techniques are strongly encouraged when designing access:
 3. Not more than one (1) driveway access per abutting road.
 4. Shared driveways.
 5. Service Drives, front, rear and perpendicular.
 6. Parking lot connections with adjacent property.
 7. Other appropriate designs to limit access points on an arterial or collector.
8. The Planning Commission shall review and recommend approval or denial to the Township Board or request additional information in accordance with the provisions of Section 12.05 Site Plan Review of the Imlay Township Zoning Ordinance. The Township Board's recommendation shall be forwarded to the applicable road agency responsible for issuing permits.



E. General Requirements for Driveway Location and Spacing

1. Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
2. Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Lapeer County Road Commission or the Michigan Department of Transportation and upon written certification from the adjacent property owner agreeing to such encroachment.

F. **Standards For the Number of Commercial Driveways.** The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles while preserving traffic operations and safety along the public roadway. Additional driveways may be permitted for property only under one of the following:

1. One (1) additional driveway may be allowed for properties with a continuous frontage of over three hundred (300) feet, and one (1) additional driveway for each additional three hundred (300) feet of frontage, if the Township Board determines there are no other reasonable access opportunities.
2. The Township Board may determine additional access is justified without compromising traffic operations along the public street, based upon Section 6.70 Traffic Impact Statement.
3. Two (2) one-way driveways may be permitted where the frontage is at least one-hundred twenty-five (125) feet.

G. Driveway Spacing Standards

1. Minimum spacing between two (2) commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing standards in Table 6-2 are measured from centerline to centerline. For sites with insufficient street frontage to meet the above requirements the Township Board may require a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road as described in Section 6.40.1 below.

Table 6-2 Driveway Spacing

Posted Speed Limit (MPH)	Minimum Driveway Spacing (Feet)
25	125
30	155
35	185
40	225
45	300
50+	330



2. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of two-hundred-fifty (250) feet along arterial streets and one hundred and fifty (150) feet along collector and local streets from those on the opposite side of the roadway. These standards may be reduced by the Township Board if approved by the applicable road agency. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.
3. Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be recommended on a case-by-case basis by the Planning Commission to the Township Board during site plan review. In no instance shall the spacing be less than the distances listed in Table 6-3. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

Table 6-3 Minimum Commercial Driveway Spacing from Street Intersections

Location of Driveway	Minimum Spacing for a Full Movement Driveway (feet)	Minimum Spacing for a Channelized Driveway Restricting Left Turns (feet)
Along County Primary Road or from Expressway Ramps	300	300
Along County Primary Road intersecting from another County Primary Road	250	125
Along County Primary Road intersecting a County Local Road	200	125
Along a County Local Road	125	75
Along a County Local Road or Existing Private Road	75	50
<p>County Primary Roads and County Local Roads are classified by the Lapeer County Road Commission. For sites with insufficient street frontage to meet the above requirements the Township Board may require a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road as described in Section 6.40.I.</p>		



H. Commercial Driveway Design

1. All commercial driveways shall be designed according to the standards of the Lapeer County Road Commission or Michigan Department of Transportation, as appropriate.
2. For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Township Board may require two (2) egress lanes.
3. Where a boulevard entrance is desired by the applicant or recommended by the Planning Commission to the Township Board, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one-hundred-eighty (180) square feet. The Township Board may require landscaping on the section outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions. Direct alignment of boulevard entrances is discouraged and may require the installation of left-turn pockets, unless indirect left turns are provided.

I. **Shared Driveways and Service Drives.** A shared commercial driveway, frontage road or rear service drive connecting two or more properties or uses may be required where the Planning Commission makes a recommendation to the Township Board that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access. Shared driveways, service drives or other connection between uses may be required in the following cases:

1. Where the driveway spacing standards of this section cannot be met.
2. Where recommended in the Master Plan.
3. Where the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
4. Along major arterial roadways with high traffic volumes or along segments experiencing a relatively high number of accidents.
5. Where the property frontage has limited sight distance.

J. Service Road Design Standards

1. **Location.** Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.



2. **Access Easement.** The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be sixty-six (66) feet wide, except an access easement parallel to a public street right-of-way may be forty (40) feet wide, if recommended by the Planning Commission and approved by the Township Board. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission.
3. **Construction and Materials.** Service roads shall have a base, pavement and curb with gutter in accordance with the Lapeer County Road Commission standards for public streets, except the width of the service road shall have a minimum pavement width of twenty-six (26) feet measured from curb face-to-face.
4. **Parking.** The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The Planning Commission may recommend that the Township Board require the posting of "no parking" signs along the service road. In reviewing the site plan, the Planning Commission may recommend that the Township Board permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road. Temporary parking spaces permitted within the service drive shall be in excess of the minimum required under Section 7.30 Required Number of Spaces. (The Planning Commission may recommend that the Township Board require the addition of eight (8) foot-wide parallel parking lanes on one or both sides of a service road where the Planning Commission determines the parallel parking an integral component of the development design).
5. **Access to Service Road.** The Planning Commission shall recommend approval of the location of all access to the service road, based on the driveway spacing standards of this Section. The Planning Commission may recommend approval of additional driveways to the Township Board if approved by the Lapeer County Road Commission or the Michigan Department of Transportation (MDOT), and consistent with purpose of this Section.
6. **Temporary Access.** The Planning Commission may recommend Township Board approval of temporary accesses where a continuous service road is not yet available, and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued. Occupancy permits shall not be issued until performance guarantees have been deposited with Imlay Township.
7. **Elevation.** The site plan shall indicate the proposed elevation of the service/frontage road at the property line and the Building Department



shall maintain a record of all service road elevations so that their grades can be coordinated.

8. **Landscaping.** The area between a service road and the public street right-of-way shall include a landscaped greenbelt as specified in Section 8.40 Right of Way Landscaping.

6. **Maintenance.** Each property owner shall be responsible for maintenance of the easement and service drive. Shared commercial driveways and service roads shall be within an access easement recorded with the Lapeer County Register of Deeds.



K. **Waivers and Modifications.** During site plan review the Township Board shall have the authority to modify the standards of this Section upon consideration of the following:

1. The standards of this section would prevent access to the site.
2. Access via a shared driveway or service road is not possible due to the presence of existing buildings or topographic conditions.
3. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to completion or occupancy of the building.
4. The use involves redesigning an existing development or a new use which will generate less traffic than the previous use.
5. The proposed location and design are supported by the applicable road agency as an acceptable design under the conditions. The Planning Commission may also request the applicant to provide a traffic impact study and review fee in accordance with Section 6.70 Traffic Impact Statement to support the requested access design.
6. The modification shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than sixty (60) feet, measured from centerline to centerline.

Section 6.50 Exterior Lighting

The following conditions apply to outdoor lighting for all non-single-family homes:

- A. Light levels shall meet the minimum need for safety, security and illumination of a specific use, as determined by the Planning Commission or the Building Inspector/Zoning Administrator.
- B. Exterior lighting is required to be on during hours of operation of the business.
- C. Exterior lights shall be downward facing and shielded.
- D. **Photometric Intensity.** All exterior lighting shall meet the following requirements:



1. Exterior lighting shall have an average one (1) footcandle within the parking lot area.
 2. Exterior lighting shall have a zero (0) footcandle at any residential use or residentially zoned property line.
 3. Exterior lighting may have up to one (1) footcandle at all non-residential uses or zoning district property line.
 4. Exterior lighting may have up to one (1) foot candle at the right-of-way. All lighting shall be directed away from the right-of-way.
- E. An exterior lighting fixture is required to be located near all exterior doors as required by the Township Building Inspector.
- F. Artificial light shall be maintained stationery and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent types of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view.
- G. Maximum permitted fixture height:
1. Parking lot luminaires shall not exceed twenty (20) feet when located in the interior and sixteen (16) feet when located around the perimeter of the parking area.
 2. Building mounted light fixtures shall not exceed the roof line.

Section 6.60 Outdoor Speaker(s)

When outdoor or exterior loudspeakers are proposed the following regulation shall apply:

- A. Loudspeaker or public address system information regarding location, maximum sound levels, narrative of when these would be used, and hours of operation. As part of the review, strictions may be applied to ensure compatibility with surrounding neighboring properties.
- B. The use of exterior loudspeakers is prohibited on the same side as an abuts a residential district or use.
- C. Maximum sound levels shall meet the requirements in Section 6.00 Performance Standards.

Section 6.70 Community Impact Statements

- A. **Intent.** The community impact statement (CIS) is intended to provide a format for applicants to document the anticipated impacts of intensive development projects. Intensive land use often has significant impacts on public services, the surrounding neighborhood, and the natural environment that must be understood in order for the Township to have a complete understanding of the development proposal.



- B. A CIS is required when a cluster open space development and rezoning request over five (5) acres that are not consistent with the master plan. The Planning Commission shall have the discretion during their review to waive a CIS or require a CIS.
- C. **Content.** A complete CIS shall address all of the components below in a concise manner that accurately portrays the proposed land use. The CIS is to be prepared by the applicant and submitted to the approving body for review. The approving body can also require partial reports for a Traffic Impact Statement and Environment Impact Assessment.
1. **Prepared Information.** Provide the names, phone numbers, addresses, and relevant credentials of those preparing for the CIS.
 2. General.
 - a. Brief description of the land use proposed. Include hours of operation (if applicable) and phases of the project.
 - b. Is the land use proposed consistent with the Master Plan and Zoning Ordinance?
 3. Brief description of surrounding land uses and impacts on adjacent uses (noise, smoke, dust, etc.).
 4. **Mapping.** Provide a current aerial photograph of the site and surrounding properties within one thousand- five hundred (1,500) feet of the site. Include an overlay showing the proposed development area and existing residential dwellings within one thousand five hundred (1,500) feet of the site.
 5. Community Facilities and Services.
 - a. Estimated demand on police services.
 - b. Estimated demand for fire services. Include special equipment requirements.
 - c. Estimated demand septic field or groundwater supply. If proposed, description of public utilities needed.
 - d. Estimated number and axle loading of truck trips daily over proposed route through Township. List any anticipated upgrade needed to handle proposed traffic, special loads, and the like.
 - e. Describe any other significant impacts or needs related to community facilities and services.
 6. **Traffic.** Content shall contain the information required in Section 6.70 Traffic Impact Statement.



7. **Environment.** Content shall contain the information required in Section 6.80 Environment Impact Assessment.
8. **Other.** Provide any other information necessary to assess the impact of the proposed project on the surrounding community. The Township may request additional data based upon the characteristics of the development proposed.

Section 6.80 Traffic Impact Statement

- A. When necessary, the approving body may require a Traffic Impact Study in lieu of a full or in addition to a Community Impact Statement (CIS). The traffic impact analysis should be prepared by a planner (AICP) or engineer (PE) with experience in traffic impact analysis.
- B. **Contents.** A complete Traffic Impact Study shall address all of the components below in a concise manner that accurately portrays the proposed land use. A minimum of the following information shall be provided:
 1. Brief description of the land use proposed. Include hours of operation (if applicable), estimated number of employees, and number of working shifts with anticipated start and end times.
 2. Brief description of surrounding land uses including an aerial map.
 3. Application status with the Lapeer County Road Commission and tentative timeline for the review process.
 4. Describe the proposed traffic impacts of the development, including the number of trips per day that will be generated.
 5. Describe the anticipated impact of this additional traffic at the proposed development intersection(s) with public road(s).
 6. Provide road capacity analyses at critical intersections (as determined by the Township) using the methodologies in the Highway Capacity Manual.

Section 6.90 Environment Impact Assessment

- A. When necessary, the approving body may require an Environmental Impact Assessment in lieu of a full or in addition to a CIS.
- B. **Content.** The following items must be addressed as well as any other characteristics unique to the site or area. The following series of questions should be solved:
 1. Brief description of the land use proposed. Include hours of operation (if applicable), estimated number of employees, and number of working shifts with anticipated start and end times.
 2. Brief description of surrounding land uses including an aerial map.



3. Describe the area and type of natural features on site including streams, rivers, bodies of water, wetlands, woodlands, and the like.
4. Describe how these features will be impacted by the proposed development (e.g., loss of wetlands, potential pollution of water bodies, and any other similar impacts).
5. Describe whether the proposed use will include the manufacture, use, or storage of any hazardous materials. If so, describe the types and quantities, storage areas, and product containment measures. Also provide a spill response plan.
6. Provide a complete description of the types and quantities of pollutants that are expected to be emitted into the air as a result of this proposal and describe how state and federal air quality standards will be met. Dust particulates should also be included as well as a dust control plan.
7. Describe the impact the proposed development will have on groundwater quality and quantity. Describe necessary mitigation measures.
8. Impact on the natural environment
 - a. Inventory and describe the existing vegetation and wildlife found on the site. To what extent will they be permanently impaired or eliminated as a result of the proposed operations?
 - b. Will the proposed operations alter the existing drainage patterns of the area surrounding the site?
 - c. What effect will the operation have on the quantity and quality of groundwater in the area? What steps will be taken to protect wells on adjacent or surrounding property?
 - d. How will the proposed operations affect air quality in the surrounding area, particularly regarding dust, blowing sand, vehicle emissions and the like?
 - e. What noise levels will result from the proposed operations, and what steps will be taken to limit noise to an acceptable level?
 - f. What natural features, such as unique topography, mature trees, natural streams, marshlands, swamps, and the like, will be destroyed by the proposed operations?
 - g. How will the proposed operations affect soil stability in the area?
 - h. Are there potential historic or archaeological characteristics that may be destroyed?
 - i. Identify floodplains and the 100-year flood elevation.



9. Impact on the social environment

- a. How will the proposed operation affect the physical and cultural attractiveness of the surrounding area?
- b. What impact will the proposal have on landmarks and aesthetic views in the area?
- c. How will the applicant prevent the proposed operations from creating a nuisance for residents in the area?
- d. What impact will the proposal have on neighborhood character and privacy in the area?
- e. How will the operation affect property values and the quality of housing in the adjoining areas?

10. Economic impact

- a. Will the proposal increase employment in the Township or the County?
- b. How does the petitioner's past performance indicate financial stability and ensure completion of the proposed project?
- c. Will the proposed operations impair the economic growth of any existing land uses?
- d. Describe whether or not the proposed operations will impair the usefulness or marketability of adjoining properties and what the applicant intends to do that will maintain the area's values.

11. Public service impact

- a. What additional public services, such as police and fire protection, will be required as a result of this proposal?
- b. What impact will the proposal have on local tax revenues?
- c. Will the proposal significantly increase traffic congestion in the area?
- d. What effect will the truck traffic have on road conditions over the proposal haul route?
- e. Will the proposal haul route impact any other municipalities other than Imlay Township?



Article 7 Parking & Loading

Section 7.00 Purpose

The intent of this Article is to ensure adequate off-street parking is provided on site for allowed uses and promote safe vehicle and pedestrian maneuverability. The requirements in this Article ensure off-site impact to neighboring uses such as but not limited to dust, glare, over parking, and safety are limited. In addition, this Article ensures adequate and safe maneuverability of loading and unloading of material related to uses on site.

Section 7.10 Applicability/ Nonconformity

In all districts, a property or building which undergoes a change of use, an addition, or an increase in square footage, which requires additional parking lot area, shall provide off-street parking according to the standards of this Ordinance. Compliance with the current parking lot requirements shall only apply to the new parking lot areas created. In the situation where the full parking lot is being redesigned or resurface due to maintain shall not require conformance with the current parking lot requirements. 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.

Section 7.20 General Requirements

- A. **Off-Site Parking.** Off-street parking 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. The off-street parking located off-site shall not require the crossing of a roadway unless proper pedestrian crossing is provided within the three hundred (300) foot distance. Ownership and/or binding agreement shall be provided for the Township of all involved lots or parcels intended for parking by the applicant.
- B. **Seating.** As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24) inches of bench or other seating facilities.
- C. In the R-1 One-Family Residential District, residential off-street parking spaces shall consist of an improved asphalt, concrete, gravel or crushed limestone parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unimproved areas. A landscape strip or lawn area a minimum of five (5) feet in width shall be required between the edge of improved parking areas / driveways and all property lines to provide adequate room for drainage, snow storage and privacy.



- D. **Collective Parking.** The required off-street parking spaces for two (2) or more buildings or uses may be provided collectively by a group of off-street parking spaces. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, the Planning Commission may reduce the total number of spaces if they determine that the operating hours of the buildings or uses do not overlap to impact on-site parking demands.
- E. The storage of merchandise, product for sale, loading spaces, and the repair of vehicles is prohibited in any required parking area.
- F. 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.
- G. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction below one half (0.5) shall be rounded down while all fractions of one half (0.5) and up shall be rounded up to one parking space.

Section 7.30 Required Number of Spaces

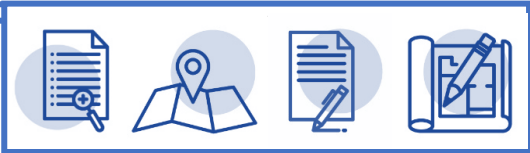
- A. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. For the purpose of computing the number of parking spaces required, the definition of gross floor area shall be used. Activity area shall be defined as areas activity used by member of the general public. (See Table 7-1)

Table 7-1: Required Number of Parking Spaces

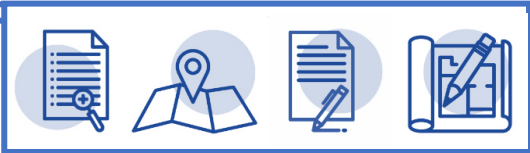
Uses	Requirement
Agricultural	
Agricultural Business	1 space per 500 sqft of GFA and 1 space per employee
Agricultural Equipment Sales & Service Dealer	1 space per 500 sqft of GFA and 1 space per employee
Agricultural Processing Facilities	1 space per employee, plus 2 spaces
Agricultural Tourism	1 space per 500 sqft of indoor activity area and 1 space per 1,000 sqft of outdoor activity area
Farm and Agriculture	0 spaces
Intensive Livestock Operations	0 spaces
Keeping of Animals	0 spaces



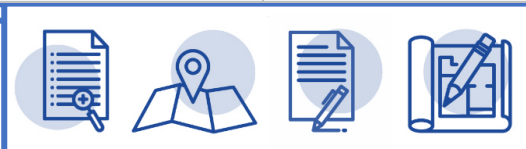
Uses	Requirement
Micro-Brewery	1 space per 4 persons up to capacity of the building and 1 space per employee
Micro Distillery	1 space per 4 persons up to capacity of the building and 1 space per employee
Micro-Winery	1 space per 4 persons up to capacity of the building and 1 space per employee
Riding Academies and Commercial Stables	0 spaces
Roadside Stand/ Farm Market	1 space per 200 GFA
Renewable Energy Facilities	
Battery Energy Storage Facility (BESS)	1 space per employees on the largest working shift plus 2 spaces
Commercial Solar Facility	2 spaces
Onsite Solar Energy	0 space
Onsite Private Wind Energy	0 space
Residential	
Single Family Dwelling Unit	2 spaces
Elderly Housing Facilities	1 space for each 4 beds, plus 1 space for every 2 staff members
Care Homes	1 space per employee on the largest working shift and 2 waiting spaces
Home Occupation	2 spaces or As determined by PC
Multiple Family Dwelling Unit	1 space per dwelling unit
State-licensed Residential Facilities	1 space per dwelling unit
Summer Labor Housing	1 space per 2 dwelling units
Institutional	
Airports	1 space for each private aircraft stored at the facility, plus 1 space for each employee. Additional parking may be required for the



Uses	Requirement
	facility, which provides regular air passenger service.
Cemetery	5 spaces
Cremation Facilities	1 space per 4 persons up to capacity for public viewing areas and 1 per employee on the largest working shift
Child Day Care Center	1 space for every 10 children cared for, plus 1 space for each employee
Churches and other places of worship	1 space per 4 persons up to capacity in the largest gathering area
Government Offices	1 space per 300 sqft GFA
Hospital	1 space per 4 beds, plus 1 space for each employee on the largest working shift
Library	1 space per 500 sqft GFA
Educational Institutions	1 space for each employee on the largest working shift and 1 space per 10 students
Utility and Public Services Facility	1 space for each employee on the largest working shift
Waste Lagoon Ponds	0 space
Private Water Supply	0 space
Recreational	
Commercial Outdoor Recreational Space	1 space for every 1,000 sqft of outdoor activity area and 1 employee on the largest working shift
Golf Course or Similar Use	4 space per course and 1 per employee on the largest working shift
Indoor Entertainment	1 space per 300 sqft of GFA
Private or Public Campground, Recreational Vehicle Park, etc.	1 space per site or 1 space for every 5 users at maximum occupancy in community buildings (if provided)
Public Park	20 spaces
Race Tracks for Animals, Vehicles, or Similar Use	1 space per employee on the largest working shift and 1 space per 4 persons up to seating capacity of public viewing arena



Uses	Requirement
Commercial	
Adult Entertainment	1 space per 4 persons up to capacity of the building
Animal Boarding Facility	1 space for each 5 animals that can be boarded.
Artist's Studio or Workshop	1 space per individual workstation
Bank and Other Financial Institution	1 space per 500 sqft GFA
Banquet Hall Facility	1 space per 4 persons up to capacity of the building
Dry Cleaning Facility	1 space per 2 public washing machines and 4 spaces
Food and Drink Establishments	1 space per 100 sqft GFA
Food Trucks	3 spaces
Funeral Home	1 space per 4 persons up to capacity for public viewing areas and 1 per employee on the largest working shift
Gas Station	1 space per 300 sqft GFA
Landscapers, landscape Services or Similar Home Based Business	1 space per employee on the largest working shift
Medical Office	1 space per exam room and 1 space per employees on the largest working shift
Office and Showroom of Plumber, Electrician, or Similar Trades	1 space per employee on the largest working shift, plus 3 spaces
Outdoor Sales and Display (Accessory)	1 space per 500 sqft GFA OR 0 Spaces
Outdoor Storage (Accessory)	1 space per 500 sqft GFA or 0 Spaces
Personal Service Establishment	1 space per 200 sqft GFA or 1 space per customer station and 1 space per largest working shift whichever is lower
Private Club or Lodge Hall	1 space per 4 persons up to capacity for public viewing areas and 1 per employee on the largest working shift



Uses	Requirement
Professional Office	1 space per 300 sqft GFA
Retail Establishment	1 space per 400 sqft GFA
Short Term Rentals	1 space per 4 persons to max occupancy
Tourist Facility, Hotel, Motel, or Similar Use	1 space per rental unit
Vehicle Major or Minor Repair	2 spaces per service bay
Vehicle Sales and Showroom	1 space per 300 sqft GFA
Vehicle Washing Facility (Auto or Manual)	1 space per employee on the largest working shift, plus 2 spaces
Veterinary Offices	1 space per exam room and 1 space per employee on the largest working shift
Industrial	
Asphalt or Concrete Plants	1 space per employee on the largest shift
Data Centers	2 spaces, plus 1 space per employee on the largest shift
Freight Terminal	1 space per employee on the largest shift
Heating and Electrical Power Generating Plants and Accessory Uses	1 space per employee on the largest shift
Incinerator	1 space per employee on the largest shift
Junk or Salvage Yard	2 spaces
Lumber and Planing Mills	1 space per employee on the largest shift
Manufacturing and metal plating Facilities	5 spaces, plus 1 space per employee on the largest shift
Mining Facility	1 space per employee on the largest shift
Mini-Warehouse Facility	4 spaces
Railroad Transfer, Storage, and Accessory Uses	1 space per employee on the largest shift
Storage Facilities for Building Material, Sand, Gravel, Contractor's Equipment or Supplies	1 space per employee on the largest shift
Tractor and Trucking Facility with Storage and Repair	1 space per employee on the largest shift



Uses	Requirement
Warehousing	1 space per employee on the largest shift
Yard Waste Composting Facility	1 space for every employee on the largest working shift. A minimum of 4 spaces shall be provided onsite.
Misc.	
Temporary Uses	The most equivalent use.
Wireless Communication Tower	1 space

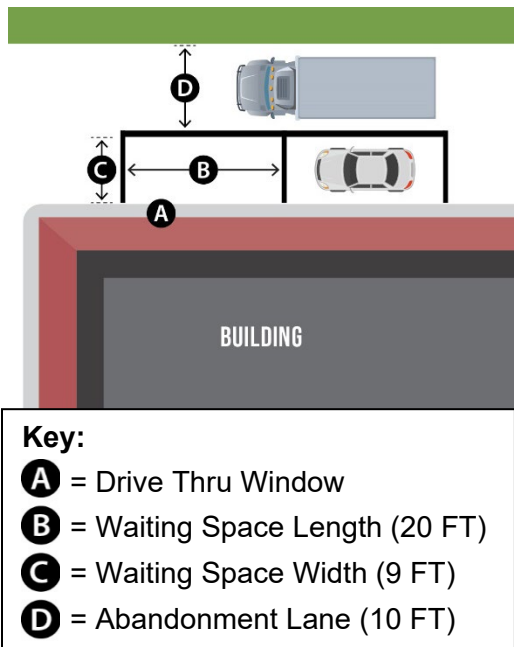
- B. The Planning Commission may waive any required parking spaces up to twenty-five percent (25%) of the total required parking spaces. The Planning Commission shall only provide this waiver, if the applicant provides information indicating if the waiver is granted it will not result in off-site demand for additional parking.

Figure 7-1: Waiting Space

Section 7.40 Off-Street Waiting

Any lane, route, or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods, or services without the driver leaving the vehicle (referred to as a drive-through lane) shall comply with the following requirements:

- Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to and egress from internal maneuvering lanes.
- An abandonment lane for the drive-thru area must be provided at a minimum of ten (10) feet in width. (See Figure 7-1)
- Drive-through lanes shall not utilize any space that is necessary for adequate access to parking spaces from internal maneuvering lanes.
- Drive-through lanes shall be striped, marked, or otherwise distinctly delineated.
- Each stacking space in the drive-through lane shall be nine (9) feet wide by twenty (20) feet long. (See Figure 7-1)



F. The starting point for counting waiting spaces shall start at the window or point of entry. If the operation allows vehicles to enter the building these cannot count as waiting spaces. Drive-through lanes shall have a minimum stacking space in accordance with the following standards: (See Table 7-2)

Table 7-2: Number of Stacking Parking Spaces

Use Served by Drive-Through Lane	Minimum Stacking Requirements (per Lane)
Drive thru	8 vehicles inclusive of the vehicle at the window
Financial institution	4 vehicles inclusive of the vehicle at the window
Automobile car wash that is fixed location / automatic	2 times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20
Self-service automobile car wash establishments	4 spaces in advance of each washing stall
Convenience market and pharmacy	3 vehicles inclusive of the vehicle in the window
Oil change facility	4 vehicles inclusive of the vehicle in the bay
Other uses	For use not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Township Planner or Township Traffic Engineering consultant



Section 7.50 Parking Lot Setbacks

- A. All parking lots shall meet the following setback requirements per zoning district in Table 7-3. (Figure 7-2).
- B. When a non-residential zoning district (AG, B, and I) is abutting a residential zoning district (R-1, MF-1, and MH) the parking lot setback requirement is doubled for the side or rear setback requirements.
- C. In non-residential zoning districts, a cross-access maneuvering lane may be located within the required parking lot setback area to allow a cross connection between properties.

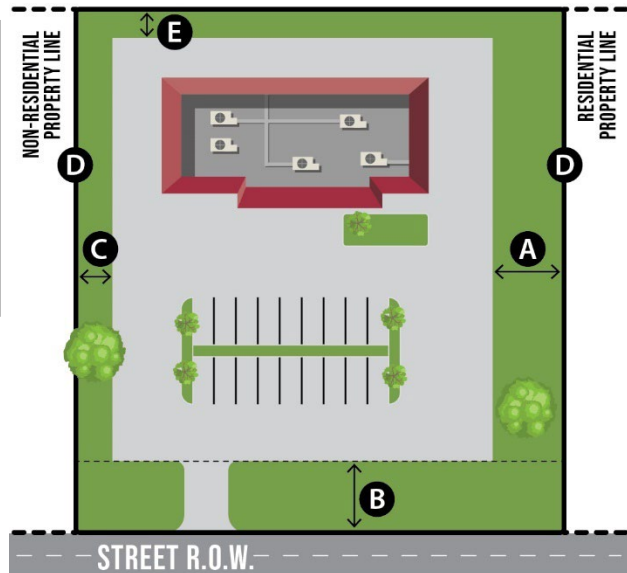
Table 7-3: Parking Lot Setback

Districts	Parking Lot Setbacks		
	Front	Side	Rear
AG	25 FT	15 FT	15 FT
R-1	25 FT	15 FT	15 FT
MF-1	25 FT	15 FT	15 FT
MH	25 FT	15 FT	15 FT
B	25 FT	15 FT	20 FT
I	25 FT	20 FT </td <td>30 FT</td>	30 FT

Key:

- A** = Residential Side Yard Setback
- B** = Front Yard Parking Lot Setback
- C** = Non-Residential Side Yard Setback
- D** = Property Line
- E** = Rear Yard Setback

Figure 7-2: Parking Lot Setback



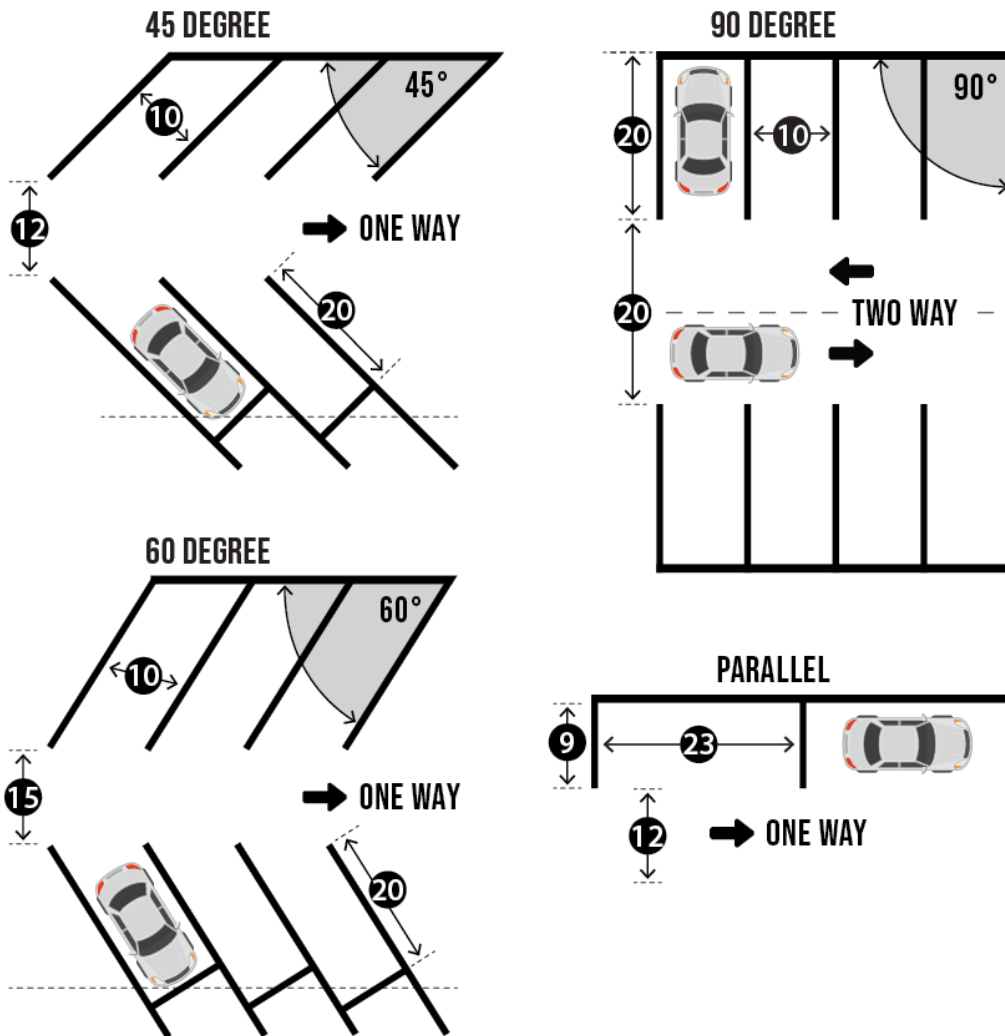
Section 7.60 Parking Lot Design Requirements

- A. No parking lot shall be constructed until a permit has been issued by the Township.
- B. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements (See Table 7-4 & Figure 7-3):

Table 7-4: Parking Lot Dimensions

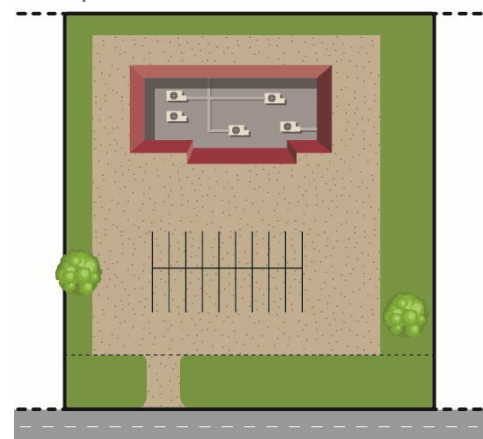
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° Parallel parking	12 ft	9 ft	23 ft
45°	12 ft	10 ft	20 ft
60°	15 ft	10 ft	20 ft
90°	20 ft	10 ft	20 ft

Figure 7-3: Parking Lot Diagram



1. If a sidewalk of seven (7) feet in width is provided or there is a ten (10) foot greenbelt area adjacent to the parking space, the total parking space length may be reduced by two (2) feet.
 2. A sidewalk area in front of main entrance to the building shall be provided between the building and parking lot area. This sidewalk shall be a minimum of five (5) feet.
 3. A barrier between the building sidewalk area and parking lot should be provided. Appropriate barriers include bumper blocks, decorative fencing, raised sidewalks, etc.
- C. All spaces shall be provided with 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 R-1 One-Family Residential District.
- E. All maneuvering lane widths shall permit one way traffic movement, except that the ninety (90) degree pattern may permit two-way movement.
- F. Each entrance to and exit from any off-street parking lot located in an area zoned for other than R-1 shall be at least twenty-five (25) feet distant from any adjacent property located in any R-1 district.
- G. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic, concrete surfacing, or other impervious surface material, except as otherwise noted. All parking spaces shall have individual painted strips.
1. In the AG Agricultural zoning district, parking lot areas to be a different surface material consistent with the requirements in subsection H. (See Figure 7-4)

Figure 7-47-57-6: AG Gravel Parking Lot Concept

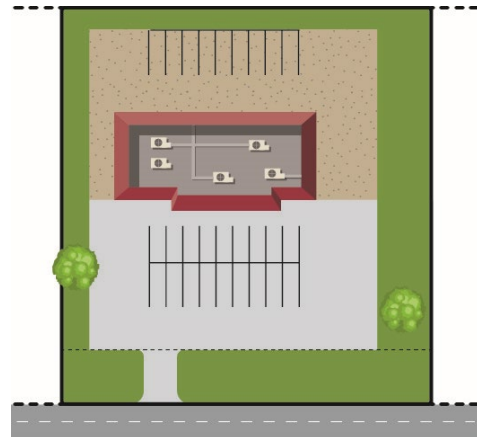


2. In the B Business and I Industrial zoning districts, may allow storage areas, staging areas, loading spaces, or heavy equipment maneuvering areas to be a difference of surface material that are consistent with the requirements in subsection H. (See Figure 7-7)

a. All gravel areas are only permitted in the side or rear yard.

3. At least twenty-five (25%) of the required parking lot, adjacent maneuvering lane area, and entrance driveway must be an improved paved surface.

Figure 7-77-87-9: B & I Gravel Parking Lot Concept



H. **Gravel Parking Lot Areas.** When allowed gravel parking lot areas must meet the following requirements:

1. Parking surface material for gravel parking lots shall be appropriate gravel, crushed or compacted asphalt, limestone surface, MDOT AA 21 or equivalent material. The surface shall be maintained dust-free at all times.

2. Shall meet all other parking lot requirements regarding spacing dimensions, parking lot setbacks, and screening requirements.

3. Gravel parking lots will require features to identify individual parking spaces such as railroad ties, bumper blocks, stripping, or other methods approved by the Planning Commission.

4. The Planning Commission may require additional landscaping or screening for all parking areas viewable by a neighboring residential properties and residential zoning districts in addition to the regulation in Article 8 Landscaping. The Planning Commission may modify the parking lot screening requirement based on the following standard:

a. The proposed parking lot screening has adjacent properties that are the same nonresidential or residential zoning districts.

5. The proposed parking lot buffering is consistent with the existing corridor character.

I. Off-street parking areas shall be drained to dispose of all surface water accumulated in the parking area in such a way as to prevent drainage from traveling onto adjacent property or toward buildings.



- J. Parking lot design encourages the use of connected islands with combination of spill ways into bio-swales or gardens for stormwater management.
- K. **Parking Lot Maintenance.** All parking lot areas for non-single family homes shall maintain individual parking space identification consistent with the standards of the surface material, free of debris, potholes/depression (two (2) inches average over one square foot area), no standing water three (3) days after a significant rain or snow event, and all surfacing, curbing, lighting fixtures, signage or other related features within the parking lot shall be maintained in good condition.

Section 7.70 Parking for the Physically Handicap

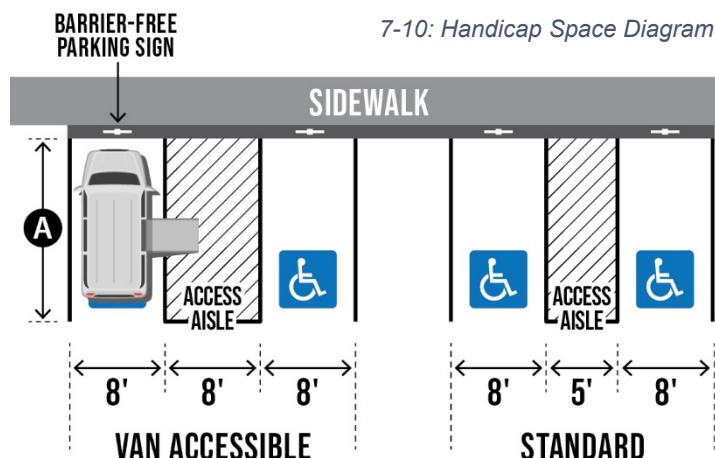
- A. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by the Michigan Building Code. (Table 7-5)

Table 7-5: Handicap Required Spaces

Total Spaces in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

- B. Parking spaces for the physically handicapped shall be a minimum of eight (8) feet wide with an adjacent access aisle of five (5) feet on the passenger's side. Handicapped parking spaces must meet all other applicable requirements as to size as set forth in this section. (See Figure 7-10)

- C. One (1) out of every eight (8) reserved stalls shall be designated as "Van Accessible", with no less than one "Van Accessible" stall provided for each lot. Each



“Van Accessible” stall shall have an adjacent access aisle with a minimum width of eight (8) feet. The eight (8) foot wide access stall may be located between two adjacent stalls to provide for two (2) “Van Accessible” spaces.

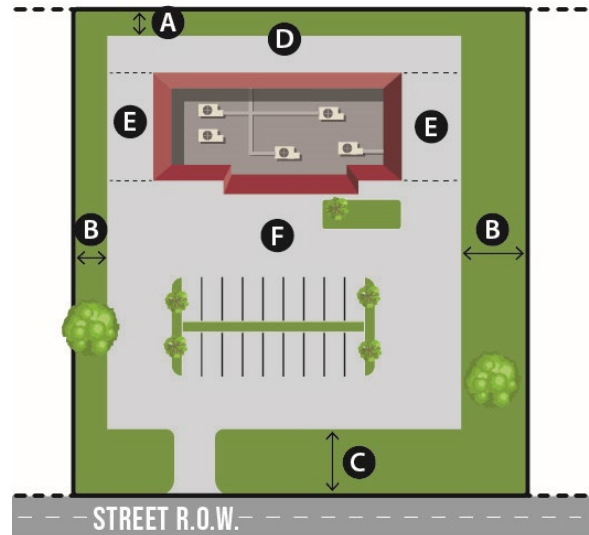
- D. As an alternative to subsection B and C above, all handicap spaces may be “universal” spaces that are eleven (11) feet wide with shared five (5) foot wide access aisles. Universal spaces are both auto and van accessible.

Section 7.80 Loading Space Requirements

- A. On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise in the AG Agricultural, B Business, and I Industrial zoning districts, 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 rights-of-way.

- B. Loading spaces may be located in the side and rear yards located outside the required parking lot setbacks in Section 7.50 Parking Lot Setbacks. (Figure 7-11)

Figure 7-11: Loading Space Location



Key:

- A** = Req. Parking Lot Rear Yard Setback
- B** = Req. Parking Lot Side Yard Setback
- C** = Req. Parking Lot Front Yard Setback
- D** = Rear Yard
- E** = Side Yard
- F** = Front Yard

- C. All loading spaces must be screened from neighboring residentially zoned districts and residential uses, or road right-of-way consistent with screening requirements in Article 8 Landscaping.
- D. All loading 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.
- E. 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, unless as otherwise stated in Section 7.60 Parking Lot Design Requirements.



F. The total number of required loading spaces shall be provided in the following ratio of spaces to gross floor area:

Table 7-6: Number of Required Loading Space

Gross Floor Area (sq. ft.)	Required Loading Spaces
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 sq. ft. in excess of 20,001 sq. ft.
100,001 and over	Five (5) spaces



Article 8 Landscaping

Section 8.00 Purpose

The intent of this Article is to promote the public health, safety, and welfare of the community by establishing minimum standards for the design, installation, and maintenance of landscaping, buffer areas between zoning districts, benefit from the intrinsic value of trees and landscaping, and on various developed sites to provide an aesthetic functioning and enhancement of Imlay Township.

Section 8.10 Applicability/ Nonconformity

- A. When there is a building addition, increase in the gross floor area of use, or parking lot expansion shall trigger incremental compliance with all landscaping requirements. The percentage increase from the original site plan shall require that percentage of landscaping. For example, if there is a proposed ten percent (10%) building addition, then ten percent (10%) compliance to the new landscaping standards will be required. The priority for landscaping compliance is the following order:
1. Required screening between property lines.
 2. Required right-of-way landscaping.
 3. Required parking lot screening.
 4. All other landscaping requirements.
- B. If the proposed improvements are more than sixty percent (60 %) change from the original site plan full compliance shall be required.

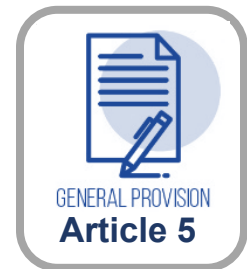
Section 8.20 General Landscaping Requirements

Screening and landscaping in all zoning districts, where required, shall adhere to the following minimum standards.

- A. **Basic Landscape Design Requirements and Considerations.** The Township shall consider design plans and materials in relation to their fulfillment of the basic landscape and/or screening functions required. Conformance with design requirements will also be considered in terms of innovative designs which accomplish the spirit and intent of landscape requirements with some deviation from more precise design requirements established by this Article.
- B. Required landscaping and screening shall be installed prior to the date of completion of the building or improvement. A final Certificate of Occupancy shall be withheld until all required landscaping and screening has been installed and approved. A Temporary Certificate of Occupancy may be issued in the interim. A performance guarantee is required before the issuance of a Temporary Certificate of Occupancy per Section 12.08 Performance Guarantees.



- C. **Dual Purpose Trees.** In the calculations of the required landscaping, vegetation that is located accordingly can be counted towards satisfying multiple requirements. For example, a tree located within the required parking lot area and in the right of way landscape area may fulfill both requirements as one (1) tree. The dual counting of trees cannot exceed twenty-five percent (25%) of the total number of required trees.
- D. All required landscaped areas shall be covered with grass, other living, natural ground cover, wood chips, cypress mulch, stone or equivalent materials in partial substitution for the natural ground cover requirement. Plastic or other non-organic materials are prohibited.
- E. Trees shall not be planted closer than four (4) feet to any property line measured from the center of the tree.
- F. Staggering plantings into two (2) or more rows and grouping the plantings together in order to create visual appeal and variety in the landscaping is encouraged.
- G. All required landscaping shall not be located in public or private water, sewer, storm drainage, utility, or railroad easements.
- H. All landscaping shall meet the requirements in Section 5.90 Residential Driveways.
- I. Any plant material required to be planted by this Ordinance shall be free from disease and insects at the time of planting and conform to the American Standard for Nursery Stock of the American Nurserymen ANZI Z60.1.
- J. For the purpose of this Article, any required number with a fraction shall be rounded up from the half (0.5). Any fraction lower than half (0.5) shall be rounded down.



Section 8.30 Required Screening Between Districts

A. A required greenbelt buffer zone at the property line shall be provided and maintained between various zoning districts: (Table 8-1)

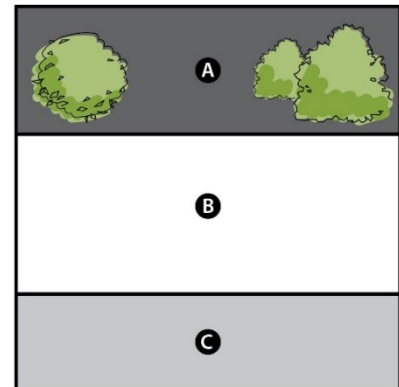
Table 8-1: Landscape Screening Requirements

Zoning District	Adjacent To	Buffer Width	Requirement
RM-1	R-1, MH, AG	15 Feet	A tree every fifty (50) linear feet and six (6) foot privacy fence or masonry wall.
MH	R-1, RM-1, AG	15 Feet	A tree every fifty (50) linear feet and six (6) foot privacy fence or masonry wall.
B	R-1, MH, RM-1	30 Feet	One (1) canopy tree, two (2) evergreen tree, and four (4) shrubs per hundred (100) linear feet.
B	I, AG	15 Feet	A tree every fifty (50) linear feet.
I	R-1, MH, RM-1	40 Feet	Three (3) canopy tree, four (4) evergreen tree, and eight (8) shrubs per hundred (100) linear feet.
I	B, AG	15 Feet	A tree every fifty (50) linear feet.

B. The Planning Commission may choose to substitute a required greenbelt buffer zone with alternative screening such as a six (6) foot privacy fence, six (6) foot masonry wall, required berm or combination of because it will achieve the same effect as otherwise required.

C. The Planning Commission may grant breaks in greenbelts, privacy fences, masonry walls, and berms to allow cross access or service drives to neighboring properties.

Figure 8-1: Right of Way Landscaping



Key:

- A** = Right of Way Landscape Area
- B** = Right of Way
- C** = Street

Section 8.40 Right of Way Landscaping

A. For all developments in the RM-1, B, and I zoning districts, right of way landscaping shall be required. All right of way landscaped areas shall be immediately adjacent to the right of way line.

B. A minimum width of the right-of-way landscaped area shall be twenty-five (25) foot.

C. A canopy tree shall be placed every fifty (50) linear feet along the road right of way.

D. The Planning Commission may substitute deciduous canopy trees for evergreen trees or shrubs for other vegetation. Further, the Planning Commission may adjust the spacing of trees based on site design regarding driveway location, topography, and sign placement.



Section 8.50 Interior Landscaping

Landscaping along the front face of the building shall be provided for those located within the B Business and I Industrial zoning districts.

Section 8.60 Parking Lot Landscaping

- A. **Applicability.** For parking areas containing twenty (20) or more parking spaces the property owner shall be required to install parking lot landscaping. Parking lot trees may be located within the parking lot in raised landscape areas or located within fifteen (15) feet of the perimeter of the parking lot.
- B. **Ratio.** For every ten (10) parking spaces one (1) canopy tree will be required within the parking lot area.
- C. Parking lot design encourages the use of connected islands with combination of spill ways into bio-swales or gardens to assist in stormwater management.

Section 8.70 Modification and Waiver of Landscaping Requirements

- A. The Planning Commission may permit the waive, reduction, and/or modify landscaping requirements based upon any one of the following findings of fact:
 - 1. A physical hardship exists or existing steep topography changes.
 - 2. The proposed reduction will maintain and preserve views of lakes, wetlands, and other natural features.
 - 3. The existing landscaping document is sufficient to meet the intent of the requirement.
 - 4. The requiring of landscaping screening requirements in unusual circumstances will serve no good purpose by requiring compliance with the requirements.
 - 5. An equal or better landscape and buffering effect is provided.
- B. The Planning Commission or Township Board may require an increase in required landscaping where such an increase is deemed necessary by the Planning Commission to accomplish the spirit and intent of the Ordinance.

Section 8.80 Plant Material

- A. All required plant materials shall have the following minimum sizes at the time of installation:
 - 1. Large deciduous canopy tree: 2” caliper
 - 2. Small deciduous ornamental tree: 1½” caliper
 - 3. Evergreen tree: 7 feet
 - 4. Narrow evergreen tree: 5 feet



5. Shrubs: 2 foot height or spread

C. Suggested Deciduous Trees

Suggested Deciduous Trees			
Bald Cypress	Hard Maples	Kentucky Coffee Tree	Plane Trees (sycamore)
Beech	Hackberry	Linden	Redbud
Black Gum/ Black Tupelo	Hawthorns	Magnolia	Sweetgum
Buckhorn	Honey Locust	Mountain Ash	Snowdrift Crabapples
Ginkgo	Hop Hornbeam	Oaks	Yellow Cypress

D. Suggested Evergreen Trees

Suggested Evergreen Trees		
Arborvitae, Douglas	Douglas Fir	Hemlock
Columnar Giant Arborvitae	Eastern White Pine	Pine
Columnar Hinoki Cypress	Fir	Spruce (White, Black)

E. Suggested Shrubs

Suggested Shrubs		
Boxwood	Compact Junipers	Honeysuckle
Burning Bush	Euonymus	Red Twig Dogwood
Buckthorn	Forsythia	Sumac
Cotoneaster	Lilac	Viburnum

F. Plant Materials Not Permitted

Plant Materials Not Permitted		
Austrian Pine	Elm (American)	Oregon Grape
Box Elder	Ginkgo (female)	Poplar
Black Locust	Horse Chestnut	Soft Maples
Callery Pear	Honey Locust (with thorns)	Tree of Heaven
Cottonwood	Mulberry	Willow

1. Species listed on the State of Michigan DNR Invasive List

Section 8.90 Landscaped Area Maintenance

A. All landscaped areas, except as otherwise provided, shall be provided with a readily available and acceptable water supply.

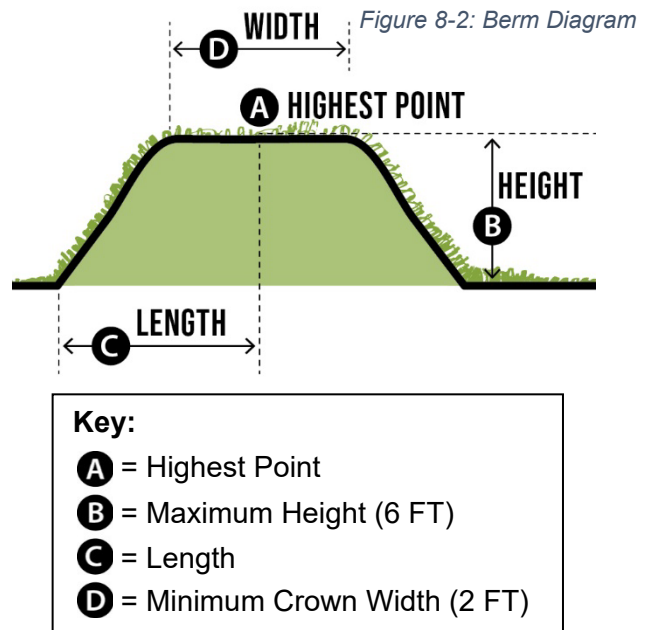


- B. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.
- C. Landscaped areas and plant materials shall be kept free from refuse and debris. Plant materials, including lawns, shall be maintained in a healthy growing condition, neat and orderly in appearance.
- D. All plant growth in landscaped areas shall be controlled by pruning, trimming or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
- E. Any dead or diseased plants shall be replaced with the same or similar credited species of similar size in a timely manner.

Section 8.100 Berm Dimensions

All berms in all zoning districts, whether required or non-required, shall comply with the following:

- A. The minimum crown width shall be two (2) feet and the maximum slope shall be 4:1 (Height by Length).
- B. Berms shall be covered with grass or other living, natural ground cover. The grass or other ground cover shall be continuously maintained in a healthy, growing condition at a height of twelve (12) inches or less.
- C. Berms shall not interfere with natural drainage patterns or cause a drainage nuisance.
- D. A berm shall not be located closer than ten (10) feet to any property line or road right-of-way line, as measured from the base of the slope.
- E. Berms shall not exceed six (6) feet in height. A berm greater than six (6) feet in height shall only be permitted upon site plan approval in accordance with the requirements of Section 6.1.



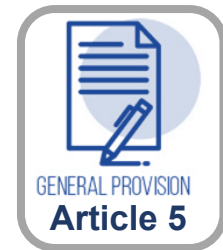
Article 9 Signage

Section 9.00 Purpose

The purpose of this Article is to regulate signs to minimize outdoor advertising to protect public safety, health, and welfare. Through the regulation of the number and size of signage it shall minimize and reduce motorist distraction and loss of visibility; promote public convenience; preserve property values; enhance the aesthetic appearance, maintain the quality of life, and protection of the 1st amendment for the freedom of speech within the Township.

Section 9.10 General Requirements

- A. By reason of the position, shape, or color, it may not interfere with any sign which makes use of the words "Stop", "Look", "Danger" or any similar word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
- B. Signs may not obstruct any approved traffic control device, road sign, or signal from view; interfere with sight distance necessary for traffic safety; or distract from visibility of existing traffic signs or devices.
- C. **Sign Placement.** The location of a freestanding sign shall be restricted to the following locations.
1. **Right-of-Way.** No sign except those established and maintained by the Township, County, State or Federal government, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
 2. **Accessibility.** Signs may not obstruct free access or egress from a required door, window, or other required exit.
 3. **Visibility and Corner Clearance.** No sign shall be located within the vision triangle of a street intersection as noted in Section 5.100 Visibility and Corner Clearance. No sign shall be located within a vision triangle of ten (10) feet of a driveway entrance and road right of way.
 4. **Property Line Setback.** In no instance shall a freestanding sign be located closer than ten (10) feet to any property line.
- D. Signs shall not project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.

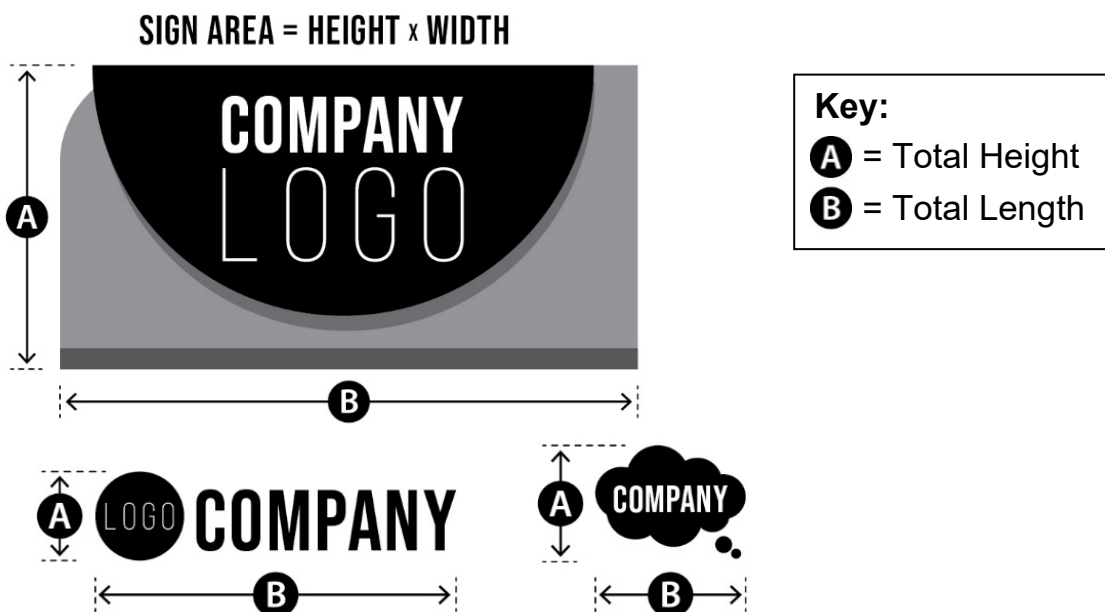


E. **Number of Signs.** The following are how to calculate the number of signs allowed on a single parcel.

1. **Freestanding Signs.** There shall only be one (1) freestanding sign allowed per parcel. In the case of a corner lot or multiple frontages only one freestanding sign is allowed.
2. **Building Mounted Signs.** The total sign area of a building mounted sign (wall, window, etc.) shall be twenty percent (20%) of the building frontage along a roadway. In the case of a corner lot or multiple frontages, each front of the building may allow an additional twenty percent (20%) of the building area. The applicant may choose the number of building mounted signs, but cannot exceed the total sign area, unless otherwise noted in this Section.
3. **Signs in the Parking Lot Area.** A total of one (1) sign in the parking lot is allowed not to exceed two (2) square feet in area. Signs in the parking lot are exempt from the calculation of total allowable sign area. The parking lot area shall be determined as within five (5) feet of the parking lot edge. This does not include signs required by the Michigan Building Code or marking of designated parking spaces (electric charging, car-side pickup, etc.)

F. **Sign Area.** The sign area shall be the total height and total length of the sign display area. The area of a sign that is irregular in shape shall be calculated by multiplying its tallest dimension times its longest dimension. (See Figure 9-1).

Figure 9-1: Sign Area Diagram



G. **Sign Area Enlargement.** Below are incentives associated with sign area enlargement:

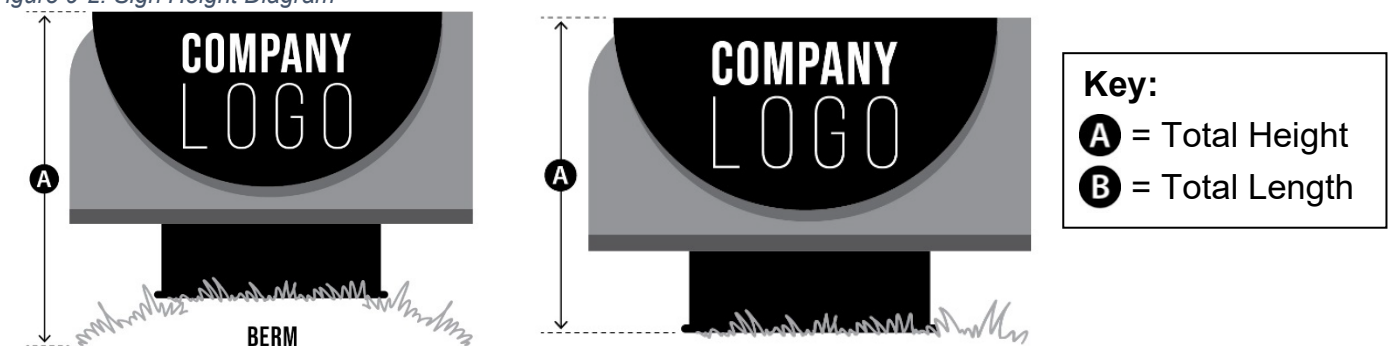
1. **Sign Landscaping.** If the applicant proposes decorative landscaping around the sign a sign area bonus can be applied. For every five (5) square feet or fraction of landscaped area an additional twenty percent (20%) to the sign area. This bonus cannot exceed in granting a sign area over forty percent (40%) bonus.
2. **Right-of-Way Setback.** A sign area bonus can be applied when the applicant is proposing to move the sign farther from the road right-of-way. For every five (5) feet the sign is from the road right of way an additional five percent (5%) sign area is allowed up to twenty percent (20%) sign area increase.
3. **Multiple Tenant Sign.** For properties with multiple tenants, one (1) freestanding sign may be permitted and can be ten percent (10%) larger than what is otherwise allowed in that zoning district. (Table 9-1)

Table 9-1: Sign Enlargement

	Landscaped Area	Total Sign Area
Sign Landscaping	5 sqft	20% Increase
	7.5 sqft	30% Increase
	10 sqft	40% Increase
	Setback from Right of Way	Total Sign Area
Right of Way Setback	5 Feet	5%
	10 Feet	10%
	15 Feet	15%
	20 Feet	20%

H. **Sign Height.** The sign height is measured from the finished surface level of the ground around the sign to the top of the sign edge. Sign height shall be measured from an area of the ground that has been built up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g., the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm). (See Figure 9-2)

Figure 9-2: Sign Height Diagram



I. **Maintenance.**

1. Property surrounding any sign shall be kept clean, sanitary, and free from obnoxious and offensive substances, weeds, rubbish and flammable materials.
2. All signs shall be maintained so that they comply continuously with all requirements of this Ordinance and are kept in a good state of repair.
3. Unsafe signs shall not be permitted to remain within the Township. Unsafe signs shall include, but not limited to structurally unsafe, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment, and unlawfully installed, erected, or maintained.
4. The owner of any property on which any sign is placed, and the person maintaining said sign are declared to be equally responsible for the condition of the sign and the area in the vicinity of the sign.

J. **Prohibited Signs.** The following type of signs are not permitted in the Township:

1. There shall be no flashing, oscillating, or intermittent type of illuminated sign or display; nor shall there be any streamers, spinners, temporary or portable signs, pennants or flags other than those permitted by specific action of the Township Board.
2. **Awning Signs.** A sign affixed flat against the surface of an awning. An awning is a retractable or fixed shelter constructed of nonrigid materials on a supporting framework that projects from the exterior wall of a building.
3. **Moving or Animated Sign.** No sign shall contain any moving or animated parts nor have the appearance of having any movement or animation.
4. **Obsolete Signs.** It shall be unlawful to maintain for more than thirty (30) days any sign which has become obsolete, because of discontinuance of the business, service or activity which it advertises; removal of the business, service, or activity from the location to which it directs; or for any other reason
5. **Portable Sign.** A portable sign is a freestanding sign not permanently anchored to either a building or the ground.
6. **Projection Sign.** A sign, other than a wall sign, which is affixed to any building or wall and whose leading edge extends more than twelve (12) inches beyond such building or wall.



7. **Roadside Furniture Sign.** Signs on street furniture, such as benches and trash receptacles, not including commemorative plaques or engravings not larger than one half (1/2) square foot.
8. **Roof Sign.** Signs shall not be erected on any part of a building's roof.
9. **Vehicle Sign.** A vehicle sign is a vehicle advertising sign when the vehicle upon which the sign is painted or attached is parked or placed upon the premises for advertising purposes. This excludes work vehicles for uses located on the subject property or work vehicles as part of a dwelling unit.
10. **Windblown Devices.** Signs that are comprised in part or wholly of a balloon or any other inflated object or character.

Section 9.20 Signs That Do Not Require a Permit

The following signs shall be exempt from the permit requirements of this section and shall conform to the following regulations:

- A. **Traffic Navigation.** All directional traffic signs required for the purpose of orientation, when established by Imlay Township, the Lapeer County Road Commission, the Michigan Department of Transportation, or the Federal government, shall be permitted in all use districts.
- B. **Address.** One nameplate located on a dwelling for a permitted home occupation or stating the profession of the occupant, provided that the nameplate shall not be illuminated and shall not exceed four (4) square feet.
- C. **Advertise Land Status.** One additional temporary sign used for advertising land or buildings for rent, lease, and/or sale is allowed per parcel intended to be rented, leased, and/or sold.
- D. **Limited Window Signs.** Signs within the window area that do not exceed two (2) square feet.
- E. **Construction Signs.** A temporary construction sign denoting the name of the building, the architect, engineer, contractor, and the anticipated completion, alteration, or removal date, not to exceed sixteen (16) square feet in residential districts and forty-eight (48) square feet in all other districts. All such signs shall be setback at least twenty (20) feet from all property lines and removed within seven (7) days after issuance of an occupancy certificate.
- F. **Temporary Message Board Signs.** A permit is not required, but must meet all of the following requirements:
 1. One (1) temporary message board sign per property.
 2. Sign area shall not exceed thirty-two (32) square feet.
 3. The total display period shall not exceed fourteen (14) days.



4. Temporary message board signs shall not be illuminated, unless otherwise allowed in this Ordinance.

G. **Political Signs.** Temporary, non-illuminated political signs advocating or opposing a candidate for public office or a position on an issue, are allowed not exceeding more than six (6) square feet in area. There shall be not more than one (1) sign per candidate or ballot issue on any premises.

H. **Changing Message.** The changing of the advertising copy or message on an approved painted or printed sign, a theater marquee, or similar approved signs which are specifically designed for the use of replaceable copy; and

I. **Maintenance.** Painting, repainting, cleaning, or other normal maintenance or repair of a sign or a sign structure, unless a structural change is made.

Section 9.30 Administration of Signs

A. A permit shall be required for the erection, construction, or alteration of any existing sign and all new signs. Signs may be approved by the Planning Commission as part of site plan review. Otherwise, signs are reviewed and approved administratively via a sign permit issued by the Zoning Administrator.

B. Sign permits shall be reviewed for location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Township ordinances. Additional permits from the Building Inspector may be required regarding electrical permits, etc.

C. **Nullification.** A sign permit shall become null and void if the work for which the permit was issued has not been completed within one (1) year after the date of the permit.

D. **Certificate Of Compliance.** All signs will require a final inspection and the issuance of a Certificate of Compliance. The property owner shall notify the Township immediately upon erecting the sign to request the final inspection.

E. **Enforcement.** This Article shall be enforced by the Zoning Administrator. Violations will follow the process outlined in Section 12.10 Enforcement Procedure .



Section 9.40 Sign Requirements for Agricultural (AG) Zoning District

A. All signs shall be non-illuminated.

B. Freestanding signs shall meet the following requirements:

1. Maximum sign height is ten (10) feet.
2. The total sign area shall not exceed thirty-two (32) square feet.



3. Shall not be located closer than fifty (50) feet to any property line of an adjacent residential district.
- C. Building mounted signs shall meet the size requirements indicated in Section 9.10 General Requirements.

Section 9.50 Sign Requirements For R-1 and MH Zoning Districts

- A. All signs shall be non-illuminated.
- B. Freestanding signs shall meet the following requirements:
1. Maximum sign height is six (6) feet.
 2. The total sign area shall not exceed sixteen (16) square feet.
- C. Building mounted signs shall meet the size requirements indicated in Section 9.10 General Requirements.

Section 9.60 Sign Requirements for Multiple Family (RM-1) Zoning District

- A. **Illumination.** All signs shall be lit by internal illumination only unless the lighting equipment is directly exclusively to face the sign area. The illumination of the sign structure in no way interferes with driver visibility or project onto adjoining property. Lighting shall be stationary and shielded to solely direct light to the sign area or are internally lit.
- B. Freestanding signs shall meet the following requirements:
1. Maximum sign height is six (6) feet.
 2. The total sign area shall not exceed thirty-two (32) square feet.
- C. Building mounted signs shall meet the size requirements indicated in Section 9.10 General Requirements.

Section 9.70 Commercial and Industrial (B and I) Zoning Districts

- A. **Illumination.** All signs shall be lit by internal illumination only unless the lighting equipment is directly exclusively to face the sign area. The illumination of the sign structure in no way interferes with driver visibility or project onto adjoining property. Lighting shall be stationary and shielded to solely direct light to the sign area or are internally lit.
- B. Freestanding signs shall meet the following requirements:
1. Maximum sign height is fifteen (15) feet.
 2. The total sign area shall not exceed one hundred (100) feet.
- C. Building mounted signs shall meet the size requirements indicated in Section 9.10 General Requirements



D. **Digital Message Signs.** All such signs shall be incorporated into a freestanding or building mounted sign, a digital message component is allowed if they meet the following requirements:

1. The total allowable digital sign area shall not exceed twenty-five percent (25%) of the allowable total sign area.
2. No portable message board signs shall be permitted.
3. All electrical service to message board signs shall be permanently installed and inspected and approved by the Township. No message board sign shall obtain its electrical service from an extension cord or similar means.
4. Shall not use colors, post messages, or employ similar features designed to mimic or that may be confused with traffic control devices.
5. Shall feature only static text and graphics. This shall be construed to prohibit streaming video, full-motion video, text and/or graphics that move, scroll, rotate, fade, flash, or similar features.
6. The sign message shall change not more frequently than once every fifteen (15) seconds during daylight hours (8:00 am until sunset). The message change shall be completed in not more than two (2) seconds and shall not include moving images in conflict with subsection 5 above. The sign message shall be static (shall not change) during evening and nighttime hours (sunset until 8:00 am). Electronic display and message signs shall be programmed with a static image during evening and nighttime hours.
7. The maximum brightness of any sign shall not exceed five thousand (5,000) candelas per square meter (cd/m², a.k.a. "nit") during daylight hours, and five hundred (500) cd/m² during evening and nighttime hours, as measured from within six (6) inches of the face of the sign. An application for approval of an electronic display sign shall include certification by an independent illumination engineer or testing laboratory that the proposed sign will comply with the brightness limits of this section. Electronic display and message signs shall include an automatic dimmer to control sign brightness consistent with this standard.
8. The maximum installed height of an electronic message board sign shall be six (6) feet.

E. **Billboard Signs.** Non-accessory and/or off-site signs (such as billboards) shall be permitted in I Industrial zoning district only and shall meet the following requirements:

1. Billboards must be located at a minimum of one hundred (100) feet from adjacent residentially zoned property (R-1 One-Family Residential, RM-1



Multiple Family Residential, MH Mobile Home Park districts), four hundred (400) feet from other billboards on the same side of the right-of-way.

2. Such signs shall have the same setbacks as other principal structures in the zone in which they are situated, providing the setback can be no less than the height of the sign at its tallest point.
3. Such signs shall not exceed one hundred (100) square feet in area and shall not exceed fifteen (15) feet in height.
4. The sign shall have a maximum area of two hundred (200) square feet. In the case of a two-sided sign, with parallel faces, each side may have an area of one hundred (100) square feet.

Section 9.80 Nonconforming Signs.

- A. Any legal sign existing at the time of adoption of this Ordinance, which does not comply with all provisions contained herein, shall be considered a legal nonconforming sign and may be permitted to continue if the sign is properly maintained and not detrimental to the health, safety, and welfare of the community.
- B. Legal nonconforming signs which are removed, blown down, destroyed, relocated, or which are damaged or structurally altered to an extent equal to sixty percent (60%) or more of their replacement value may only be replaced with signs that conform to this Ordinance.

Section 9.90 Substitution Clause.

The owner of any sign allowed by this chapter may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech, or vice versa. This substitution may be made without any additional approval or permitting.



Article 10 Reserve



Article 11 Nonconformities

Section 11.00 Purpose

- A. It is the intent of this Ordinance to permit legal nonconforming lots, buildings, structures, improvements, or uses to continue until they are removed but not to encourage their survival. The regulation within this Article shall conform to Section 208 of the Michigan Zoning Enabling Act PA 110 of 2006.
- B. 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.
- C. 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 position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Section 11.10 Legal Nonconformities

- A. Legal nonconformities are those that exist legally before the effective date of this Ordinance, or before some amendment to this Ordinance which resulted in the nonconformity.
- B. Illegal nonconformities are those that have been developed in conflict with the zoning regulations.

Section 11.20 Nonconforming Lot

- A. A legal nonconforming lot cannot be created in error, but only by amending the lot area and/or width of the zoning districts or by rezoning of a lot.
- B. A legal nonconforming lot is any lot of record or approved lot by the Township shown on the tax roll at the effective date of adoption 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.

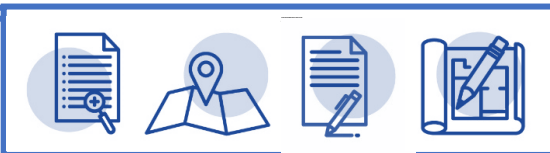


- C. Permission to build on smaller recorded lots which lack adequate setbacks may be granted by the Zoning Board of Appeals as long as reasonable living standards can be provided.
- D. In the situation where there are two (2) nonconforming contiguous lots, the property boundary may be adjusted to bring one (1) property closer to conformity or conforming without requiring a variance. The Planning Commission may approve a lot adjustment in this situation as long as it is not increasing the nonconformity of the other parcel.

Section 11.30 Nonconforming Use

A nonconforming use is in operation before the effective date of adoption or amendment of this Ordinance, and shall be considered a lawful use of land may be continued, so long as it remains otherwise lawful, subject to the following provisions:

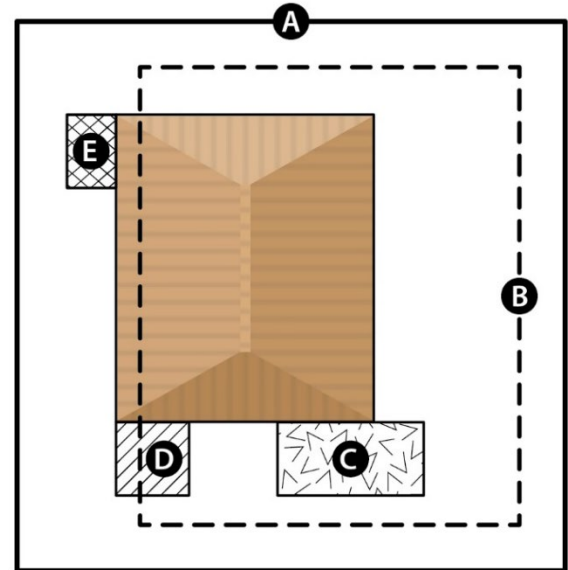
- A. No such conforming use shall be enlarged or increased in occupied floor area of land or additional building area, intensity of activities, or more services and activities that occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. Any nonconforming use is superseded by a permitted use, shall conform to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed in the future.
- E. Where nonconforming use status applies to a building, structure, and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- F. **Uses Allowed as Special Land Uses Not Nonconforming Uses.** A use established legally without a Special Land Use approval which now requires a Special Land Use approval due to a text change or rezoning is a nonconforming use until it receives Special Land Use approval. Any existing use approved as a Special Land Use previously under this Ordinance shall be deemed a conforming use.
- G. **Abandonment.** If Imlay Township identifies a legal nonconforming use that they believe has been abandoned, they shall submit the property to the Planning Commission (PC) for a determination of abandonment. The PC shall



hold a public hearing following the requirements in Section 12.06 Public Hearing Process. The PC shall determine whether intent to abandon the nonconforming use was demonstrated based on a preponderance of the following factors:

1. Report such as from the Building Inspection or Lapeer County Health Department indicating the property is or has not been suitable for occupation.
2. Disconnection of utilities.
3. Evidence of a “going out of business” sale.
4. Signs advertising the business have been removed.
5. The use has been disconnected for one (1) year, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
6. Removal of equipment or fixtures necessary for the operation of the nonconforming use.
7. Request from the property owner for changes in their property tax designation inconsistent with the nonconforming use.
8. Other actions by the property owner or lessee demonstrate an intent to abandon the nonconforming use such as allowing the property to go into foreclosure.

Figure 11-1: Nonconforming Building Expansion



Key:

- A** = Property Line
- B** = Required Setback Line
- C** = Not Increasing Nonconformity
- D** = Increasing Nonconformity
- E** = Increasing Nonconformity

Section 11.40 Nonconforming Building

- A. Where a lawful building 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 building or its location on the lot.
- B. No such building may be enlarged or altered in a way which increases its nonconformity as shown in the figure to the right. (See Figure 11-1)
- C. 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.

Section 11.50 Repairs and Maintenance

- A. On any building devoted in whole or in part to any nonconforming use or building, 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 percent (50%) of the total physical building, at the time of the creation of the nonconformity.
- B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- C. A nonconforming building destroyed by any means to an extent of more than eighty percent (80%) of total physical building, excluding the foundation, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
 - 1. This provision does not apply to nonconforming single family homes, which may be replaced even if completely destroyed provided, the new structure does not increase the nonconformity.
- D. The construction or repair shall begin within one (1) year of the day that the destruction is officially documented. The Planning Commission may grant up to a one (1) year extension if the applicant can show diligently pursuing reconstruction. If repairs or construction are not completed in the required timeframe, it may only be reconstructed if in full compliance of ordinance requirements.

Section 11.60 Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconformity on a premise provided there is no change in the nature or character of such nonconformity.

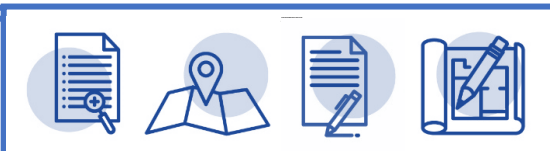
Section 11.70 Nonconforming Improvements

For nonconforming that are not lots, uses, or buildings below are references to how those improvements should be treated:

- A. **Exterior Lighting.** Triggers associated with compliance with current exterior lighting requirements shall comply with Section 6.50 Exterior Lighting.
- B. **Parking Lots.** All parking lot changes shall comply with Section 7.10 Applicability/ Nonconformity.



- C. **Landscaping.** Triggers associated with compliance with current landscaping requirements shall comply with Section 8.10 Applicability/ Nonconformity.
- D. **Signs.** All nonconforming signage shall comply with Article 9 Signage.
- E. For any other types not listed, these structures and improvements shall not increase their nonconformity status and upon more than sixty percent (60%) of the structure or improvement to be replaced shall come into full compliance.



Article 12 Administration and Enforcement

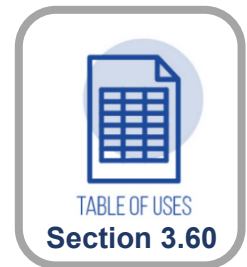
Section 12.00 Purpose

These provisions outline the administration and enforcement of this Ordinance by the Zoning Administrator or by other administrative officer(s) as delegated by the Township Board.

Section 12.10 Responsibilities

A. Zoning Administrator

1. Grant zoning compliance and conduct inspections of buildings or premises necessary to perform their duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until they have inspected such plans in detail and found them to conform with this Ordinance.
2. The Zoning Administrator shall administer, maintain records, and enforce the Zoning Ordinance.
3. Review and approve administrative plans as noted in Section 3.60 Table of Uses.
4. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

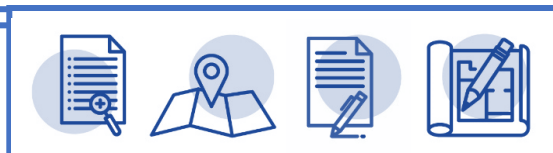


B. Building Inspector

1. Review and approve sign permits.
2. Grant building and Certification of Occupancy permits after receiving zoning approval by the Zoning Administrator where applicable.
3. Participate in review of site plans or inspections as requested by the Zoning Administrator or when stated in this Ordinance.

C. Planning Commission

1. The Planning Commission (PC) is hereby designated as the Commission specified in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.), and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.
2. The PC is empowered to recommend approval for site plans, special land uses, and rezoning requested.



3. The PC shall provide recommendations to the Township Board regarding decisions on rezonings and text amendments.
4. The PC shall hold public hearings as required under the rules and regulation of this Ordinance. (See Section 12.06 Public Hearing Process)
5. The PC may recommend imposing such conditions or limitations in recommending approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance per Section 12.07 Conditions.

D. Zoning Board of Appeals (ZBA)

1. Complete the duties and responsibilities listed in Section 14.20 Duties and Responsibilities.

E. Township Board

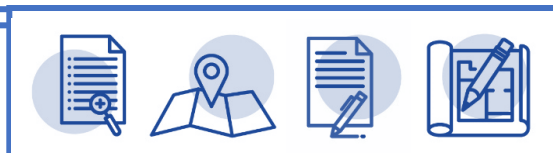
1. The hiring of Township staff and consultants to review and implement this Ordinance.
2. Appoint officials to the PC and ZBA.
3. Provide final approval of site plans, special land uses, rezoning, and text amendments.

F. Township Clerk

1. Assist with the writing and processing of public hearing notices and procedures where required.
2. Assist in maintaining of records of ordinance amendments.

Section 12.20 Zoning Permits

- A. **Applicability.** A zoning permit shall be acquired from the Zoning Administrator before any construction of a structure (building, signs, etc.) is undertaken (excluding commercial farm uses and fences), demolition of building, any building is moved, any change in the use of any land or structure is undertaken within the Township.
- B. The term “change in use” shall mean a land use which is a new land use on the property.
- C. **Application.** An applicant shall complete and pay associated fee for a zoning permit. A plot plan may be used to satisfy these requirements in Section 12.04 Plot Plan. The following are examples of when a zoning permit is appropriate:
1. A change in use of an existing building that is a permitted use with no physical changes to the physical site.
 2. A sign permit.
 3. Construction of onsite solar energy facilities.



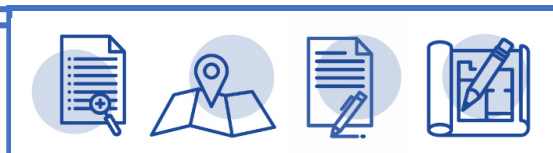
4. Construction of an accessory building to a single family home.
5. Construction of a single family home.
6. Adding a temporary residential housing where permitted.

- D. **Permit Issuance.** A zoning permit shall be approved by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and completed any necessary approvals has been granted by the Planning Commission (PC), Zoning Board of Appeals (ZBA), or Township Board has been obtained.
- E. **Certification Of Occupancy.** A zoning permit must be obtained before any change in use of land or structure occurs, prior to the issuing of a certification of occupancy.
- F. **Expiration.** A zoning permit shall expire six (6) months after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the Zoning Ordinance shall have the effect of voiding any outstanding zoning permits for uses which have not been commenced and which would violate the amendment.
- G. **Void Permits.** Any zoning permit issued in error or pursuant to an application containing any false statements shall be void.
- H. **Private Restrictions.** The Zoning Administrator shall not refuse to issue a zoning permit due to violations of private covenants, agreements, or deed restrictions if the proposed use is permitted by the Zoning Ordinance.

Section 12.30 Certification

No land, building, or part thereof, shall be occupied by, or for, any use unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate.

- A. **Certificate for New Use of Land.** No land vacant shall be used or an existing use of land be changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
- B. **Certificate for New Use of Buildings.** No building or structure, or part shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
- C. **Certificates Not to be Issued.** No Certificate of Occupancy shall be issued for any building, structure, or part or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- D. **Certificates Required.** No building or structure, or parts which is erected or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.



- E. **Certifications for Alterations.** Certificates including Certificates of Occupancy as required by the Township Building Code for new buildings or structures, or parts or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Occupancy as required by this Ordinance.
- F. **Certificates for Existing Buildings.** Certificates of Occupancy shall be issued for existing buildings, structures, or parts or existing uses of land if, after inspection, it is found that such buildings, structures, or parts or such use of land, are in conformity with the provisions of this Ordinance.
- G. **Records of Certificates.** A record of all certificates issued shall be kept on file by the Township Building Inspector.
- H. **Certificates for Dwelling Accessory Buildings.** Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.
- I. **Application for Certificates.** Application for Certificates of Occupancy shall be made in writing to the Building Inspector and approved by them.

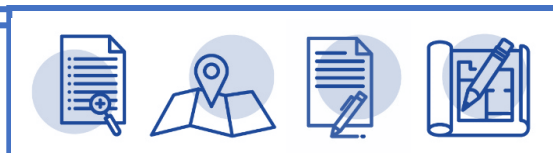
Section 12.40 Plot Plan

When a plot plan is an acceptable submittal for an application it shall include the following minimum information:

- A. The subject parcel size and dimensions.
- B. The subject parcel address and parcel ID.
- C. The size, dimensions, and location of all existing and proposed buildings or other structures.
- D. The location of existing or proposed utilities such as well, septic system, or other utilities.
- E. An aerial map of the subject parcel.
- F. If applicable, the location, size, and number of parking spaces.
- G. Other information as identified by the Township representative to help verify compliance with the provisions of this Ordinance.

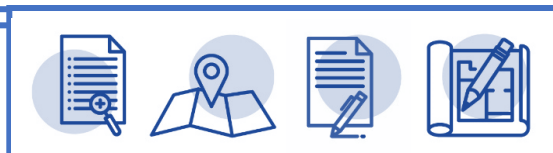
Section 12.50 Site Plan Review

- A. **Intent.** The intent of this Article is to provide the Township with the opportunity to review land use changes in relationship to surrounding uses, accessibility, pedestrian and vehicles circulation, off-street parking, public utilities, drainage, environmental characteristics, and other site characteristics that may impact



the public health, safety, and compliance with this Zoning Ordinance and other applicable ordinances.

- B. When Required.** A site plan shall be submitted to the Township for any new construction, structural alteration, addition, and/or combination of improvements, unless otherwise noted.
1. No site plan shall be required for single-family residences, farm operation buildings, or buildings which are accessory to single-family residences which would only require a zoning permit.
 2. Whenever any such development requires site plan approval prior to the issuance of a building or occupancy permit.
 3. Administrative Site Plan to be reviewed by the Zoning Administrator and Planning Consultant are allowed when the following factors are involved:
 - a. Any building additions that are one thousand two hundred (1,200) square feet or less in gross floor area
 - b. Construction of a new pond, enlargement of an existing pond, or the cleaning of a pond, that will result in the removal of one hundred (100) yards or more of material.
 - c. Modifying the parking lot by nine (9) or less parking spaces, not including maintenance activities.
 4. Modifying a parking lot by ten (10) or less parking spaces, not including maintenance activities (stripping or resurfacing)
 5. When only individual site features are proposed to be changed related to dumpster relocation, exterior lighting, as determined by the Zoning Administrator.
- C. Application Requirements.** The Zoning Administrator shall create and maintain the site plan application. The application will outline fees, due dates, number and file type of the site plan, and required information to be provided to process an application. Only completed and paid applications will be processed by the Township.
1. The Planning Commission and Zoning Administrator may require additional information to evaluate compliance with the Zoning Ordinance.
 2. The Planning Commission and Zoning Administrator may waive any informational requirements they deem are necessary for determining compliance.
- D. Procedure.**
1. **Preliminary Site Plan Review.** An applicant may request a preliminary meeting before formal submittal of a site plan to review the general



concept or basic location of various features and characteristics. The preliminary meeting can be held in two (2) different ways:

- a. Township Staff and other Township Representatives can meet with the applicant to provide general feedback and information about the preliminary plan.
2. The applicant can be placed on the Planning Commission's agenda to provide general feedback and information about the preliminary plan.
3. A completed application, associated fee, and proof of ownership shall be provided to the Zoning Administrator.
4. The Zoning Administrator shall then refer to the site plan to the Planning Commission and Township Board for review and decision. The Township may request additional Township Representatives such as the Township Attorney, Township Engineer, or Township Planning Consultant and other governmental jurisdictions such as Lapeer County as part of the site plan review process.
5. The Planning Commission shall review the site plan and provide a recommendation to the Township Board.
6. The Township Board shall review and provide final approval.
7. An appeal of the Township Board's decision is subject to the process outlined in Section 14.40 Variances.
8. In the process of reviewing the site plan, the Township Board, Planning Commission and Zoning Administrator shall consider the following standards:
 - a. Adequacy of traffic ingress, egress, circulations, and parking.
 - b. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.
 - c. Adequacy of public utilities and public services to service the proposed site plan.
 - d. Location and design of proposed structures to ensure that detrimental effects on adjacent properties will be minimized.
 - e. Adequacy of the storm drainage and protection of natural features to conserve natural resources.
9. The final set of approved site plan drawings shall be maintained by the Township Zoning Administrator. The Township shall establish a signature



to identify the approved site plan by a Township representative. All amendments to the site plan shall be noted, dated, and signed by the appropriate approving representative of the Township. In the case of a site plan reviewed by the Township Board a signature will be required by the Township Supervisor. In the case of the administrative review the Zoning Administrator shall sign the approved plans.

10. **Validity of Site Plan.** Upon approval of a site plan by the Township Board, a building permit shall be requested by the petitioner within twelve (12) months, or the site plan shall be declared to be invalid.

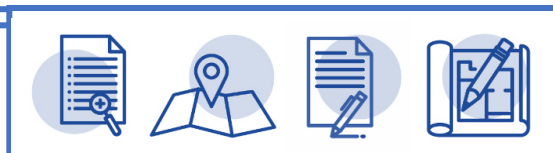
a. The Planning Commission may grant up to twelve (12) months extension of the site plan based upon no major changes to the zoning ordinance compliance and no significant changes in the general area.

11. Upon receipt of a building permit, reasonable construction shall be commenced within six (6) months, and reasonably continued, or the site plan and building permit shall be declared to be invalid, unless the petitioner requests an extension and obtains a renewed building permit from the Building Inspector.

E. **Site Plan Amendments.** Any incidental and minor variations as determined by the Zoning Administrator will require administrative approval by the Zoning Administrator. These shall include, but are not limited to:

1. Movement of a building or structure no more than five (5) feet from the location originally indicated in the site plan (must still meet all other requirements unless otherwise noted).
2. Movement of required landscaping is no more than five (5) feet from the location originally indicated in the site plan.
3. Changes required or requested by Lapeer County, state, or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
4. Any changes that are more significant than previously mentioned are considered major changes and shall be reviewed as a new application by the Planning Commission for site plan compliance.

F. **Site Plan Phased Approvals.** When a phased development is part of a site plan, the Township Board shall determine which phases are part of the site plan approval. Phases are required to be completed within one (1) year of finished construction or two (2) years from the approved site plan date whichever is earlier.



- G. **Maintenance of Site Plan.** All required elements on the site plan shall be required to be maintained by the property owner.
- H. **Violation of Site Plan.** Unapproved changes to the site plan or removal of required site plan elements will result in a zoning violation. See Section 12.10 Enforcement Procedure .



Section 12.60 Condominium and Subdivision Control

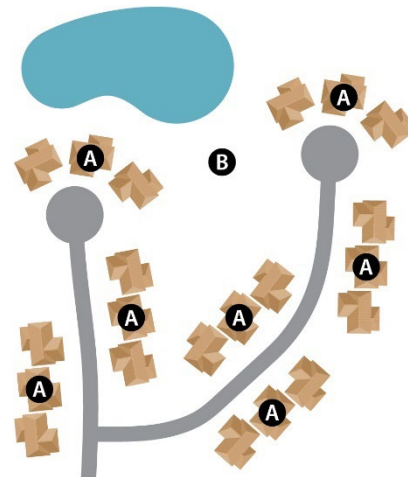
A. **Subdivision.** The developments utilizing subdivision control thru the Land Division Act PA 288 of 1967 as a method of land division shall meet the requirements in this Ordinance and the Township Subdivision Control Ordinance number 2019-01.

1. This will include review of a preliminary and final site plan review and approvals by the Township Board.

B. **Condominium.** The developments utilizing site or conventional condominium thru the Condominium Act 59 of 1978 as a method of land division shall meet following the requirements in this Ordinance and Article 4 Design Standards and Public Improvements in the Township Subdivision Control Ordinance number 2019-01. (See Figure 12-1 & Figure 12-2)

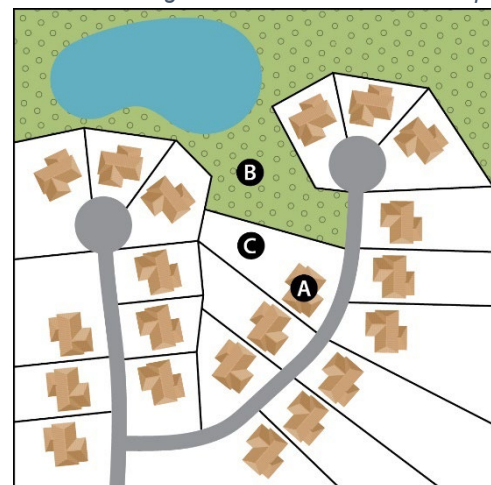
1. This will include review of a preliminary and final site plan review and approvals by the Township Board.
2. One complete set of "as built" dimensioned drawings shall be provided by the proprietor to the Township Board at the time of final acceptance of the public improvements.

Figure 12-1: Conventional Condo Concept

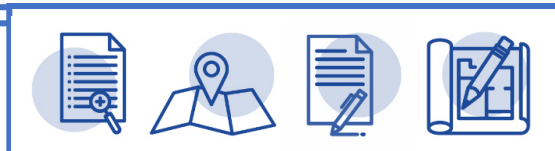


Key:
A = Condominium Unit
B = General Common Element

Figure 12-2: Site Condo Concept



Key:
A = Condominium Unit
B = General Common Element
C = Limited Common Element

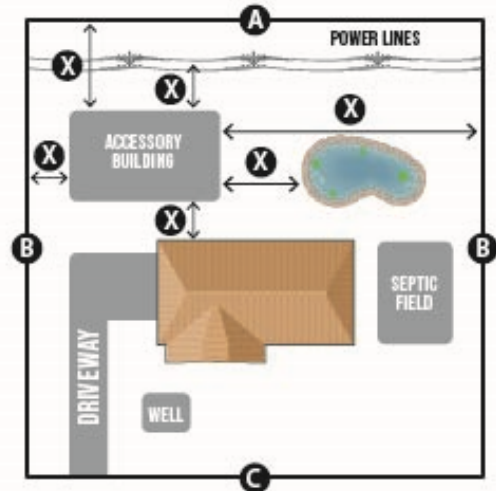


Section 12.70 Special Land Use Review

A. **Intent.** This Section is intended to provide regulations for Special Land Uses, which may be compatible with permitted uses in a zoning district, under specific location and site criteria. This Section provides standards for the Township Board to determine the appropriateness of a given Special Land Use based on factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on natural features, demand on public facilities and services, equipment used, and processes employed. Establishment or expansion of any Special Land Use requires a Special Land Use approval under this Section.

B. **Required Plan.** For all special land uses, a site plan shall be submitted for review and recommendation by the Imlay Township Planning Commission and approval by the Township Board and shall conform to the Requirements and Procedures for Site Plan Review set forth in Section 12.05 Site Plan Review. The Planning Commission can choose to accept a Plot Plan in lieu of a full site plan if limited or no physical changes are proposed as part of the special land use. (See Figure 12-1)

Figure 12-3: Plot Plan Example



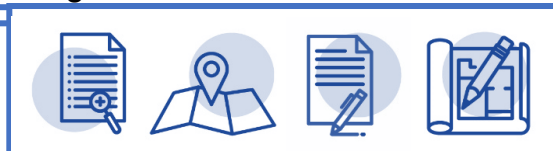
C. Process

1. **Pre-Application.** An applicant may request a preliminary meeting before formal submittal of an application to review the general concept or basic location of various features and characteristics. The preliminary meeting can be held in two (2) different ways:
 - a. Township Staff and other Township Representatives can meet with the applicant to provide general feedback and information about the preliminary plan.
 - b. The applicant can be placed on the Planning Commission's agenda to provide general feedback and information about the preliminary plan.
2. **Application.** The Zoning Administrator shall create and maintain the special land use application. The application will outline fees, due dates, number and file type, and required information to be provided to process an application. Only completed and paid applications will be processed by the Township.
3. The Zoning Administrator shall review the application. The Township may request additional Township Representatives such as the Township



Attorney, Township Engineer, or Township Planning Consultant and other governmental jurisdictions such as Lapeer County as part of the review process.

4. **Hearings.** The Planning Commission shall hold a public hearing with the requirements in Section 12.06 Public Hearing Process. The Planning Commission shall then provide a recommendation to the Township Board.
 5. **Approval.** If the Township Board determines that the particular special land use(s) should be allowed, it shall endorse its approval on the written application and issue a special land use permit. The special land use permit shall specify the particular use(s) which have been allowed and shall clearly set forth in writing a statement of findings and conclusions relative to the special land use, indicating the basis for the decision and any conditions imposed. The basis shall be based on meeting all the requirements in Subsection C below.
 6. **Denial.** If the Township Board shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial. An applicant may choose to appeal the Township Board decision before the Imlay Township Zoning Board of Appeals in Section 14.50 Appeals.
 7. **Record.** The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The record shall specify the basis for the decision, and any conditions imposed.
 8. **Conditions.** Conditions as part of a special land use shall follow the requirements of Section 12.07 Conditions.
- D. **Standards for Approval.** The Township Board shall review each application for special land use approval individually and must find affirmatively to each of the following standards if the proposed use is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.
1. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
 2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation



to routes of traffic flow, proximity and relation to intersections, adequacy of sight distances, location of and access to off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

3. The proposed use shall be designed as to its location, size, intensity, site layout and periods of operation so as to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, lights or similar adverse impacts.
4. The proposed use will continue to promote and protect natural features.
5. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.

E. Validity of Special Land Use. A Special Land Use shall expire one (1) year from the date of the meeting at which permission is granted if the premises have not actually been utilized for the use permitted or unless construction has been undertaken to prepare the premises for the use permitted. If the special land use tied to a site plan review, the expirations shall follow the expiration of the site plan review.

F. Amendment to Special Land Use.

1. An amendment to a Special Land Use shall be required when there are the following changes from the original Special Land Use approval:
 - a. Increase in the gross floor area of the Special Land Use area.
 - b. Increase in the gross floor area of the parking lot .
 - c. Increase in intensity resulting in more traffic, off-site impacts (odor, noise, etc.).
 - d. Changes to conditions required by the original Special Land Use.
 - e. An amendment to a Special Land Use shall require a full reapplication including a public hearing with the Planning Commission following the procedure in Section 12.06 Public Hearing Process and approval by the Township Board.

G. Revocation of Special Land Use. The Township Board shall have the authority to revoke any Special Land Use approval after the applicant has failed to comply with any of the applicable requirements of this Section, other applicable sections of this Ordinance, or conditions of the Special Land Use approval.

1. Prior to any action, the Planning Commission shall conduct a public hearing following the notification process for the original approval (Section 12.06 Public Hearing Process).

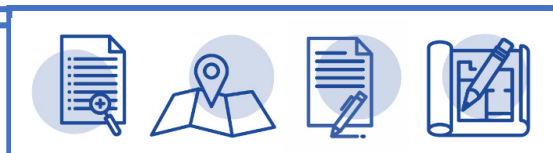


2. The applicant shall be provided an opportunity to present information and to answer questions.
3. The Township Board may revoke any previous approval if it finds that a violation exists and has not been remedied and the operator is unable to meet the conditions of the special land use and/or uphold the special land use approval standards in Section 12.05.D.

Section 12.80 Public Hearing Process

Notice of a hearing as determined by this Ordinance (text amendment, rezoning, special land use, variance etc.) shall follow the following process:

- A. The Township Clerk shall prepare and post the necessary notice with the following information:
 1. A description of the nature of the request.
 2. The street address of parcel that is the subject of the request in the case of a rezoning. If the property does not have a street address, the parcel's tax description will be used.
 3. When and where the amendment public hearing will be held.
 4. When and where written comments can be sent.
 5. When and where a copy of the request can be reviewed.
- B. The notices shall be published, mailed, or personally delivered no less than fifteen (15) days before the hearing date. The following lists the different notices to maintain:
 1. The public hearing case shall be published in a newspaper of general circulation in the Township.
 2. Notice shall also be delivered personally or by mail to the owner of the subject property and the owners of all property within three hundred (300) feet of the subject property. Notice shall be based on the latest tax assessment roll.
 3. Notice shall also be given to any occupants of structures within three hundred (300) feet if the occupants are different than the owners.
 4. Located at the Township Hall and Township website.

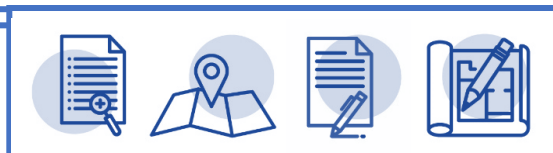


Section 12.90 Conditions

- A. As part of an approval of a land use decision regarding this Ordinance, the approving body may impose any additional conditions or limitations as may be necessary to:
1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 2. Protect the natural environment and conserve natural resources and energy.
 3. Ensure compatibility with adjacent uses of land.
 4. Promote the use of land in a socially and economically desirable manner.
 5. There should be a reasonable connection between the condition imposed and the potential impact it is mitigating.
 6. Such conditions shall be considered necessary by the approving body to ensure compliance with the review standards, and necessary to meet the intent and purpose of this Ordinance.
- B. The conditions imposed on an approved application run with the property and not with the owner of such property.
- C. A record of conditions imposed shall be recorded in the minutes attached to the approved application and maintained by the Township.
- D. **Amending Conditions.** The conditions shall remain unchanged unless an amendment is approved by the approving body. A new public hearing is required to change conditions associated with the decision. See public hearing requirements in Section 12.06 Public Hearing Process.
- E. The Zoning Administrator is responsible for confirming conditions have been met, on a modified site plan or addendum to the original plan. Once met, the Zoning Administrator shall issue a zoning permit which will serve as a record that conditions are met, prior to an applicant requesting a building permit.

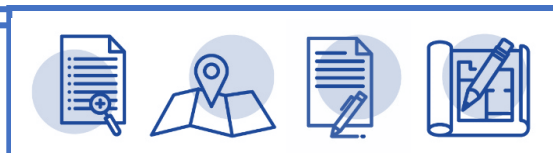
Section 12.100 Performance Guarantees

- A. In the interest of ensuring compliance with the Zoning Ordinance and protecting the natural resources and health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use have been submitted, the Township Board as a condition of approval of the proposed use may require the applicant to deposit a performance guarantee as set forth herein to ensure completion of improvements connected with the proposed use required by this Ordinance, said improvements including but not limited to roadways, lighting, utilities,



sidewalks, drainage, fences, screens, parking lot areas, walls, landscaping and signs.

- B. **Payment Method.** Performance guarantee as used shall mean a cash deposit, certified check, or surety bond in the amount of the estimated cost of the improvements to be made as determined by a representative of the Township.
- C. **Condition.** Where the Township Board, as a condition of approval of a proposed use of land requires a performance guarantee, said performance guarantee shall be deposited with Imlay Township at the time of issuance of a building permit by Imlay Township for the development and use of the land.
- D. Where a performance guarantee is required by the Township Board as a condition of approval for a proposed use, the Township Board shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed, said period to run from the date of the issuance of the building permit.
- E. The amount of the deposit shall be five (5%) percent of the project cost or one-hundred and ten (110%) percent of the remaining work to be completed. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments.
- F. Upon the satisfactory completion, as determined by the Township, of the improvement for which the performance guarantee was required, the Township shall return to the applicant the remainder of any performance guarantee deposited and any interest earned.
- G. In the event the applicant defaults in making the improvements for which the performance guarantee is required within the time period established by the Township Board, the Township shall have the right to use the performance guarantee deposited and any interest earned to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
- H. In the event the applicant defaults in making the improvements and the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay to the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.
- I. In the event the applicant defaults in making the improvements and the Township uses the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township's administrative costs in completing the improvement with any balance remaining being refunded to the applicant.



- J. In the event the applicant has been required to post a performance guarantee or bond with another governmental agency to ensure completion of an improvement associated with the proposed use, the applicant shall not be required to deposit a performance guarantee with Imlay Township, for that specific improvement.
- K. The performance guarantee shall be deposited with the Township before the issuance of a building permit. The applicant shall enter into an agreement with the Township incorporating the provisions hereof regarding the performance guarantee.

Section 12.110 Fees

- A. Fees for inspection, review of applications, issuance of permits or certificates or copies required or issued under the provisions of this Ordinance may be collected by Imlay Township in advance of processing application or issuance of permits.
- B. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of their review, inspection and/or other action required to administer or enforce this Ordinance.
- C. The schedule of fees shall be posted in the office of the Township Supervisor and may be altered or amended from time to time by resolution of the Township Board. Until all applicable fees and charges have been paid in full, no action shall be taken on any application or appeal.

Section 12.120 Enforcement Procedure

- A. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.
- B. **Process.** The violation and enforcement process shall follow the below order:
 - 1. Identification of the violation.
 - 2. Inspection of the violation.
 - 3. Notification to the violating property owner and/or occupant.
 - 4. If the situation is remedied, it shall be noted in the Township records. If compliance is not provided, proceed with the other stated legal action as deemed appropriate by the Zoning Administrator and/or Township Board.
- C. **Enforcement and Penalty.** Any person, firm, or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine, plus costs and other sanctions, attorney fees, clean-up costs, and other expenses incurred in enforcing the Ordinance for each infraction. Repeat offenses under this Ordinance shall be



subject to increased fines as provided for in the Imlay Township Civil Infraction Ordinance.

Section 12.130 Other Enforcement Tools

The Township Board, Township Attorney, or Township representative acting upon the direction of the Township Board may institute injunction, stop work orders, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings, to prevent, enjoin, abate or remove any said unlawful erection, construction, alteration, reconstruction, maintenance or use. The rights and remedies provided are cumulative and in addition to all other remedies provided by law.

Section 12.140 Public Nuisance Per Se

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



Article 13 Amendments

Section 13.00 Purpose

The purpose of this Article is to identify the procedures for initiation and review of text and map amendments to this Zoning Ordinance and provide standards for approval of the proposed amendments.

Section 13.10 Text Amendment Procedure

- A. An applicant may request a preliminary meeting before formal submittal of a text or map amendment to review the general concept or basic location of various features and characteristics. The preliminary meeting can be held in two (2) different ways:
1. Township Staff and other Township Representatives can meet with the applicant to provide general feedback and information about the requested amendment.
 2. The applicant can be placed on the Planning Commission's agenda to provide general feedback and information about the requested amendment.
- B. Amendments to the provisions of this Ordinance may be initiated by the Township Board, Township Staff, the Planning Commission, or by petition from one or more residents or property owners of the Township as stated in Section 402 of the Michigan Zoning Enabling Act.
- C. All completed applications and paid associated fees shall be submitted to the Zoning Administrator for review.
- D. The proposed amendment shall follow all public hearing procedure and notice requirements as stated in Section 12.06 Public Hearing Process.
- E. The Planning Commission shall conduct the required public hearing, and provide recommendations in Section 7.20 Standards for Approval of Text Amendment for the approval or denial of the proposed amendment to the Ordinance regulations to the Township Board.
- F. Upon completion of action by the Township Planning Commission, the proposed rezoning or amendment shall be submitted to the Lapeer County Board of Commissioners or its designee for review and comment, if required by the County.
- G. The Township Board will make the final decision based on standards in Section 7.20 Standards for Approval of Text Amendment.



Section 13.20 Standards for Approval of Text Amendment

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

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

Section 13.30 Rezoning Procedure

- A. An applicant may request a preliminary meeting before formal submittal of a text or map amendment to review the general concept or basic location of various features and characteristics. The preliminary meeting can be held in two (2) different ways:
 - 1. Township Staff and other Township Representatives can meet with the applicant to provide general feedback and information about the requested amendment.
 - 2. The applicant can be placed on the Planning Commission's agenda to provide general feedback and information about the requested amendment.
- B. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Township Board, Township Staff, the



Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment as stated in Section 402 of the Michigan Zoning Enabling Act.

- C. An owner of land may voluntarily offer in writing and the Township may approve, certain use and development of land as a condition to the approval of a rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.)
- D. If applicable, a Development Impact Study may be required by the Planning Commission with this application regarding map amendments as shown in Section 6.60 Community Impact Statements.
- E. All completed applications and paid associated fees shall be submitted to the Zoning Administrator for review.
- F. The proposed amendment shall follow all public hearing procedure and notice requirements as stated in Section 12.06 Public Hearing Process.
- G. The Planning Commission shall conduct the required public hearing, and provide recommendations in Section 7.40 Standards for Approval of Zoning Map (Rezoning) for the approval or denial of the proposed amendment to the Ordinance regulations to the Township Board.
- H. Upon completion of action by the Township Planning Commission, the proposed rezoning or amendment shall be submitted to the Lapeer County Board of Commissioners or its designee for review and comment, if required by the County.

Section 13.40 Standards for Approval of Zoning Map (Rezoning)

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

- A. Consistency with the goals, policies and future land use map of the Imlay Township Master Plan, including any sub-area or corridor studies. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be demonstrated.
- B. Evidence that the applicant cannot receive a reasonable return on investment through developing the property with any of the uses permitted under the current zoning.
- C. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts



on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

- D. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
- E. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- F. The request has not previously been submitted within the past one (1) year unless conditions have changed or new information has been provided.

Section 13.50 Effect of Conditional Rezoning

A. **Application.** Any offer to enter into a conditional rezoning agreement shall submit to the Zoning Administrator the rezoning fee, completed application, concept plan, and written voluntary conditions associated with the proposal. Proposed rezoning agreements may only be initiated by the owner of the property and not by the Township.

B. **Procedure.**

1. The proposed amendment shall follow all public hearing procedure and notice requirements as stated in Section 12.06 Public Hearing Process.
2. The Planning Commission shall conduct the required public hearing, and provide recommendations based on the standards in Section 7.40 Standards for Approval of Zoning Map (Rezoning) for the approval or denial of the proposed conditional rezoning of property to the Ordinance regulations to the Township Board.
3. Upon completion of action by the Township Planning Commission, the proposed conditional rezoning shall be submitted to the Lapeer County Board of Commissioners or its designee for review and comment, if required by the County. If a conditional rezoning is submitted to the County and no recommendation is received from the County within thirty (30) days, the Township Board shall conclusively presume that the County has waived its right for review.
4. After receiving the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed conditional rezoning. Any decision by the Township Board which results in the conditional rezoning of property, or the amendment of the Ordinance shall be incorporated in an ordinance duly adopted and published by the Township Board.
 - a. If a conditional rezoning is approved by the Township Board, an affidavit outlining the approved conditions, signed by the Township



Supervisor and the property owner, shall be recorded with the Register of Deeds and shall run with the land.

5. If applicable, any conditions shall be listed on the site plans.

C. Limitations On Agreements.

1. A conditional rezoning agreement shall not be used to allow anything that would not otherwise not be permitted in the proposed zoning district.
2. Any proposed variations from district requirements such as density, permitted uses, or lot size, shall only be granted by the Zoning Board of Appeals pursuant to the variance standards contained in Section 14.40 Variances.
3. Any agreement shall include a specific time period during which the terms of the agreement must be completed.
4. If the conditional rezoning involves development requiring site plan or special land use approval, such approvals are separate from the conditional rezoning approval by the Township Board.

Section 13.60 Court Decree

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral thereof to any other board or agency.



Article 14 Zoning Board of Appeals

Section 14.00 Purpose

The Zoning Board of Appeals (ZBA), shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act PA 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done.

Section 14.10 Creation & Membership

- A. The Board shall be composed of the five (5) following members:
1. One (1) member of the ZBA shall be a member of the Township Planning Commission, for the period of his appointed term of office.
 2. The remaining four (4) members shall be selected by the Township Board from among the electors residing in Imlay Township outside of incorporated areas, for a term of three (3) years.
 3. One (1) member of the ZBA may be a member of the Township Board, for the period of his elected term of office. An elected officer of the Township shall not serve as the Chairperson of the Board. The Township Board may appoint not more than two (2) alternates to the ZBA to serve during the absence of a regular member; in the interim if a member resigns; or when a regular member is excused from an item due to an announced conflict of interest. The alternate(s) shall serve for a three (3) year term.
- B. In the case of a vacancy for an unexpired term of a ZBA member, the remainder of the term shall be filled and served by a newly appointed member.
- C. The ZBA shall elect a Chairperson, Vice-Chairperson, and Secretary.
- D. Members of the ZBA shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute malfeasance in office.
- E. **Conflict of Interest.** A conflict of interest is when a member has a direct personal or financial interest or the member's spouse, household member, business associate, employer, employee or close personal friend has a personal or financial interest in the matter pending before the ZBA. If there is a conflict of interest, the following process shall take place:
1. The member shall identify they may have a conflict of interest to Township Staff and ZBA.



2. The ZBA may choose to hold a vote on whether the member has a conflict of interest or not. The majority vote shall stand regarding if the member may participate in the discussion and vote on the subject matter.
3. Upon finding there is a conflict of interest that member shall not participate in the discussion of that item on the agenda. This is an example of when an alternative member of the ZBA may participate in lieu of the member with the conflict of interest.

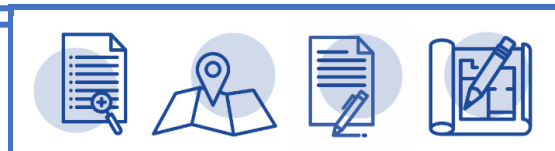
Section 14.20 Duties and Responsibilities

The Zoning Board of Appeals (ZBA) shall have the following powers, and it shall be its duty:

- A. Processing administrative or Township Board / Planning Commission decisions regarding rezoning, site plan review, or special land use appeals.
- B. Processing non-use variances.
- C. Interpretation of the Zoning Ordinance and Zoning Map and unclear permitted uses.

Section 14.30 Meetings and Procedure

- A. All completed applications and paid associated fees shall be submitted to the Zoning Administrator. The Zoning Administrator may send the application to consultant or Township representative/staff for comment. The Zoning Administrator shall assist in the preparation of the public hearing as necessary for the application as part of the processing of the application.
- B. All meetings of the ZBA shall be held at the call of the Chairman and at such times as such Board may determine.
- C. The ZBA shall not conduct business unless a majority of the members of the Board are present (three members).
- D. All hearings conducted by said Board shall be open to the public and meet requirements of the Open Meeting Act 267 of 1976 as amended. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating each fact; and shall also keep records of its hearings and other official action. The ZBA shall follow the public hearing procedures listed in Section 12.06 Public Hearing Process.
- E. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.
- F. The ZBA decisions are based on a majority of the regular members. This would require at least three (3) members to vote in the same way to determine a valid decision.



G. **Voting.** In exercising the above powers, the ZBA may reverse or grant in whole, grant partial request, or may modify the order, requirement, decision or determination appealed, variances, or interpretations. The decision or determination by the ZBA is to assure reasonable protection to abutting properties and adjacent districts, and to that end shall have all the powers of the administrative official from whom the appeal, variances, or interpretations is taken.

Section 14.40 Variances

- A. The ZBA shall have the authority to grant non-use variances on any requirement of the Zoning Ordinance. The completed application and associated fee shall be provided to the Township. The ZBA shall hold a public hearing consistent with the process in Section 12.06 Public Hearing Process.
- B. Standards. In the consideration of the non-use variance the ZBA shall consider the following standards:
1. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular parcel of land.
 2. That a practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that does not generally apply to other property or uses in the same zoning district.
 3. That the hardship or special conditions or circumstances do not result from actions of the applicant. That the variance requested is the minimum amount necessary to mitigate the hardship.
 4. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others, it shall be so decided.
 5. That strict compliance with the provision as written would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
- C. The ZBA may grant the full request, partial, or modified variance request. In making a decision, the ZBA may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance as noted in Section 12.07 Conditions.



D. **Validity.** Any variance shall expire one (1) year from the date it is granted, unless use of the property has begun, or construction has been undertaken pursuant to the variance.

Section 14.50 Appeals

A. An appeal may be taken to the ZBA by any person, firm, or corporation, or by any officer, Department, Board or Bureau aggrieved by an administrative order, decision, requirements, or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance.

B. **Timeframe.** All appeals must be applied for in writing on forms provided by the Township. An application shall be filed with the Zoning Administrator. An applicant has thirty (30) days from the date of the decision to file an appeal (written correspondence or meeting date).

C. **Procedure.** All appeals shall follow the public hearing notice procedures noted in Section 12.06 Public Hearing Process. The ZBA shall hold the public hearing and make a decision.

D. **Administrative Appeals.** An appeal may be taken to the ZBA by any person, firm, or corporation, or by any officer, department, board, or bureau affected by a decision of an official or body responsible for administering the Zoning Ordinance. The ZBA shall also interpret the Zoning Map and rule on nonconforming uses and structures whenever the determination of the Zoning Administrator is appealed.

E. **Township Board Appeals.** A qualified application for an appeal of a Township Board decision is from property owners or occupants within the public notice area that are deemed to be impacted by the subject application.

1. In the case of an appeal of a Township Board decision, the board representative on the ZBA may not participate in a public hearing or vote on an appeal of a matter that they voted on as a member of the Planning Commission. They may consider and vote on other unrelated matters involving the same property.

F. **Standards For Approval.** The standards for the basis of a decision of an appeals case shall be based on at least one (1) of the following standards to be found in support:

1. was the original decision arbitrary or capricious; or
2. was the original decision based on an erroneous finding of a material fact; or
3. did the original decision constitute an abuse of discretion; or
4. was the original decision based on erroneous interpretation of the Zoning Ordinance or zoning law.



Section 14.60 Interpretations

- A. The Zoning Board of Appeals (ZBA) shall have the authority to do the following types of interpretations:
1. Text Zoning Ordinance,
 2. Zoning Map (zoning district boundaries),
 3. Whether or not a specific use falls into a larger land use classification, or
 4. Classification of a use clearly not included in this Ordinance that is deemed to be a permitted use. In defining a use not clearly stated, the ZBA shall determine the appropriate definition of the use, parking, and additional requirements specific to the use as deemed necessary.
- B. **Standards.** The following shall be the basis for an approval standard for an interpretation:
1. Consistent with intent/purpose of the zoning district.
 2. Consistent with goals and Future Land Use Plan in the Master Plan.
- C. Upon the decision by the ZBA, an interpretation shall be maintained by the Zoning Administrator and, if necessary, may initiate a text amendment procedure to modify this Ordinance to maintain consistency based on this ruling.

Section 14.70 Circuit Court of Appeals

- A. The decision of the ZBA shall be final. However, a person who has an interest affected by this Ordinance may appeal to the circuit court. Upon appeal, the court shall review the record and decision of the ZBA to ensure that the decision:
1. Complies with the constitution and laws of the State.
 2. Is based upon proper procedure.
 3. Is supported by competent material and substantial evidence on the record.
 4. Represents the reasonable exercise of discretion granted by law to the ZBA.
- B. If the court finds the record of the ZBA inadequate to make the review required by this Section, or that there is additional evidence which is material and with good reason was not presented to the ZBA, the court shall order further proceedings before the ZBA on conditions which the court considers proper. The ZBA may modify its findings and decision as a result of the new proceedings or may affirm its original decision. The supplementary record and decisions shall be filed with the court.
- C. As a result of the review required by this Section, the court may affirm, reverse or modify the decision of the ZBA.



Article 15 Reserve



Article 16 Enactment & Effective Date

- A. The Planning Commission held their public hearing for the Ordinance on _____, 2026.
- B. This Ordinance is hereby declared to have been adopted by the Township Board of the Imlay Township, Lapeer County, Michigan at a meeting thereof, duly called and held on June __, 2026 pursuant to the Michigan Zoning Enabling Act P.A. 110 of 2006.
- C. This Ordinance shall become effective seven (7) days after publication on June __, 2026.
- D. On the Imlay Township Board voted at its regular meeting to amend the Imlay Township Zoning Ordinance to delete all prefatory Zoning Ordinance numbering codes in the Zoning Ordinance except Article, Section and subsection numbering, effective.

