

**RAY TOWNSHIP**  
**ZONING ORDINANCE**  
**ORDINANCE NO. 36**

Originally Adopted: October 18, 1976  
(Updated to include all amendments to April, 2011)

**Ray Township Board**  
(2008)

Charles Bohm, Supervisor  
Kenneth Artman, Clerk  
Douglas Stier, Treasurer  
John Zoccola, Trustee  
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**Ray Township Planning Commission**  
(2010)

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Last revision – April, 2011

*This Ordinance contains all amendments and adoptions through April, 2011 all residents and developers should check with the Ray Township Offices for any newly adopted or amended Ordinances*

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**RAY TOWNSHIP  
Macomb County, Michigan**

**ORDINANCE NUMBER 36**

**TITLE**

An Ordinance enacted under Act 184, Public Acts of 1943, as amended, governing the use of unincorporated portions of the Township of Ray, Macomb County, Michigan, to provide for the regulation of land development and the establishment of zoning districts within which the proper use of land, structures, and natural resources may be encouraged or regulated, and within which district provisions are adopted designating the location of, the size of the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be housed in dwellings, buildings and structures, including tents and trailer coaches; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments thereto; to provide for the acquisition by purchase, condemnation, or otherwise of nonconforming property; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide penalties for violations to provide for petitions; to provide for collection of fees for building permits; to provide for public hearings, and referenda; and to provide for any other matters authorized by the above mentioned "Township Rural Zoning Act" all in accordance with the Township Master Plan considered for purposes of this Ordinance to be the plan or basic plan referred to in Act 168, Public Acts of 1959.

**ENACTING CLAUSE**

THE TOWNSHIP OF RAY, COUNTY OF MACOMB, STATE OF MICHIGAN ORDAINS:

## ARTICLE I

### TITLE & PURPOSE

#### **Section 100 SHORT TITLE.**

This Ordinance shall be known and cited as the "Ray Township Zoning Ordinance."

#### **Section 101 PURPOSE.**

The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to encourage the use of lands in accordance with their character and adaptability; and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development, as studied and recommended within a Master Plan by the Ray Township Planning Commission and endorsed, and regulations adopted, therefore, by the Ray Township Board.

#### **Section 102 INTERPRETATION.**

The provisions of this Ordinance shall be considered as minimum standards and requirements within each respective zoning district and shall not preclude the establishment of higher or more restrictive standards or requirements where such restrictive conditions meet the following requirements and are found necessary to attain the intent of this Ordinance. For the purpose of this Ordinance, all conditional use or uses permitted after special approval shall be special approval land uses as authorized in Act 184 of the Public Acts of 1943, as amended.

Reasonable conditions may be required with the approval of a conditional use, planned unit development, cluster housing option or other land uses or permitted activities necessary to insure 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. The conditions may include: (1) conditions necessary to insure 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) protecting the natural environment and conserving natural resources and energy; insuring compatibility with adjacent uses of land; and (3) promoting the beneficial use of land in a socially and economically desirable manner. Conditions imposed shall meet each of the following:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which. are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to



insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Township Clerk shall maintain a record of changes granted in conditions.

## ARTICLE II

### DEFINITIONS

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The term "person" shall mean an individual, partnership, corporation, or other association or their agents. The words used or occupied include the words intended, designed, or arranged to be used or occupied. Terms not herein defined shall have the meanings customarily assigned to them.

#### Section 200. DEFINITIONS

**ACCESSORY BUILDING** - A detached structure on the same lot with and of a nature customarily incidental to the principal structure. All accessory buildings shall conform to the requirements of Section 302 of this Ordinance.

**ACCESSORY USE** - A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

**AGRICULTURAL USE** - Substantially undeveloped land devoted to the production of plants and animals useful to man, including forages and sod crops; grains and feed crops; dairy and dairy crops; livestock, including breeding and grazing; fruits; vegetables; and other similar uses and activities.

**AGRIBUSINESS USE** - Any fixed or mobile retail food establishment which is engaged primarily in the sale of raw agricultural products, but may include packaged food products. Such business shall be clearly incidental and accessory to the principal agricultural use.

**ALLEY** - A public way which affords a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS** - Any change, addition or modification in construction or type of occupancy.

**ALTERATIONS, STRUCTURAL** - Any change in the number of exits in the supporting members of a building, such as bearing walls, or partitions, columns, beams or girders or any substantial change in the roof.

**APARTMENT** - The term "apartment" is the same as dwelling, multi-family.

**AUTOMOBILE REPAIR** - General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and vehicle rust proofing.

**AUTOMOBILE SERVICE STATION** - A building or premises designed or used for the retail sale or supply of fuels (stored only in underground tanks), lubricants, air, water, and other operating commodities for motor vehicles, and including the customary space or facilities for the installation of such commodities on or in such vehicles, and including space or facilities for the storage, minor repair or servicing, but not including bumping, painting, refinishing, muffler installation where the primary use of the premises is such, thereof. A service station is not an automobile repair or body shop. Amended: 05-16-00 (36-00-4a)

**AUTOMOBILE WASH ESTABLISHMENT** - A building, or a portion thereof, the primary purpose of

which is that of washing motor vehicles.

**BASEMENT** - That portion of a building which is partly or wholly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five (5) feet or more, such basement shall be considered as a story.

**BERM** - A mound of soil graded, shaped, and improved with landscaping in such a fashion as to be utilized for screening purposes.

**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.

**BOARD OF APPEALS** - The Zoning Board of Appeals of the Township of Ray.

**BOARDING HOUSE** - A building (includes rooming house or lodging house) where lodging and/or meals, are provided for compensation to three (3) or more persons by prearrangement

**BUILDABLE AREA** - The space remaining after compliance with the minimum required setbacks and the minimum open space requirements of this Ordinance.

**BUILDING** - A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels, is a building. This shall not include buildings of less than six (6) square feet such as a dog house. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

**BUILDING HEIGHT** - The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs, or to a point equivalent to the foregoing on any other roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade.

**BUILDING LINE** - A line established, in general, parallel to the front street right-of-way line at the minimum front yard setback distance.

**CLINIC** - A place for the care, diagnosis, and treatment of sick or injured persons, and those in need of medical or minor surgical attention. A clinic may include one or more dentist or doctor offices. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care.

**COMMERCIAL VEHICLE** - Any self propelled or towed vehicle used for the shipping or transporting of persons, goods and/or materials which has a gross vehicle weight of or exceeding 24,000 pounds.

**COMMISSION** - The word "Commission" shall mean the Township Planning Commission.

**CONDITIONAL USE** - A use specified in this Ordinance as permissible in a specific use district only after special conditions are met. (Uses permitted after special approval).

Amended: 04-18-00 (36-00-4) & 02-01-00 (36-00-2)

## **CONDOMINIUMS-**

- (1) A building, a group of buildings or a property in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
- (2) Condominium Act means Act 59 of 1978, as amended.
- (3) Condominium Subdivision Plan means the site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review.
- (4) Condominium Unit means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
- (5) Master Deed means the condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the site.

**CONVALESCENT OR NURSING HOME OR REST HOME** - A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and/or medical care.

**DISTRICT** - A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

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

**DRIVE, PRIVATE** - A means of vehicle access serving one property, or one dwelling.

**DWELLING** - A building or portion thereof, used exclusively for residential occupancy but not including hotels, motels, boarding houses, travel trailers, or tents.

**DWELLING, MULTIPLE** - A building or portion thereof, used or designed as residences for three (3) or more families living independently of each other and each doing their own cooking in said building (i.e., apartment).

**DWELLING, SINGLE-FAMILY OR ONE-FAMILY** - A detached building designed for or occupied exclusively by one (1) family.

**DWELLING, TWO-FAMILY** - A detached building, designed for or occupied exclusively by two (2) families living independently of each other such as a duplex dwelling unit.

**DWELLING UNIT** - A room or rooms connected together constituting a separate, independent housekeeping establishment for one family only, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities. In no case shall a travel trailer, automobile or truck chassis, or tent be considered a dwelling unit. In a case where a building is occupied in part as a dwelling unit, the part so occupied shall comply with the provisions thereof relative to dwellings.

**EFFICIENCY UNIT** - An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.

**ERECTED** - The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

**ESSENTIAL SERVICES** - The term "essential services" means the erection, construction, alteration, maintenance, addition, reconstruction, or replacement by public utilities or municipal departments or commissions of underground, surface or overhead distribution of gas, electricity, communications (excluding commercial radio, television, cellular, digital, and other transmitting or relay, antenna, towers or monopoles), steam or water transmission or distributing systems, collection, supply or disposal system, including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service to this municipality and immediate surrounding territory by such public utilities or municipal departments or commissions. Such facilities, both above and below ground, designated to serve users outside of this municipality and immediate surrounding territory shall not be considered essential services under this definition.

**EXCAVATING** - Excavating shall be the removal of sand, stone, gravel or dirt below the average grade of the surrounding land and/or road grade, whichever shall be the highest.

**FAMILY** - One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of four (4) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Notwithstanding the definition of the preceding paragraph, a family shall be deemed to include four (4) or more persons not within the second degree of kinship, occupying a dwelling unit and living as a single, non-profit housekeeping unit, if said occupants are persons protected by Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Acts of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition. A fraternity, sorority, boarding house or club shall not be considered a single-family dwelling.

**FARM** - Refer to Farmland

**FARM BUILDINGS** - Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

**FARMLAND** - Shall be defined by any of the following: 1) A farm of 40 or more acres, in one ownership which has been devoted primarily to an agricultural use, 2) A farm of 5 acres or more in one ownership, but less than 40 acres, devoted primarily to an agricultural use, which has produced a gross annual income from agricultural of \$200.00 per year or more per acre of cleared and tillable land, 3) A farm designated by the Department of Agriculture as a specialty farm in one ownership which has produced a gross annual income from an agricultural use of \$2,000.00 or more, at least 15 acres in size, or 4) Parcels of land in one ownership which are not contiguous but which constitute an integral part of farming operations being conducted. If any discrepancy arises, the Farmland and Open space Preservation Act (P.A. 116) shall override this ordinance.  
Amended: 02-01-00 (36-00-3) & 05-16-00 (36-00-4a)

**FARM POND OR FISH POND** - A water impoundment made by constructing a dam or embankment, or by excavating a pit or dugout to provide water for livestock, fish and wildlife, fish production, recreation, fire control, crop and orchard spraying and related uses. Such ponds shall meet the minimum standards set

by the Soil Conservation Service (SCS) for design, engineering, construction and maintenance.

**FEED LOT** - A lot or area in which cattle, livestock or hogs or similar animals are confined in high densities or numbers which require feed areas, corrals or bolding pens, feed storage and diversion channels or detention ponds to process, treat, or store animal waste and water runoff. Any such feed lot shall meet the minimum standards set by the Extension Agricultural Engineer at Michigan State University or the Macomb County Cooperative Extension Service.

**FILLING** - Shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening.

**FLOOR AREA** - Area measured to the exterior face of exterior walls and to the centerline of interior partitions.

**FLOOR AREA, USABLE, NON-RESIDENTIAL** - The sum of the horizontal area of the first story measured to the exterior face of exterior walls, plus, similarly measured, that area of all other stories, including mezzanines, which may be made fit for occupancy, including the floor area of all accessory buildings measured similarly and the floor area of basements used for activities related to the principal use, such as storage, but excluding furnace and utility rooms. Parking space located within a building shall not be considered usable floor.

**FLOOR AREA, USABLE, RESIDENTIAL** - The sum of the horizontal area of the first story measured to the exterior face of exterior walls, plus, similarly measured, that area of all other stories having more than eighty-four (84) inches of headroom which may be made usable for human habitation, but excluding the floor area of basements, attics, garages, breezeways, porches and accessory buildings.

**GARAGE, PRIVATE** - An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**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.

**GROSS ANNUAL INCOME, farming related** - An average income computed from two of the three tax years immediately preceding the current from the raising or harvesting of any agricultural commodities.

**GROSS VEHICLE WEIGHT** - As defined within the Motor Carrier Safety Act: the combined weight of a motor vehicle and any load on that vehicle.

**GUN CLUB** - Any club, organization, individual, group of individuals, or use, whether operated for profit or not, which caters to or allows the use of firearms. Amended: 02-01-00 (36-00-2) & 05-16-00 (36-00-4a)

**HOOFED ANIMALS (AND THE LIKE):** shall be defined as but not limited to horses, cattle, alpaca, llamas, buffalo, pigs, miniature horses, ponies, sheep, goats or other similar animals.

**HOME OCCUPATION** - Any use customarily conducted within the dwelling or its accessory buildings and carried on only by the inhabitants thereof. Such use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes, is not offensive, and shall not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. One (1) non-illuminated sign, not more than two (2) square feet in area, may be permitted which shall

contain only the name, phone number, and occupation of the resident of the premises. Restaurants, animal hospitals, kennels, automobile repair or bump shops, among others, shall not be considered as home occupations.

**Type I Home Occupations** - Certain home occupations which are conducted entirely within the dwelling unit (does not include accessory buildings) and which do not require any external alterations, additional parking, or separate entrances.

**Type II Home Occupations** - Home occupations other than Type I which may be conducted in accessory buildings or elsewhere on the site. Type II Home Occupations may also be permitted to have external alterations to the structure, separate entrances, or additional parking spaces.

**HOSPITAL** - An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

**HOTEL** - A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

**JUNK YARD** - 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.

**KENNEL** - Any lot or premises on which four (4) or more dogs six (6) months old or over are kept either permanently or temporarily.

**KENNEL, COMMERCIAL** - Any lot or premises on which four (4) or more dogs six (6) months old or over are kept either temporarily or permanently for personal use or for boarding, breeding, training, competition, hunting, showing, or for sales.

**KENNEL, PRIVATE** - Any lot or premises on which not less than four (4) but not more than ten (10) dogs six (6) months old or over, that are owned by the resident, are kept either temporarily or permanently for personal use or for breeding, competition, hunting or showing.

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

**LOT** - 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 OF RECORD** - A lot which actually exists as shown on the records of the Register of Deeds of Macomb County.

**LOT, CORNER** - A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, and any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less. The point of intersection of the street lot lines is the "corner". In the case of a corner lot with a curved

street line, the corner is that point of intersection of the tangents described above.

**LOT COVERAGE** - The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**LOT, DOUBLE FRONTAGE** - An interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a double frontage lot, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting on one or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

**LOT, INTERIOR** - A lot other than a corner lot.

**LOT LINES** - The lines bounding a lot as defined herein.

- (1) **Front Lot Line** - In the case of an interior lot, the line separating said lot from the street right-of-way. In the case of a corner lot, the front lot line is that line separating said lot from the street which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit.
- (2) **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.
- (3) **Side Lot Line** - Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT WIDTH** - The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot line.

**MAJOR THOROUGHFARE** - An arterial street which is intended to serve as a large volume traffic way for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a right-of-way width existing or proposed, of one hundred twenty (120) feet or greater shall be considered a major thoroughfare.

**MASTER PLAN** - 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.

**MEDICAL MARIJUANA DISPENSARY, COMPASSION CENTER** or similar operation for the consumption of medicinal marijuana is any facility or location where medical marijuana is grown or possessed for the purpose of distributing to a registered primary caregiver who does not reside at the location where the medical marijuana is grown, cultivated, or possessed, or any facility or location where medical marijuana is grown, processed, possessed or where a means is provided for the purpose of distributing or facilitating the distribution of medical marijuana to more than five (5) qualified patients.

Amended 04/05/11 (36-11-1)

**MOBILE HOME (INCLUDES HOUSE TRAILER OR TRAILER COACH)** - Any vehicle designed with all of the following characteristics:



- (1) Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to external systems.
- (2) Designed to be after fabrication on its own wheels as one or more modules. must also be able to be licensed under the provisions of Act 300 P.A. of 1949, as amended.
- (3) Arriving at the site where it is to be occupied as a complete dwelling and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connections to utilities and the like.

**MOBILE HOME PARK (INCLUDING TRAILER CAMP PARK)** - Any parcel of land which has been designed and/or improved for the placement of mobile homes or trailer coaches, which are to be used for dwelling purposes.

**MOBILE HOME SITE (MOBILE HOME LOT)** - A parcel of land, within a mobile home park, designed for the placement of a single mobile home.

**MOTEL** - A series of attached, semi-detached, or detached rental units containing bedroom, bathroom, and closet space wherein each unit has a separate individual entrance. No kitchen or cooking facilities are to be provided without the approval of the Township Planning Commission, with the exception of units for use of the manager and/or caretaker. Units shall contain not less than two hundred and fifty (250) square feet of net floor space, provided, however, that for those units with permitted kitchens or kitchenettes, a total of three hundred and fifty (350) square feet of net floor space in each rental unit shall be provided.

**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 to the use regulations of the district in which it is located.

**NONCONFORMING STRUCTURE** - A building, structure, or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of this Ordinance, nor to the regulations of the district in which it is located.

**NONCONFORMING USE** - A use which lawfully occupies a building or land at the time this Ordinance, or amendments thereto, become effective, that does not conform to the use regulations of the district in which it is located.

**OCCUPIED**- The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**PARKING SPACE** - An area of not less than nine and one-half (9 ½) feet wide by twenty (20) feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

**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, and quarters for welfare agencies, public health activities and similar uses.

**PUBLIC UTILITY** - Any persons, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under Federal, State or municipal regulations to the public, electricity, gas, sanitary sewers, steam, communications, telegraph, or water services.

**QUARRY EXCAVATION** - Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter, except common household gardening and general farm care.

**ROADSIDE STAND** - A temporary or existing permanent building operated on a seasonal basis for the purpose of selling only produce raised or produced by the proprietor of the stand or his/her family on the premises. Its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed an approved commercial activity.

**SCREENING** - A wall, berm, fence or land of growing trees and shrubs, or combinations of these, for the protection of adjoining premises.

**SETBACK** - The minimum distance required between a building or parts of a building and the road centerline in the case of a front yard setback or the nearest applicable property line for side and rear yard setbacks. Amended: 10/04/05

**SIGN** - Any device designed to inform, advertise or attract the attention of persons.

Scrolling (signs): means having the letters or images move across the sign in any direction or pattern.

Display interval (signs): means the amount of time between displaying different messages or images.

Animation (signs): means displaying images in a dynamic way, like television or movie video or having graphics portraying a moving scene. Amended 08-04-10 (36-10-01)

**SIGN AREA** - Sign area, unless otherwise noted, shall include the total area within any circle, triangle, rectangle or other geometric shape or envelope enclosing the extreme limits of writing, representation, emblem, or any similar figure or element of the sign, together with any frame or other material forming an integral part of the display, if any, or used to differentiate such sign from the background against which it is placed. The area of a double-faced sign shall be computed using only one face of the sign, provided that the outline and dimensions of both faces are identical and that the faces are back-to-back so that only one face is visible at any location.

- (a) In the case of a wall sign in which there is no frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, the envelope shall be around the letters, logos, emblems, figures, pictures, stripes, etc.
- (b) In the case of a sign which is affixed to or printed on an awning or canopy, where there is no design or envelope forming an integral part of the display which differentiates the sign from the background of the awning material or color, the envelope shall be around the letters, logos, emblems, figures, stripes, etc. In the case of transparent or translucent awnings or canopies which have internal lighting, the entire surface of the awning or canopy shall be considered as the sign.

**STORY** - 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.

**STORY, HALF** - An uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below. Tri-level shall be considered one and one-half stories.

**STREET (or ROAD), PRIVATE** - A street or road which the landowners of property served by the private road are responsible for its maintenance and which conforms to all requirements of the Ray Township

Private Road Ordinance.

**STREET, PUBLIC** - A thoroughfare which affords a principal means of access to abutting property and which has been accepted either expressly or implicitly, by the Macomb County Road Commission or other public road agency as a public street, or is used as such by the public.

**SWIMMING POOL** - The term "swimming pool" shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches.

**TEMPORARY BUILDING AND USE** - A structure or use permitted by the Board of Appeals to exist during periods of construction of the main use or for special events, not to exceed two (2) years.

**TRAILER CAMP, PARK** - (See Mobile Home Park).

**TRAILER HOUSE OR MOBILE HOME** - (See Mobile Home).

**TRAVEL TRAILERS (INCLUDING RECREATIONAL VEHICLES, CAMPING TRAILERS, TRUCK CAMPERS, AND SELF-POWERED MOTOR HOMES)** - Vehicular-type portable structures primarily designed as temporary living accommodations for recreational, camping or travel use. These vehicles can be towed, hauled or affixed to another vehicle and driven from one site to another without requiring a State or County Special Permit for travel.

**TRAVEL TRAILER PARK (INCLUDES RECREATIONAL VEHICULAR PARK)** - Any parcel of land designed and/or improved for the placement of two (2) or more travel trailers or tents (used for recreation, camping, or travel use) on the basis of overnight or weekly accommodations.

**USE** - The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

**VETERINARY CLINIC** - A place for the care, diagnosis, treatment and surgical attention of pets and animals. A veterinary clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

**VETERINARY LARGE ANIMAL HOSPITAL** - A place for the care, diagnosis, treatment, and surgical care of farm animals as well as pet animals.

**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 which may include, but are not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities, Citizen band radio facilities, short-wave facilities, ham, amateur radio facilities, satellite dishes, and governmental facilities which are subject to State or Federal law or regulations which preempt municipal regulatory authority are not included in this definition.

**WIRELESS COMMUNICATION, CO-LOCATION:** The location by two or more wireless communication providers, public authority, or other duly authorized party of wireless communications facilities on an existing structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single use wireless communication facilities within Ray Township.

**WIRELESS COMMUNICATION, SUPPORT STRUCTURE:** A structure newly erected or modified to support wireless communication antennas and connecting appurtenances. Support structures types, including, but not limited to, monopoles, lattice towers, light poles, utility support structures, traffic control

structures, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure. Amended 02-01-00 (36-00-03)

**YARDS** - The open spaces on the same lot with a principal building or principal use, unoccupied and unobstructed from the group upward, except as otherwise provided in this Ordinance, and as defined herein.

- (1) **Front Yard** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street right-of-way line and the nearest point of the principal structure.

A corner lot shall have required front yard setbacks on each street when the adjoining lots have their front yard setbacks on the same street. No principal building shall project beyond the required front yard on either street. On such corner lots, the opposite lot lines shall be considered as side lot lines rather than rear lot lines.

- (2) **Rear Yard** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.
- (3) **Side Yard** - An open space between a principal building and the side lot line, extending from the front line to the rear lot line.

## ARTICLE III

### GENERAL PROVISIONS

#### Section 300 DISTRICTS.

The Township of Ray is hereby divided into the zoning districts known as follows:

- R-1 Agricultural-Residential District
- R-M Residential-Moderate Density
- RC Recreational District
- B-1 Local Business District
- B-2 General Business District
- M-1 Industrial District.

#### Section 301 MAP.

The boundaries of these districts are shown upon the map attached hereto and made part of this Ordinance, which map is designated as the Zoning Map of the Township of Ray. The Zoning Map attached hereto and on file in the Township Hall of the Township of Ray and all notations, references, amendments and other information shown thereon are a part of this Ordinance and have the same force and effect as if said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.

Except where reference on said Map is made to a street or other designated line by the dimensions shown on said Map, the district boundary line follows lot lines or the centerlines of the streets or alleys or such lines extended and the corporate limits of the Township of Ray.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals, after recommendation from the Township Planning Commission.

#### Section 302 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS.

In the R-1 Residential zoned district, accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

- A. Accessory buildings or structures in all residential districts shall be customarily incidental to and subordinate in size and scope to the principal structure or use, and shall be subjected to the following regulations:
  - 1. Where the accessory building is structurally attached to the principal building, it shall conform to all regulations of this Ordinance applicable to the principal building.
  - 2. No accessory building shall be constructed prior to the enclosure of the principal building.
  - 3. An accessory building shall not be used for any business, profession, trade or occupation, except where approved by Ray Township as a home occupation.
  - 4. One storage building or shed, which does not exceed one hundred (100) square feet, shall be permitted on each residential lot.  
Amended: 11-18-97 (36-97-1)  
Amended: 04-18-00 (36-00-4)

5. The filing of an affidavit of Zoning Compliance by the owner, prior to the issuance of a building permit, for all accessory buildings or structures other than garages of 720 square feet or less.
  6. Accessory Buildings and/or Structure:
    - a. Shall not be located in the front or required side yard setbacks. May be located in the non-required side or rear yards, provided that they are not located closer than fifteen (15) feet to any lot line. On corner lots, they shall not be located within the required street yard setback.
    - b. Shall not be located closer than ten (10) feet to any other building.
    - c. Shall not exceed twenty-two (22) feet in total height, as measured from ground level to the ridge line. They also shall not have a sidewall height greater than fourteen (14) feet.
    - d. Shall have the following maximum size limits and shall not include the area within garages up to 720 square feet:
      - 1) On parcels of one (1) acre or less, one (1) attached or detached garage, with a footprint not to exceed 1000 square feet, shall be permitted as accessory to the residential dwelling.
      - 2) On parcels with less than five (5) acres, the footprint(s) of all accessory building(s) and/or structures, attached or detached, shall not exceed a combined total of 2,000 square feet.
      - 3) On parcels with five (5) acres or more, the footprints of all accessory buildings and/or structures, attached or detached, shall not exceed a combined total of 3,000 square feet.
- B. Accessory buildings which, in total, have greater than 3,000 square feet in footprint or have a height greater than 22 feet, may be permitted as a Special Approval land Use, subject to the following:
1. The provisions of sections 1201 and 1202.
  2. Site Plan Review.
  3. Increase in size proportional to size of parcel in excess of five (5) acres.

**Section 303 AIRPORTS.**

All airports, heliports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, where permitted, shall be developed in accordance with the rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the Township. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electric lines and appurtenances thereto shall be established by the Board of Appeals after consultation with the appropriate aeronautical agencies and the Township Planning Commission.

**Section 304 RESERVED FOR FUTURE USE. (Repealed 10/04/05)**

**Section 305 BUILDING GRADES.**

- A. A plot plan shall be submitted to the Building Inspector showing building grades. Any building

requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade shall be established and maintained from the center of the front lot line to the finished grade at the front of the building, also from the rear lot line to the rear wall of the building. However, this shall not prevent the grading of a yard space to provide a sunken or terraced area, provided proper means are provided and maintained to prevent the runoff of surface water from flowing onto adjacent properties or into the storm sewer or septic system. The yard around any new building or addition shall be graded in such a manner as to meet existing grades and not permit runoff of surface water to flow or be stored on the adjacent properties.

The final grade of a building shall be a minimum of fourteen (14) inches, up to a maximum of thirty (30) inches, above the tile invert of the field as established by the Macomb County Health Department. Any other variances from these grade requirements must be submitted to the Zoning Board of Appeals. Amended: 07/01/03 (36-03-01)

- B. When a new building is being constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing grade shall have priority over determining the grade around the new building.
- C. Grading for all building sites shall be reviewed by the Building Inspector to determine that proposed and/or actual site grading is proper and that drainage from land lying upstream is not obstructed and that downstream properties will not be adversely affected by runoff from the property under design consideration. It shall be unlawful for any person to interfere with or obstruct the flow of drainage water across any property except as part of a plan approved by the Township Board.
- D. Final grades shall be approved by the Building Inspector, who may require a "Certificate of Grading and Location of Building" duly completed and certified by a registered engineer or land surveyor. Disputes regarding grades and elevations or the need for a certificate may be decided by the Board of Appeals after application and submittal of data.

### **Section 306 BUILDINGS TO BE MOVED.**

Moving of buildings, includes any buildings or structures being relocated within the Township, being moved out of Township or being moved into the Township. Board approval is not needed when the building is being moved within the property lines of a lot or when such move does not necessitate movement along a County, State or Township Road.

Moving of buildings into, within and/or out of the Township shall be approved by the Township Board prior to such moving. Approval shall be contingent upon the Board determining that the following conditions have been met: Amended: 05-16-00 (36-00-4b)

- A. Any person desiring to move a building in Ray Township shall file an application for a building permit and a moving of building application with the Building Inspector. Such moving of building application shall contain among other things, the following information:
  - 1. Name, description and address of applicant.
  - 2. A completed Building Permit Application including site plan and building plans.
  - 3. Length of time for the anticipated move.
- B. Adequate insurance is provided to protect any improvements in the public right-of-way.
- C. Adequate police protection has been arranged for with the appropriate agency.

- D. Where a structure is moved into the Township, the structure must comply completely with all codes and ordinances prior to obtaining a certificate of occupancy.
- E. That the necessary fees, licenses and bonds have been received by the Township.
- F. A surety bond shall be required by the Township Board to insure that the ultimate moving, erection or construction of the building and the development of the site shall be in accordance with the approved plans and proposals. Such bond shall be in an amount equal to the estimated cost of the construction and the site improvements. The surety bond will not be returned until an occupancy permit has been granted.

**Section 307 BUILDING UNDER CONSTRUCTION, TEMPORARY GARAGES AND BASEMENT STRUCTURES.**

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and application on which said building permit was granted. Basement or garage dwellings are hereby declared to be undesirable and are in violation of this Ordinance. No occupancy permit shall be issued for any basement structure or similar structure which has not been completed.

**Section 308 CONFLICTING REGULATIONS.**

Whenever 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, the provisions of this Ordinance shall govern.

**Section 309 DWELLINGS IN NONRESIDENTIAL DISTRICTS.**

It is recognized that within certain nonresidential uses it may be necessary or desirable to permit living or sleeping quarters for watchmen, caretakers or employees. It is nevertheless the intent of this Ordinance to discourage or prohibit the development of detached residential dwelling units or residential structures. Dwelling units, living or sleeping quarters may be permitted within nonresidential zoning districts subject to the following conditions:

- A. All dwelling units, sleeping or living quarters shall be designed, constructed and maintained as an integral part of and contained wholly within the principal building or buildings only.
- B. All such uses shall be incidental to and subordinate to the main or principal use.
- C. Sleeping quarters shall be designed with individual sleeping rooms with a minimum of 70 square feet per room. Sleeping or living quarters are not permitted in garages, basements or cellars.
- D. Sleeping or living quarters shall be inspected and approved prior to a certificate of occupancy. All sleeping, eating and washroom areas shall be maintained in a neat, clean and orderly manner. Any violation thereof shall result in termination (either temporary or permanent) of the sleeping quarters use.
- E. All sleeping or living units or dwelling units shall be limited to occupancy by employees, subcontractors or persons directly affiliated with the main business.



- F. All dwelling units, living or sleeping quarters shall receive site plan approval prior to the issuance of a certificate of occupancy. No such uses may be expanded or enlarged without prior approval of the Township.

**Section 310 DWELLINGS IN OTHER THAN MAIN STRUCTURE.**

No single or two-family residential dwelling shall be erected or placed upon a lot with another single or two-family residential dwelling; nor shall any out-building be converted to living quarters on a lot where a single or two-family residential dwelling exists. Any lot shall meet the minimum lot requirements of the district in which it is located.

**Section 311 ESSENTIAL SERVICES.**

Essential services and public services as defined by this Ordinance shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Michigan or any ordinance of the Township; it being the intention hereof to exempt such essential services from the application of this Ordinance.

**Section 312 EXCAVATION OR HOLES.**

The existence within the limits of the Township of Ray of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any 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 hereby prohibited and declared a public nuisance, provided however, that this Ordinance shall not prevent the construction of excavations or farm ponds under a permit issued pursuant to the provisions of this Ordinance or the Building Code of the Township of Ray, and provided further that this section shall not apply to drains created or existing by authority of the State of Michigan, County of Macomb, Township of Ray, or other governmental agency.

Where the Building Inspector shall determine a nuisance to exist as herein defined, he shall notify the owner as shown on the latest tax rolls in writing of such finding and require the owner to abate such nuisance within a reasonable time, in no event longer than thirty days from the time of the giving of such notice.

In the event no appeal is taken within the time allotted for appeals as called for in this Ordinance from such decision, the Building Inspector with the approval of the Township Board shall abate or cause to be abated such nuisance, and the cost or reasonable value of such work shall be placed as an assessment against said property on the next assessment roll.

Amended: 02-01-00 (36-00-03)

**Section 313 FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS.**

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

- A. The erection, construction or alteration of all fences, walls or other types of protective barriers, in other than an R-1 Agricultural-Residential zoning district, shall be approved by the Building Inspector as to their conformance to the requirements of the zoning district wherein they are located and to the requirements of this Section.
- B. Fences in the R-1 Agricultural-Residential zoning district shall conform to the following requirements:

1. No fence shall hereafter be erected along lot lines or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land. Public recreation facilities may erect a fence greater than six (6) feet to provide protection to adjoining residential properties.
  2. Bona fide farms may use barbed wire or electric current fences to contain their animals.
  3. All other fences hereafter erected in the R-1 Residential-Agricultural zoning district shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electrical current or charge in said fences, must receive the prior approval of the Board of Appeals.
  4. No fence shall hereafter be erected in the front yard of lots or parcels which have a height greater than four (4) feet.
- C. Required walls shall be located on the lot line, except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential zoning districts. Masonry or poured walls shall be erected on a concrete foundation, which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector.
- D. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, except that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the street lines or, in the case of a rounded property corner, from the intersection of the street property lines extended.
- E. A wall or greenbelt and/or landscaped earthen berm shall be required for construction in any district which abuts a One-Family Residential zoning district.
- F. Walls shall be constructed of a common or face brick, decorative block, or similar material that is compatible with the principal building or adjacent residential districts.
- G. Where the Planning Commission has determined that a wall would not be desirable or that the buffering of adjacent uses could better be accomplished through the use of a chain-link fence and greenbelt or earthen berm, such fence and greenbelt or berm shall meet the following requirements of these Sections and the greenbelt provisions of this Section.
- H. A chain-link fence of not more than six (6) feet may be required to be constructed on or near the property line whenever a greenbelt or berm is permitted.
- I. Unless otherwise expressly directed by the provisions of this Ordinance, all protective walls or greenbelts shall be provided when required along and immediately joining the zoning district boundary line and shall be installed so as to lie wholly on the land of the owner seeking site plan approval.
- J. In any case where the development of the land and/or buildings has been fully completed and an occupancy permit would otherwise be issued, and the completed installation of the wall, greenbelt and/or landscaping required is prevented by inclement weather or acts of nature beyond the control of the owner, the owner may receive an extension of no more than six (6) months from the Building

Inspector.

- K. All required greenbelts and berms shall be constructed with the plant materials specified in Section 314. Berms required under this Ordinance shall have a slope no greater than 1: 2.5 or one (1 ) foot of vertical rise for each 2.5 feet of horizontal distance.
- L. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served. In consideration of requests to waive wall requirements between nonresidential and residential districts, the Board shall refer the request to the Planning Commission for recommendation.

**Section 314 RESERVED FOR FUTURE USE. (Repealed 10/04/05)**

**Section 315 HEIGHT.**

Except as herein provided, no building shall be erected or altered to exceed the height limit established by this Ordinance for the zone in which such building is located. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached or reduced in any manner, except in conformity with the regulations hereby established for the zone in which such building is located, provided:

- A. The height of public or semi-public buildings, hospitals, churches, cathedrals, temples, sanitariums or schools shall not in any case exceed sixty (60) feet.
- B. Chimneys, church towers and steeples, roof structures (penthouses) for the housing of elevators, stairways, tanks or ventilating equipment, firewalls, skylights, electrical and communication poles, towers and antenna, theater screens, flag poles, smokestacks, chimneys, water tanks, silos, conveyors or similar structures may be erected above the height limits established for the zone in which such structure is located provided the requirements of this section are met.
- C. If the height of any building or structure or tower exceeds the height allowed in the zone wherein the building or structure is located, then all required yard dimensions shall be increased by not less than one (1) foot for each one (1) foot each building exceeds the height allowed in the zone concerned.

**Section 316 LOCATION OF AUTOMOBILE SERVICE STATIONS.**

Automobile service stations, where permitted, 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, play field, park, church or hospital. The minimum frontage on any street shall be one hundred and fifty (150) feet. Furthermore, no disabled or wrecked vehicle shall be parked or stored outside of a building or structure for more than five (5) consecutive days. Driveways shall be located at least seventy-five (75) feet from the intersection of the proposed right-of-way lines. Greenbelts and extensive landscaping shall be required within the first twenty-five (25) feet of the front yard setback from the proposed right-of-way.

**Section 317 LOT LIMITATIONS.**

- A. In all zoning districts which permit single-family and two-family residences, only one principal building shall be placed on a lot or a lot of record. No building shall be erected on land subdivided in violation of a Subdivision Control Act, Act 288, Public Acts of 1967, as amended.
- B. There shall not be less than thirty (30) feet between any two or more commercial or industrial

buildings located on the same lot in any zoning district. This shall not apply where two buildings abut or share a common wall for at least fifty (50%) percent of the building.

**Section 318 OCCUPANCY, TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED.**

Basement or garage dwellings which have been heretofore erected or occupied, are hereby declared to be undesirable and should be altered so as to comply with the provisions of this Ordinance. Buildings erected after the effective date of this ordinance as garages or accessory buildings shall not be occupied for dwelling purposes.

**Section 319 PERFORMANCE STANDARDS.**

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained with said area. Generally accepted methods of collection and standard methods of chemical analysis shall be used in the application of these requirements.

- A. Smoke and/or Air Pollution Control. The emission of gases, smoke, dust, dirt, and fly ash should in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws pertaining to air pollution and smoke abatement.
- B. Open Storage. The open storage for junk, scrap or salvage or other waste products where the operations are for the conversion to saleable materials shall be screened from public view, from a public street and from adjoining properties not of a similar nature, by an enclosure consisting of a wall not less than six (6) feet in height.
- C. Glare and Radioactive Materials. Glare from any process (such as or similar to arc welding or acetylene torch cuttings), which emits harmful ultraviolet rays, shall be performed in such a manner as not to be emitted to exceed quantities established as safe by the U.S. Bureau of Standards and/or the Atomic Energy Commission when measured at the property line.
- D. Fire and Explosive Hazards. In the B-1, B-2 and M-1 Districts the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning as determined by the Fire Marshal, is permitted subject to compliance with all other performance standards above mentioned. The storage, utilization or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire marshal, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:
  - 1. Said materials or products shall be stored, utilized or produced in completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of Building Codes.
  - 2. All such buildings or structures shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Board of Fire Underwriters.
  - 3. The storage and banding 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 shall not be emitted which exceeds seventy (70) decibels as measured at the property boundary line, except that where normal street traffic noises exceed seventy (70) decibels during such periods, the measurable noise emanating from subject premises may be equal to, but shall not exceed such traffic noises. This provision shall apply in all zones where a sound or noise level requirement is not otherwise specified in the Zone Regulations.
- F. Vibration as measured at the property lines shall not cause a displacement of greater than three thousandths (.003) of one inch.
- G. All lighting or other forms of illumination utilized on private property shall be arranged and so located that it will not shine, reflect, or glare into public streets or surrounding properties in a disturbing manner.

**Section 320 PERMITTED USES.**

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located, except as otherwise provided herein.

**Section 321 PORCHES, PATIOS AND TERRACES.**

An open unenclosed porch, paved patio or terrace may project into a required front yard for a distance not to exceed ten (10) feet.

**Section 322 PROJECTIONS INTO YARDS.**

Architectural features, as defined, 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. Architectural features shall not include those details which are normally demountable.

**Section 323 RADIO, TELEVISION TOWERS, SMOKESTACKS.**

All radio, television and other or relay antenna towers or smokestacks shall only be permitted in the R-1 Agricultural-Residential or B-1, B-2 or M-1 Districts. The setbacks for such towers shall be such that the tower or smokestack cannot fall onto abutting streets or adjacent property. Ham radio or CB towers for non-commercial uses shall be considered as uses permitted after special approval.

**Section 324 SIGNS.**

All outdoor signs, including advertising structures, signs and other notices which advertise a business, commercial venture or name of a person or persons shall be regulated as follows:

- A. Prior to the issuance of a building permit, all new signs shall receive site plan approval as regulated by Section 1500. Site plan review and/or approval by the Planning Commission is not required for the alteration or renewal of existing signs, provided that the height or bulk is not substantially increased. Neither building permits nor site plan review are required for signs as regulated in Section D, E, and F of this Section. Signs requiring building permits shall be approved by the Building

Inspector as to their conforming to the requirements of the zoning district wherein said sign or signs are to be located and the provisions of site plan approval.

- B. There shall be no flashing, oscillating or intermittent type of illuminated sign in any zoning district unless otherwise specifically provided for in this Ordinance under subsection (L).

Amended: 08/04/10 36-10-01

- C. All permanent signs shall be located a minimum of ten (10) feet back from the road right-of-way. The Planning Commission in their site plan review shall consider pedestrian and vehicular driver safety, especially at intersections. If, in the opinion of the Commission, an increased setback is necessary to assure safety or lessen potential accident hazards, then the Commission shall require the increased setback as a condition of site plan approval.

- D. **Real Estate Signs.** Signs advertising real estate for sale or directing the public to such real estate are permitted in all districts, provided:

1. They are used only during the construction of a building or buildings or the offering for sale of real estate;
2. They are placed outside the highway or road right-of-way;
3. Permission has been obtained from the property owner; and
4. They are not larger than sixteen (16) square feet in sign area.

Temporary real estate signs not exceeding one hundred (100) square feet in area may also be permitted, subject to their approval by the Board of Appeals, for a period of six (6) months, subject to renewal, providing such signs conform to the conditions established by said Board of Appeals to secure harmony with the Ordinance and that there are buildings or home sales continuing in the subdivision or apartment complex being advertised. These temporary real estate signs shall be subject to fees as established by the Board.

- E. **Agricultural Produce Signs.** A maximum of two (2) on-site signs which advertise only the agricultural produce grown on the farm or premises shall be permitted in all districts. Each sign shall have a maximum of thirty-two (32) square feet in sign area and shall be located outside of the existing road right-of-way.

- F. **Temporary Signs.** Temporary signs indicating special or specific civic events may be permitted by the Township Board in any zoning district. Temporary political signs are permitted in any district. All temporary signs shall meet the following requirements:

1. They shall be placed outside the highway or road right-of-way;
2. Permission to erect such sign shall be obtained from the property owner; and
3. Such signs shall be erected no earlier than forty-five (45) days prior to the event and taken down within ten (10) days after the event. Political signs for an election may be erected no earlier than forty-five (45) days prior to an election and shall be removed no later than ten (10) days after the election.

- G. There shall be a maximum of one (1) freestanding sign per business establishment, except on corner lots. On corner lots, a freestanding sign may be placed on each road. Signs shall not exceed twenty (20) feet in height as measured from the approved grades. Directional signs not exceeding four (4) square feet may be permitted within the required front yard setback. Window signs shall not exceed twenty (20%) percent of the total glass area of that facade. Wall signs shall not exceed ten (10%)

percent of the total area of that facade. The total of all signage shall not exceed one hundred fifty (150) square feet.

H. Signs must be constructed of good material firmly supported and maintained in good condition and repair. All signs shall meet or exceed the Township and State Building Codes. Signs which are dilapidated or damaged beyond repair or present a safety hazard may be ordered removed as a nuisance thirty (30) days after written notification to the best-known owner of the sign. No red, yellow or green illuminated signs shall be located within two hundred (200) feet of a traffic signal. No sign shall be permitted within a clear vision corner.

I. On-site signs may be permitted in any zoning district, subject to the following:

No on-site sign shall be permitted which is not accessory to the business conducted on the property. Such sign may only be erected providing all of the following requirements are met:

1. All lights used for the illumination of business establishments, or for the illumination of business structures or areas surrounding them, or for the illumination of display of merchandise or products of business establishments shall be shielded from the view of vehicular traffic such that the direct glare shall not present a hazard to such traffic.
2. One (1) freestanding or pylon sign is permitted for each business or industrial establishment or shopping center complex. Such sign shall not exceed one hundred fifty (150) square feet in area and shall be located on the same property upon which said business establishment or shopping center is located.

J. Off-site signs may be permitted after Special Approval in B-2 General Business and M-1 Industrial Districts, subject to the following conditions:

1. Freestanding advertising signs shall not be placed closer than two hundred (200) feet to any residential dwelling.
2. Off-site signs may be illuminated, provided that the direct source of light is shielded in such a manner that there is not a direct glare upon traffic or any adjoining residential property.
3. No off-site advertising sign or billboard shall exceed the height limits of the district in which it is located. In no case shall an off-site sign exceed one hundred fifty (150) square feet.
4. No off-site sign or billboard shall be located closer than one thousand (1,000) feet to another off-site sign or billboard.

K. One (1) identification sign, indicating the name of a farm or household and/or the corresponding address, shall be permitted for each single-family detached housing unit. In no case may such a sign be used for advertising a product or service. Historical plaques shall not be considered as a sign.

L. **Digital Signs.** Electronic Message Centers (Digital signs) shall be subject to the following requirements:

1. Digital signs shall only be permitted in the Township's commercial districts. Further, due to the potential impact of such signs to the Township's residential areas and their potential for general distraction, such signs shall only be permitted at the immediate corner (those properties have frontage on the two roads noted) of the following major

intersections of the Township: 26 Mile Road and Romeo Plank, 26 Mile Road and North Avenue, 32 Mile Road and Romeo Plank and 32 Mile Road and North Avenue. These areas have been planned as larger commercial nodes where impacts to residential uses are not as predominate and where the largest number of travelers can view such signs.

2. No digital sign shall be permitted to scroll, oscillate or have full animation. Such signs shall be deemed to constitute a distraction/safety hazard to drivers or pedestrians. All digital signs shall have “instant” changes with no effects.
3. Any electronic message displayed shall remain unchanged for a minimum of sixty (60) seconds prior to switching messages.
4. A digital sign shall be integrated into the freestanding sign for the site and shall not be larger than sixteen (16) square feet in area. Further the sign area for the digital sign shall count as a part of the overall permissible sign area for the freestanding sign.
5. The digital sign shall be one color and may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.
6. All digital signs shall maintain an automatic brightness control keyed to ambient light levels.
7. Digital signs shall be programmed to go dark if the sign malfunctions.
8. Signage should not be designed to emulate traffic safety signage.
9. On those properties where a digital sign has been approved by the Township, there shall be no other temporary signage.

Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the maximum permitted intensity level.

	<b>Daytime</b>	<b>Nighttime</b>
Brightness	5,000 nits	500 nits

Amended: 08/04/10 (36-10-01)

**Section 325 STORAGE IN ANY RESIDENTIAL DISTRICT.**

**A. All Storage**

1. Storage in a residential district shall be permitted only when it is accessory to the principle use of the parcel, or the adjacent parcel when owned by the same person.
2. Commercial highway trailers and commercial vehicles in excess of 24,000 pounds Gross Vehicle Weight (GVW) shall not be parked or stored on any residential zoned property at any time, unless as part of a Special Approval Land Use.
3. Vehicles as described in item 2 above and any and all related commercial and industrial equipment shall be stored in a totally enclosed building and only as part of a Special Land Use Approval.

**B. Open or Outside Storage**

1. No open or outside storage of vehicles is permitted in any zoning district within the minimum front yard setbacks, in the required side yards, nor closer than ten (10) feet to any dwelling unit except as part of an approved driveway serving a residence, or as part of an approved site plan in a commercial or industrial zoning district.
2. No junk or waste material, building materials, parts of motor vehicles, or parts of machines not



generally suited for use on the premises shall be kept or stored outside a building or structure, except as specifically permitted in the zoning district in which same are situated.

3. Open storage of recreation vehicles which are currently licensed, such as motor homes, travel trailers, boats and similar vehicles, and utility trailers, shall be permitted as an accessory use only in the rear or side yard of a lot in any residential district. Open storage of such vehicles shall be owned and registered to the owner of said lot. Recreational vehicles which are parked or stored shall not be used for living or housekeeping purposes, nor used for storage of materials or equipment other than those items considered to be a part of the unit.
4. The above regulations shall not apply to farm machinery or farm vehicles with farm license plates which are used for farm operations, provided that such storage takes place on a bona fide farm and that no such storage takes place within the minimum front yard setback..

### **C. Storage of Commercial Vehicles in Selected Residential Districts**

Storage of Commercial vehicles in excess of 24,000 pounds Gross Vehicle Weight (GVW) may be permitted by the Planning Commission after Special Approval Land Use per the requirements of Sections 1201 and 1202 and meet the following requirements:

1. Lot size: Minimum of five (5) acres, and having a sufficient minimum "design" width to complete an uninterrupted turn of said commercial vehicle.
2. The property shall be located within either Section 35 or 36 of the Township and have direct access to a Class A road as designated by the Township and the Macomb County Road Commission.
3. The vehicle must be solely owned and operated by the occupant of the property.
4. The minimum front yard setback for commercial vehicle storage shall be the established building setback line of the principle building, but in no case less than the minimum required front yard. The minimum side and rear yard setbacks shall be 30 feet.
5. All vehicles and/or equipment must be stored completely within an approved enclosed structure
6. An approved method of screening shall be provided between the enclosed structure and adjacent residential uses or districts for the length of the storage structure and driveway servicing the structure.
7. The site plan shall indicate that fuel, fuel pumps and waste oil be contained within secondary containers.
8. Must have a current Ray Township Commercial Business License (yearly renewal). Three (3) cited infractions of the Special Approval Land Use (i.e. parking of vehicle or storage of equipment outside an enclosed building or improper storage of equipment outside an enclosed building or improper storage of waste oil) will make the commercial license or Special Land Use non-renewable for the following year. Amended: 02-01-00 (36-00-2)

### **Section 326 SWIMMING POOLS.**

All swimming pools erected in the Township greater than twenty-four (24) inches in depth shall comply

with the Building Codes of the Township as well as the following requirements:

- A. Pool Location. The pool or its fence must not be built within the required front yard or required corner lot side yard. Rear yard setbacks shall not be less than ten (10) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than ten (10) feet between pool wall and any building on the lot.
- B. 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 up steps or other means to limit entry in lieu of a fence.
- C. All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the National Electrical Code. A no-fault ground unit shall be provided to protect against electrical shock.

**Section 327 TEMPORARY STRUCTURES.**

A temporary permit may be issued by the Township Board for a mobile home or other such structure to be occupied for a period up to six (6) months while the single-family dwelling is being constructed. Such temporary permit may be extended by the Township Board for like periods of time, but not after the original cause of need for the use shall cease to exist.

The Township Board shall require bond or cash of not less than Two Hundred Fifty (\$250.00) Dollars, which shall be returned in its entirety once the temporary use has been removed from the premises in accordance with the provisions of the temporary use permit. Such temporary permit may not be granted or extended beyond a maximum of two (2) years. The mobile home or temporary structure must be removed within sixty (60) days after expiration of the permit.

Temporary trailer coaches and other buildings shall be permitted on a farm premises but may be occupied for not more than ten (10) months in any calendar year and then only for the housing of migratory seasonal farm laborers while engaged in farm work.

Such temporary housing shall be located not less than two hundred (200) feet from the center of the nearest road, provided that in such case adequate sanitary facilities as approved by the County Health Department are provided for the disposal of garbage, excreta and other waste, and provided that an adequate water supply is available to the occupants thereof. A certificate of occupancy permit shall be required as for other uses.

**Section 328 PRIVATE ROADS.**

Where land is to be divided into parcels and/or lots for single-family residential purposes and is intended to be serviced by an approved private road, the following shall be required by the Township in conjunction with obtaining a building permit for use of any or all of the subject lands abutting, thereto. Private roads which are developed as part of an open space development shall meet the requirements of subsections (A, C, and E). All other private roads shall meet the requirements of subsections (A-D).

Amended: 11-21-00 (36-328)

**A. General Conditions.**

- 1. Except as otherwise provided, no building permit shall be issued within Ray Township unless such single-family or building occupies a parcel or lot which fronts on a public street which is dedicated to the public and is constructed to public road standards, or said parcel fronts a private road as regulated herein and is improved to the standards of this Ordinance.

2. The owners of any lot, outlot, or parcel of land fronting upon said private road, or using the same for ingress and egress, shall own an undivided property interest therein.
3. The private road shall be officially named as approved by the Township and all-weather road signs, which comply with Road Commission of Macomb County standards and specifications, shall be erected.
4. All land divisions shall conform to the State of Michigan Land Division Act.
5. Construction permits shall be obtained from the Road Commission of Macomb County before entrances are constructed onto County rights-of-way.
6. All lots abutting a private road shall have access only to the private road.
7. Private road construction is to be commenced within twelve (12) months of approval by the Township Board. Failure to complete private road construction within twenty-four (24) months of such approval shall render said approval null and void, unless an extension has been granted by the Township Board. The maximum extension shall be for one (1) year.

**B. Approval Standards.**

1. For a private road developed outside of an open space development, the Township Planning Commission shall hold a public hearing for the proposed use, using the procedures and costs for Special Approval (Section 1202).
2. The Planning Commission shall base its approval upon the following:
  - a. Potential impact upon the surrounding area and property owners.
  - b. Compliance with the Master Plan Zoning Ordinance of Ray Township and the Subdivision Regulations of the Road Commission of Macomb County and the Thoroughfare Plan of the Macomb County Planning Department.
  - c. That the proposed lots and private roadway shall be integrated into an acceptable design for the surrounding area.
  - d. That all parcels of land meet or exceed the minimum requirements of the Ray Township Zoning Ordinance.
  - e. A private road shall not be allowed if it abuts or is adjacent to a separate parcel whose owner is not a joint applicant for said road, or when the private road will not be appurtenant to said parcel, or where the private road will or could result in double frontage lots.
  - f. A private road shall not be permitted on section or 1/2-section lines unless the County Road Commission and Township has determined in writing that a public road at that location is not required.

After approval of a private road by the Township Board, and before construction of the road is commenced, the applicant shall provide a financial guarantee assuring the proper

and timely completion of said road and any utilities with the Township. The financial guarantee shall be equal to the estimated costs of construction of said private road as determined by the proprietor and agreed upon by the Township Engineer. Such financial guarantee may be cash or irrevocable bank letter of credit. The financial guarantee shall remain on deposit with the Township until improvements have been installed in accordance with the approved plans and the Township Engineer has certified his acceptance to the Township Board. Portions of this financial guarantee may be released and made available upon request by the developer and verification by the Township Engineer that the portion of the project has been completed and approved.

The Township Building Inspector may grant building permits only upon the completion of the road and only after the Township Engineer assures that:

- a. The private road has been constructed and approved by the Township up to, and including, the parcel for which they are seeking a building permit.
- b. A sufficient financial guarantee remains to complete the road.

**C. Submission Requirements.**

1. An application to the Township Planning Commission shall include all information required by this Ordinance. In addition to the completed application, the following items shall be submitted:
  - a. A certification survey of the proposed road and all abutting parcels prepared by a land surveyor or civil engineer.
  - b. Such fees as determined necessary by resolution of the Township Board. The fees may include sufficient funds to cover engineering review, planning review, inspection fees, and administration.
  - c. The cross-section of the proposed road.
  - d. Proposed parcel splits showing the proposed acreage and lot dimensions.
2. All persons owning lands which front upon or use said private road for ingress and egress shall hold said lands subject to a maintenance agreement. A copy of the deed restrictions and maintenance agreement shall be furnished to the Township. Such documents shall appear as a deed restriction, covenant, or Master Deed and shall be recorded with the Macomb County Clerk, Register of Deeds.
  - a. A method of initiating or financing any improvements and/or maintenance which may be needed to meet or exceed Road Commission of Macomb County standards.
  - b. A workable method of apportioning the cost of maintenance and improvements.
  - c. A prohibition against the owner of any lot, outlot or parcel of land holding an interest in said road from restricting, limiting, or in any manner interfering with the utilization of said road by a guest, invitee, tradesman, or others bound to or returning from any of the properties having right to use said road.

- d. Signatures of all persons owning lands which front upon or use said private road for egress and ingress at the time of Township approval.

All such documentation and agreements shall be reviewed and recommended for approval by the Township Attorney prior to Township Board action.

3. After Township Board approval, the Township Engineer shall review and approve all engineering and construction plans prior to the start of any construction.

**D. Design Standards.**

1. All persons holding an interest in said road shall dedicate an easement to the Township for utilization of the full width and length of said private road for roadway and public utilities. All private roads shall have a minimum right-of-way or easement, as established by the Township Master Plan and Zoning Ordinance.

2. The maximum length of any private road shall be 2,640 feet.

A cul-de-sac with a minimum radius of forty four (44) feet shall be provided. This radius may be increased based on requirement of the Ray Township Fire Department in order to meet the requirements of the 2003 International Fire Code, specific Section 503 & Appendix D, as amended. The Township may permit other alternative turn around designs which provide adequate turning movements for emergency vehicles as reviewed and approved by the Planning Commission and Ray Township Fire Department. If islands are proposed within the cul-de-sac area, such islands shall be fully curbed and shall be landscaped.

A boulevard entrance shall be provided for any road over eight hundred (800) feet in length. The length of such boulevard shall be one hundred (100) feet. The minimum width shall be ten (10) feet. Such boulevard shall be landscaped as approved as a part of an approved landscape plan; further, such area shall also be included within a maintenance agreement. Finally, appropriate signage shall be provided throughout the development.

Amended 08/07/07 (36-07-01)

3. The intersection of said private road and the abutting road shall be at ninety (90) degree angles. Modifications of this requirement may be allowed upon review by the Township Engineer when justified by physical constraints of the site. Minimum radius at intersections shall be thirty feet measured from the edge of the traveled way.
4. The Township shall designate or contract with a Registered Professional Civil Engineer to inspect and approve of the private road improvements prior to issuing any building permits along said road.
5. All private roads shall be constructed in accordance with the specifications in the Ray Township Land Development Engineering Ordinance or, if not in effect, then the Road Commission of Macomb County specifications.
6. The placements of the private road shall allow for the development of building home sites, meeting the requirements of the R-1 Residential Agriculture Zoning District, on both sides of the road. No single parcel of land shall be divided by any private road.

7. A twenty (20) foot landscape greenbelt shall be provided along all exterior roadways. A complete landscape plan for the entry and any common ownership area must be submitted.
8. One tree for each lot shall be planted outside of and parallel to the right of way or easement of the private road. Amended 08/07/07 (36-07-01)
9. All private road construction shall be designed to meet the requirements of the 2003 International Fire Code, specific Section 503 and Appendix D, as amended. Amended 08/07/07 (36-07-01)
10. The lot area of lots developed as a part of a private road shall be exclusive of that land area contained within the designated road easement. Amended 08/07/07 (36-07-01)

**E. Open Space Private Roads.**

For a private road which is to be developed as a part of an open space development, said road shall follow the process set forth in Section 331 rather than Section 1202 and in addition, shall meet the following:

1. A private road which is a part of an open space development shall meet or exceed the standards set forth in the general conditions, and submission requirements of this section.
2. The width of private roadways within the open space communities shall be provided as set forth in Section 331. Amended 08/07/07 (36-07-01)

**Section 329 SINGLE AND TWO-FAMILY DWELLING STANDARDS.**

- A. A building permit issued by the Township of Ray shall be required before any dwelling unit is constructed, relocated, or moved into Ray Township. All dwelling units and additions thereto shall be able to meet or exceed the construction standards of the Township Building and Fire Codes.

Plans for modulars, prefabricated units, and similarly constructed units shall be approved by the State of Michigan Construction Code Commission as meeting the State Construction Code (Public Act 230 of 1972 and Public Act 371 of 1980) prior to the issuance of a building or occupancy permit.

Mobile homes or trailers shall meet or exceed the requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280, and as from time to time such standards may be amended). The Building Inspector shall be furnished a certificate stating that such dwelling meets the minimum building code requirements applicable to such structure. Any addition to such mobile home must be designed and constructed by the manufacturer of such mobile home, or must be based upon an architectural plan deemed compatible with the overall design of the mobile home and approved by the Planning Commission.

- B. All dwelling units shall meet the minimum lot size, yard spaces, setbacks, parking, and all other minimum site requirements applicable to residential dwellings within the zoning district in which the use will be located.
- C. All dwelling units shall meet the minimum living area standards for single-family residential dwellings of the zoning district in which said home is to be located.

- D. All dwelling units shall have a minimum width across any front, side, or rear elevation of twenty-two (22) feet.
- E. All dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the Ray Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and additions thereto and constructed of such materials and type as required in the Building Code. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall also 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 continuous perimeter wall as required above.
- F. Single-family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior doors areas or to porches connected to said door areas where a difference in elevation requires the same. In making such determination of compatibility, the Township Building Inspector may consider the following factors: total square footage; length-to-depth proportions; value and quality of construction; exterior building materials; architectural style and design and roof line, as well as the character, design, and appearance of a majority of the residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- G. Each dwelling shall be connected to a public sewer and water supply or to private facilities approved by the local health department. Road culvert permits must be obtained from the Macomb County Road Commission.
- H. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law, or otherwise specifically required in the Ordinance of the Township pertaining to such parks.

**Section 330 ONE-FAMILY SITE CONDOMINIUMS.**

**A. Statement of Intent.**

The intent of these requirements is to ensure that all residential developments are constructed in compliance with accepted planning and engineering standards applicable to similar forms of development as reflected in the ordinances and requirements of Ray Township. Single-family detached condominiums may be allowed as a permitted use in any single-family zoning district.

**B. Submission Requirements.**

All condominium subdivision plans shall be submitted for site plan review as required by Section 1500 of this Ordinance and Section 66 of the Condominium Act, and includes the following additional information:

1. A survey of the condominium subdivision site.
2. A survey or drawing delineating all natural features on the site, including, but not limited to, flood plains, wetlands, ponds, streams, lakes, drains, and woodland areas.
3. The location size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.
4. A copy of the proposed Maser Deed and a copy of all restrictive covenants to be applied to the project.
5. A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus all easements for installation, repair and maintenance of all utilities.  
If wells and septic systems are the primary utility system, then letters shall be submitted from the Macomb County Health Department or a registered Civil Engineer commenting on the potential ability of the system to succeed.
6. A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision plan.
7. A storm drainage and storm water management plan, including all pipes, swales, drains, basins, and other facilities.

**C. Review.**

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall require approval by the Planning Commission before units may be sold or site improvement initiated. In a condominium subdivision which has private roads, approval of the Township Board under the private road requirements of the Zoning Ordinance (Section 328) shall be required prior to the Final Plan Approval of this section. In determining whether to approve a condominium subdivision plan, the Planning Commission may consult with the Township Attorney, Planner, and Engineer regarding the adequacy of the submission as it relates to the Ray Township Zoning Ordinance and requirements of the Condominium Act. The review process shall consist of the following two steps:

1. **Preliminary Plan Review** - In the preliminary review phase, the Planning Commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Ray Township Master Plan and Zoning Ordinance. Plans submitted for preliminary review shall include information specified in items 1-3 of the Submission Requirements.
2. **Final Plan Approval** - Upon receipt of Preliminary Plan Approval, the applicant shall prepare the appropriate engineering plans and apply for Final Review. Final plans shall include information as required by items 1-7 of the Submission Requirements. Such plans shall be reviewed by the Township Planning Commission, Attorney, Engineer and Planner. Further, such plans shall be submitted for review and comment to all applicable Local, County and State agencies. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.



**D. District Requirements.**

The development of all condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements of the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided, pursuant to the Subdivision Control Act, P.A. 288 of 1967, as amended, and the Ray Township Subdivision Regulations.

**E. Design Standards.**

All development in a condominium subdivision shall conform to the design and layout standards of the Ray Township Subdivision Ordinance. All streets and roads in a condominium subdivision shall conform to the private road standards of Section 328 of the Zoning Ordinance or the Macomb County Road Commission engineering and design standards for public subdivision streets. Public streets shall be required, where necessary, to provide continuity to the road system. Stub streets or vehicle easements may also be required to provide continuity. All roads shall meet or exceed the specifications and designs of the Ray Township Land Development Engineering Ordinance.

**F. Utility Easements.**

The condominium subdivision plan shall include all necessary easements granted to Ray Township for the purposes of constructing, operating, inspecting, maintaining repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including the conveyance of sewage, water and storm water run-off across, through, and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

**G. Engineering Reviews.**

The Township shall also require the appropriate inspections prior to the issuance of any certificates of occupancy. Copies of an "as-built" survey shall be reviewed by the Township Engineer for compliance with applicable Township ordinances and the County road standards.

H. The Township Board shall establish review, legal and inspection fees as deemed necessary.

I. A final certificate of occupancy for any building and any building bonds will not be released to the developer/owner until the as-built mylar has been reviewed and accepted by the Township and the Master Deed (including all exhibits and bylaws) has been reviewed by the Township and recorded according to the provisions of the Condominium Act.

**Section 331 OPEN SPACE COMMUNITIES.**

**A. Statement of Intent.**

The purpose of this Section of the Zoning Ordinance is to allow and encourage alternative subdivision designs which preserve Ray Township's character and environmentally sensitive elements, while providing housing communities that are desired by the community and the general public.

Open Space Communities shall promote the following objectives:

- Maintain the rural character of the Township.
- Maintain an image of open space within the Township.
- Preserve open space within the township.
- Preserve natural resources within the Township.
- Preserve agriculture and farming within the Township.
- Achieve a balance between farming, open space and residential growth within the Township.

**B. Site Criteria.**

**1. Location of Open Space Communities.**

An open space community may be located in all residential districts.

**2. Access.**

The open space community shall have direct access to an approved public roadway.

**3. Open Space Criteria.**

In all open space communities, at least two (2) of the following items must be present:

- **Preservation of Natural Amenities** - Sites preserving a significant quantity of any of the following:
  - a. **Organic Amenities:** Significant views and vistas, mature woodlands, wetlands or lowland areas, prairie, bodies of open water (such as ponds, streams, natural drainage ways), wildlife habitat or corridors, and significant size trees (six to eight inches or more, measured five feet above the grade).
  - b. **Nonorganic Amenities:** Farmhouses (viable for restoration and/or preservation), fence lines (stone or wood), buildings or foundations of historical value.
- **Provisions for Recreational Facilities** - The submittal should include both passive and/or active recreation areas for residents within the open space community. Passive recreation areas shall include areas such as pathway systems, common green areas of a substantial size, and open/preserves natural amenity areas, or other areas or uses consistent in nature. Active recreation areas shall include areas such as children play sets, sports fields (i.e., football, soccer, baseball), and other fitness areas that are consistent in nature.
- **Creation of Natural Amenities** - These areas are to be constructed in a manner that replicates a natural setting. A percentage of these areas should remain "unmanicured," allowing natural growth and processes to occur. These areas can take a number of forms, such as woodlands (interior street tree plantings shall not count for this requirement), wildflower or grass meadows, constructed wetlands (preferably extension to an existing), or other areas consistent in nature.
- **Preservation of Agriculture** - Land uses, such as orchards, horse stables, active farms, or other similar agriculture uses, shall be preserved, where feasible or viable. In no way shall an intensive animal raising, slaughter house or similar use be allowed

within an open space community. A buffer shall be maintained between the agricultural use and the residential units.

All of the above-mentioned areas shall be accessible or open to all residents within the open space community, with the exception of farmland.

Under the open space community provision, **the net density shall be no greater than that normally permitted within that zoning district.** The maximum "density" shall be the maximum number of lots permitted by the approved Parallel Plan. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots which can be platted on the subject parcel.

### C. **Submission Requirements.**

#### 1. **Parallel Plan.**

A "parallel" or "yield plan" shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which it is located and the requirements of any and all State, County and Township Subdivision regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainage ways, as regulated by Federal, State, County or local agencies.

It must be determined by the Planning Commission that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivisions regulations, should the Open Space Community be denied or not constructed. If there is a question regarding water, septic, wetlands or floodplains, the Planning Commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of lots proposed is unfeasible, the yield plan shall be revised and resubmitted, minus that number of lots. Detailed Engineering is not required at this stage.

The Planning Commission may also waive the submission of a yield plan if it is determined that the number of housing units proposed for open space development is, without question, well below what would be feasible for the site. Such waivers must be detailed in writing and recorded as part of the motion in the minutes of the Planning Commission. Waivers may only be granted if it is determined by the Planning Commission that the proposed open space design will be a major benefit to the Township and achieve all the goals and objectives set forth in the:

- Ray Township Master Plan
- Ray Township Open Space Study
- Ray Township Open Space Community Zoning Ordinance

#### 2. **Site Analysis.**

A site Analysis Plan shall be submitted, showing the following site features:

- a. Wetlands, as determined by the Michigan Department of Environmental Quality

- b. Water areas, such as streams and ponds
- c. Woodlands and farmlands
- d. Soils and topography
- e. Drainage patterns and County drains
- f. Historic and cultural features
- g. Wildlife habitat corridors
- h. View sheds and view corridors
- i. Existing easements of record
- j. Existing and proposed rights-of-way
- k. Existing infrastructure
- l. Adjacent development within two hundred (200) feet

3. **Conservation Areas Plan.**

The combination of the site analysis elements noted above shall be used to outline the primary and secondary conservation areas. The primary conservation areas include areas where no development is to occur. The secondary conservation areas are areas where development can occur, but special care must be taken to minimize adverse impacts.

- **Primary Conservation Areas** - floodplains, regulated wetlands, drainage ways, easements, 150 - foot exterior road buffer, or other exceptional elements.
- **Secondary Conservation Areas** - farmlands, woodlands, suspected or marginal wetlands, tree lines, soils sensitive to development, soils prone to flooding, aesthetic views, etc.
- **Buildable Areas** - areas that are not dedicated to primary conservation areas may be treated as buildable areas. Housing sites should be located so as to complement the conservation areas.

4. **Open Space Plan.**

An Open Space Plan, with the proposed housing layout shall not exceed the maximum number of housing units determined by the parallel/yard plan. The roads shall also be shown to provide interior access to all homes. At this stage, the drawings need not be engineered, only drawn to scale.

D. **The Review Process.**

- 1. The Planning Commission shall determine that the yield plan submitted meets all

applicable regulations of the State Subdivision Control Act and the Township Subdivision Regulations, unless waived per Section 331.C.1.

2. The Planning Commission shall confirm the accuracy and feasibility of the open space plan noted above and determines that all provisions of Section 331.
3. Planning Commission Determination.
  - a. Upon approval, the proprietor may undertake the process for Subdivision or Site Condominium approval, or Parcel Division per State Law and Township Ordinance.
  - b. Upon denial, the proprietor may either submit the yield plan or parallel plan for approval under the Subdivision or Site Condominium review process, or submit a new application for an open space community.

E. **Site Design Requirements.**

1. Unless otherwise provided for in this Ordinance, all other applicable Zoning Ordinance provisions shall apply.
2. **Minimum Lot Size** - Lot sizes shall be determined by the State and County Health Departments' regulations or standards.
3. **Minimum Yard Setbacks** - None.
4. **Development Layout** - The development is encouraged to include roads that are single loaded, referring to homes along only one side of the street. This type of development will allow for a greater number of views and vistas onto the open space or farmland.
5. **Minimum Exterior Road Buffer** - The developer shall preserve a minimum of a 150-foot buffer from the proposed right-of-way along any County Road or State Highway servicing the open space development.
6. **Minimum Open Space** - A minimum of fifty (50%) percent of the gross land area shall be set aside for common open space uses.

**Open Space shall be defined as follows:** All area within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve environmental features for the common use and enjoyable of the residents of the entire development for any of the following uses: recreation, forestry and/or open space conservation, community gardens, or agricultural uses. The open space requirements shall not be met by land uses such as golf courses or other exclusionary commercial recreational uses, lot area within setbacks for each specific lot, or land area dedicated as limited commons.

7. **Maximum Amount of Unbuildable Land Used as Open Space** - A maximum of fifty (50%) percent of the total open space allotment may be unbuildable land. Unbuildable land is considered to be land that is regulated by Michigan Department of Environmental Quality, or the Environmental Protection Agency, Army Corps of Engineers, or any other regulatory body which has jurisdiction over land which cannot be used for the

construction of housing.

8. **Houses Abutting the Open Space** - A minimum of fifty (50%) percent of all dwelling units within the development shall abut or overlook the dedicated open space.
9. **Access to Open Space** - Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development.
10. **General Lot Character** - Flag lots or panhandle lots shall not be permitted within an open space community.
11. **Natural Area** - An undisturbed greenbelt shall be required around any natural features or farmland preserved within the common open space areas.
12. **Pedestrian Circulation** - Adequate pedestrian circulation shall be provided by the applicant for on-site circulation. Adequate access shall be provided to all open space/recreational spaces from the residential areas. "Natural paths or bike paths" are encouraged within the development. Paths provided within the development shall be constructed of gravel, woodchip, or other similar material as approved by the Planning Commission.
13. **Garages** - A minimum of fifty (50%) percent of all dwelling units shall have side, rear, or alley entry garages, or other garages configurations not opening to the street. Garages that face the roadway shall not extend beyond the front plane of the house and are encouraged to be recessed at least five (5') feet from the front plane of the house.
14. **Overall Architectural Character** - A diversity of single-family housing styles, colors, and configurations are encouraged throughout the development.

F. **Roadways.**

1. **Roadways Widths** - Roadway surface and base standards shall conform to the standards of the Ray Township Engineering Standards. The following minimum roadway widths are established for an approved open space development:

**Roadway Width Schedule**

<b><u>Number of Homes</u></b>	<b><u>Roadway Width</u></b>	<b><u>Roadway Surface</u></b>
Less than 25	22 feet	Crushed Limestone or Paved
25 or More	22 feet	Paved

Amended 08-07-07 (36-07-01)

2. **Cul-de-sac Design** - Cul-de-sac shall be designed to allow for trees and landscaping within the interior area of the cul-de-sac. These areas may be planted with vegetation that is compatible with the plantings within the remainder of the development.

**G. Dedication of Open Space.**

The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following:

1. A Conservation Easement, as established by the State of Michigan Conservation and Historic Preservation act, Public act 197 of 1980, as amended (M.C.L. 399.251).
2. Master Deed, as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.
3. Distributed, gift or sale of the development rights to all property owners within the Open Space Community.  
The above conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space or farmland community. The Township Attorney shall review the conveyance and assure the Township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurances for all common areas, facilities, projects and programs of the Open Space Community, and shall include methods of payment and collection.

**H. Subdivision Plat, Site Condominiums, or Lot Division.**

After, or in conjunction with, the Open space or farmland Community Approval noted in the previous sections, the petitioner must follow the regulations and procedures set forth in the Ray Township Subdivision Regulations, Site Condominiums Ordinance or Lot Division Ordinance, and all applicable engineering standards of the Ray Township Land Development and Engineering Standards Ordinance. Amended: 9-5-00 (36-00-6)

**Section 332 OUTDOOR LIGHTING**

Outdoor lighting in conjunction with any site plan or special land use approval in all use districts shall conform to the following requirements as to type, location and intensity.

1. All outdoor lighting used to light a specific site shall be shielded downward or below horizontal (maximum of 85 degrees from vertical) to reduce glare and shall be so arranged and designed to reflect light away from all adjacent residential districts or existing adjacent residences and public right-of-ways. No light shall cast a glare onto adjacent roadways.
2. Artificial light shall be stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view.
3. There shall be no lights which tend to be harmful to natural forms of vegetation in any use district. Lighting shall utilize high pressure sodium bulbs.
4. The lighting sources (bulbs or lenses) for non-residential properties shall not be visible from adjoining properties or rights-of-way. In addition, the height of the non-residential lighting fixture, including the base, measured from the established grade shall not exceed twenty

(20) feet; fifteen (15) feet when located within fifty (50) feet of a residential district.

5. Carriage style lights which may have lighting sources which are not directed downward may be utilized in any district; however, such lights shall have internal shields to direct light downward and away from adjacent properties and roadways as necessary. The height of such lights shall not exceed twelve (12) feet.
6. No light measured (at eye level) at the property line between any use and any other use shall be greater than one-tenth (0.1) foot candle at the side and rear property line. Lighting along roadways shall not have an average maintained illuminance greater than 0.5 foot candles.
7. Lighting at any non-residential drive and street intersection may be required upon Planning Commission determination. Fixtures located at an intersection shall be full cutoff fixtures. Such lighting shall not exceed an average of one (1) foot candle. Lighting at major intersections shall not exceed an average of one and four tenths (1.4) foot candles.
8. Ground lighting (up-lighting) used for the purpose of illuminating signs, landscaping and architectural details shall be shielded away from public view, directed solely at the object to be lit and landscaped as necessary.
9. A ground level illumination plan (in foot candles) which demonstrates compliance with the standards of this Ordinance shall be required for each site or development.
10. The intensity of outdoor lighting in all use districts shall be limited to the following amounts, unless otherwise noted above.

**Schedule of Illumination**  
(in foot candles measured at the surface)

<b>Use Ratio</b>	<b>Average Illumination Level</b>	<b>Uniformity</b>
	<b>(Foot candles)</b>	
<b>Residential, Church, School and Child Care Facility</b>		
All parking, drive or maneuvering areas	0.8	4:1
<b>Non-residential</b>		
Small (5-15 spaces)	0.8	4:1
Large (16- above)	2.4	4:1

Amended: 07-01-03 (36-03-02)

**Section 333 RESERVED FOR FUTURE USE**

**Section 334 APPEARANCE STANDARDS**



1. The facades of all buildings constructed outside of the single-family residential districts shall be constructed of face brick or other decorative materials with similar durability, as approved by the Planning Commission.
2. The approved exterior treatment shall be uniform on all sides of the building that are visible from a public right-of-way or abut a single-family residential district.
3. The exterior shall contain design elements, such as pitched asphalt shingled or pitched pre-finished metal roofs, roof dormers and non-reflective residentially styled and sized windows, and facade breaks, which shall provide ten (10) feet of depth variation for every sixty (60) feet of building frontage. In the case of large buildings of over 30,000 square feet of gross floor area, it may be permitted to utilize simulated pitched roofs subject to Planning Commission approval.
4. Some form of covered pedestrian entrance ways and/or walkways should be provided which is compatible with the overall architecture of the building.
5. Any ancillary buildings or outlots shall be architecturally compatible with the principle building.
6. All buildings that front on a public street shall be orientated in such a manner that the main facade and architectural features are parallel to the street. The actual building entrance is not required to front the street.
7. Roof-mounted equipment, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, noise control devices and any other such appliance or apparatus, shall be concealed from view by obscuring screening so as not to be visible from the ground. The design of the screening shall be approved by the Planning Commission and shall be compatible with the architectural design of the building upon which it is located, and shall be designed to mitigate noise generated by any roof mounted appliances.
8. These materials and design guidelines are established to maintain, enhance and be compatible with the general character and architectural style that is desired within the community. No buildings shall be reconstructed, remodeled or altered as to conflict with the original intent of the Planning Commission. All architectural designs shall also be reviewed for safety and code compliance by the Fire Department and the Building Department.

Amended: 03/11/04 (36-04-01)

### **Section 335 LOADING AND UNLOADING AREA SCREENING**

Areas designated for formalized loading and unloading shall be screened from view of any public or private thoroughfare or adjacent residential property with either an extension of the building architecture or with additional landscape screening for the length of such loading and unloading space. The screening mechanism shall provide a minimum screening height of eight (8) feet. Amended: 03/11/04(36-04-01)

### **Section 336 MINIMUM GREENBELT REQUIREMENT**

Whenever screening of a more intense nature is not otherwise required along a side or rear property line of a multiple-family, non-residential, office, commercial or industrial development, a minimum ten (10') foot wide greenbelt shall be established along all such property lines.

The greenbelts shall be planted with a mixture of eight (8') foot high evergreens and two and one half (2 ½)

inch caliper deciduous trees at a ratio consistent with one (1) tree for each twenty (20') feet of side or rear property line. It is encouraged that these trees be planted in a natural manner such as tree clusters or the like.

Whenever a nonresidential development abuts a residential use or district, screening shall be provided consistent with the following:

For parcels under ten (10) acres, a six (6') foot high berm shall be constructed along the entire mutual line and shall be planted with two (2) contiguous staggered rows of evergreen trees measuring six (6') to eight (8') feet in height. Each row shall be planted at intervals not exceeding twenty (20') feet on center and shall be contained within a twenty five (25') foot landscaped easement. For parcels ten (10) acres and greater, the standard shall be the same except the twenty five (25') foot wide landscape easement shall be increased to fifty (50') feet. The Planning Commission upon their review may approve other unique configurations which meet the intent of this Ordinance.

If the Planning Commission determines that a natural landscape buffer is not acceptable or that another form of screening may provide a better screening scenario, a six (6') foot tall poured decorative concrete or decorative brick wall may be approved. Such wall shall be constructed on the mutual property line and shall be contained within a fifteen foot wide landscape easement. A single row of evergreens, six to eight (6-8') feet in height shall be planted along such wall at intervals not exceeding twenty (20') feet on center.

Amended: 10/04/05

### **Section 337 SCREENING OF ROADWAYS**

Whenever a roadway or other access drive within a residential development, commercial or industrial subdivisions, abuts an exterior property line of a development and does not provide sufficient area for a buildable lot, a row of eight-foot (8') high evergreens within a twenty (20) foot landscape easement, planted not more than fifteen (15) feet on center shall be planted along such roadway for the length of such abutment.

Amended: 03/11/04 (36-04-01)

### **Section 338 PARKING LOT SCREENING FROM A PUBLIC THOROUGHFARE**

A three-foot (3') high (as measured from the parking lot curb grade) naturally rolling berm shall be provided between the outer edge of all parking lots and the adjacent road right-of-way. The slope of such berm shall be no steeper than 3:1 (a maximum slope ratio of three feet (3') horizontal to one foot (1') vertical).

Amended: 03/11/04 (36-04-01)

### **Section 339 INTERIOR PARKING LOT LANDSCAPING**

All unpaved areas between a commercial or office building and a facing street shall be landscaped and maintained to include grass and/or shrubbery. All off-street parking areas shall incorporate and provide curbed tree planting spaces of not less than one hundred and eighty (180') square feet of land area for each tree planting. These curbed islands shall be planted with sod (landscape rock, gravel or other similar material is prohibited). Curbed landscape islands shall be placed at the ends of all parking space groupings to separate the parking spaces from maneuvering lanes and to provide for safe traffic flow. Finally, these planting areas shall not be less than seven (7') feet in width. The Planning Commission may waive the requirement for parking islands in certain instances where the Fire Department provides written comment that such island will interfere with emergency service. Trees shall be planted throughout the parking area and within the required parking islands. Trees shall be a minimum of two and one-half (2 ½") inch caliper at the time of planting and shall be provided at a ratio of one (1) tree for each five (5) parking spaces or fraction thereof. These trees shall not be counted towards street frontage trees or general greenbelt planting requirements. The following trees or similar types are suitable species for parking lots:

- a. Ginko (male only)
- b. Norway Maple
- c. Red Oak
- d. Tulip Tree
- e. White Fir

Amended: 10/04/05

**Section 340 ENTRY DRIVES**

The maneuvering lane which is directly connected with an entry drive shall be designed to provide a continuous, uninterrupted curbed landscaped island on both sides of said drive for a minimum of one-third (1/3) of the total distance for the proposed road right-of-way to the established building line of the principal building, but in no case less than twenty (20') feet. The entry drive shall provide a curvilinear approach wherever feasible to provide an attractive entry to the facility. These islands shall provide trees every thirty feet (30') of said island, which are a minimum of two and one-half inches (2 ½") caliper at the time of planting. These trees shall not count towards meeting parking lot trees. In no case shall parking be permitted to back directly onto a maneuvering lane which is directly connected to an entry drive.

Amended: 03/11/04 (36-04-01)

**Section 341 FRONTAGE LANDSCAPING**

Street trees shall be provided within every zoning district. The trees shall be spaced evenly and generally in a linear fashion along all road rights-of-way. Trees shall be planted at a ratio of one (1) deciduous tree for each twenty-five feet (25') of road frontage. These deciduous trees shall be supplemented with evergreen trees. All required street trees should be planted five feet (5') outside of the road right-of-way. In no way shall the plantings impair the clear vision triangle. Deciduous trees shall be a minimum of two and one half(2 ½") inch caliper at the time of planting while evergreen trees shall be a minimum of six (6) feet at the time of planting. These trees may not be counted towards parking lot or replacement tree requirements.

Commercial or industrial developments, which have frontage along 26, 29 or 32 Mile Roads, Romeo Plank or North Avenue, shall provide the following:

- Two (2) continuous rows of deciduous and evergreen trees measuring three(3) inches in diameter or six (6') to eight (8') feet in height, respectively, each row planted at intervals not exceeding twenty-five (25') feet on center, contained within a twenty-five (25') foot landscaped easement. No more than fifty percent of the trees shall be of a deciduous nature.

The Planning Commission upon their review may approve other unique configurations which meet the intent of either of the above regulations.

Amended: 03/11/04 (36-04-01)

**Section 342 LANDSCAPING ADJACENT TO NON-RESIDENTIAL BUILDINGS**

Wherever a building is constructed which abuts parking, a drive, service aisle, road or other means of access or maneuvering, the following landscape areas shall be provided. A ten (10') foot wide greenbelt shall be provided around the equivalent of twenty five (25%) percent of the building and a four (4') foot wide greenbelt around the equivalent of fifty (50%) percent of the building. The remaining twenty five (25%) percent of the building may abut the above described paved areas. Such landscaped areas shall contain landscape materials as approved by the Township Planning Commission. Acceptable materials may include small shrubs and bushes as well as flowering plants. Large deciduous or evergreen trees are discouraged. The Planning Commission may waive the requirement for landscaping adjacent to non-residential buildings in certain instances where the Fire Department provides written comment that such landscaping will interfere with emergency service.

Amended: 10/04/05

### **Section 343 LOCATIONS AND SCREENING OF TRASH RECEPTACLES**

The location of trash receptacles shall be indicated on a site plan. All such trash receptacles shall be located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, site traffic circulation patterns, or any public right-of-way. Trash receptacles shall not be located within the front or street side yard.

All trash receptacles shall be screened on three (3) sides by durable masonry walls which are similar to, or compatible with, the exterior construction materials used elsewhere on site. The walls shall be constructed of either color impregnated poured concrete with a simulated brick pattern or decorative clay brick, the same as that used for the principle building. The dumpster enclosure shall not be painted. Further, the trash receptacle enclosure shall be complemented with evergreen plantings that provide a continuous screen. All trash receptacles shall be placed on a concrete pad, approved by the Township Engineer. Further, all such walls shall be constructed with suitable footings as required by the Township Building Code. Concrete or metal bollards shall be placed between the trash receptacle and the rear wall of the enclosure. The height of the masonry screening shall be six (6') feet. Trash receptacles shall be so located and arranged to minimize their visibility from adjacent streets and uses. All trash receptacles shall be located on site to be as accessible as possible without interfering with vehicular circulation patterns.

Amended: 03/11/04 (36-04-01)

### **Section 344 SCREENING WALLS**

For those zoning districts and uses which are incompatible, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below. An earthen berm and/or obscuring greenbelt may be utilized in place of a wall subject to the review and approval of the Planning Commission.

1. Walls shall be constructed of reinforced protective decorative face brick (same as building), color impregnated decorative poured reinforced concrete (to match building), or similar decorative building material determined to be acceptable by the Planning Commission. The color of brick or facing shall be compatible with brick used on the site and shall be durable, weather resistant and easy to maintain.
2. Required walls shall be located on the lot line except where underground utilities interfere or where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall. All such walls shall be constructed with suitable footings as required by the Township Building Code.
3. Such walls and screening barriers shall have no openings for vehicular traffic with the exception of pedestrian access. All walls herein required shall be of a decorative masonry material.
4. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served. In consideration of request to waive wall requirements between nonresidential and residential districts, the Planning Commission shall determine whether the residential district is considered to be an area in transition and will become nonresidential in the future or whether other physical features provide necessary screening.

Amended: 03/11/04 (36-04-01)

### **Section 345 NATURAL RESOURCE GREENBELT**

The Township recognizes the fragility and benefits of certain natural features within the Township such as wetlands, marshes, bogs, streams, inland lakes, ponds and drains. These features help regulate storm water

drainage, water quality, help control erosion and sediment disposition, as well as provide for wildlife and plant habitat. In an effort to help preserve these environmental features and the benefits in which they provide, the Township shall require natural resource buffers or greenbelts around natural features located on site. These buffers will help ensure that no damage, impairment or other intrusion occurs to the natural habitat and that contaminants or pollutants do not degrade or destroy these areas.

1. A twenty-five foot (25') undisturbed greenbelt shall be preserved around the boundary of any State or Township regulated wetland and all other flagged wetlands which are intended to remain onsite, and from the ordinary high water mark of any inland lake or pond, streams, creeks or drains (improved or unimproved). These areas shall be conspicuously noted on the site plan and before any land clearing activities are commenced, the developer shall erect and maintain a suitable barrier between such environmental feature greenbelt and lands which are intended to be cleared.
2. There shall be no construction, removal or deposit of any structures or soils, including dredging, filling or land balancing within a required natural resource greenbelt.
3. These requirements may be modified by the regulating State or County agency.

Amended: 03/11/04 (36-04-01)

**Section 346 STORMWATER FACILITIES**

The placement and design of storm water systems shall be coordinated with the Township Engineer and the Township's Engineering Standards. Particular attention shall be given to the aesthetic value of the system. Wherever possible the system shall be incorporated into the overall landscape design of the site. Whenever fencing is required around a pond, detention pond, retention pond, siltation basin, lake or the like, fencing which is ornamental in nature shall be utilized. Such fencing shall be either decorative wrought iron or simulated wrought iron. Fencing shall be between four (4) and six (6) feet in height as required by the Township and must meet all other applicable building codes. In those areas not visible to public view or adjacent residences, the Planning Commission may approve a substitute material if no good purpose is served by provided the decorative fencing material.

Amended: 03/11/04 (36-04-01)

**Section 347 KEEPING OF ANIMALS**

The following provisions shall not apply to those properties, which meet the Township's definition of farm or farmland. In all districts, the minimum required area for the keeping of any hoofed animals shall be 90,000 square feet and shall be accessory to the primary residence. All animals kept on residential properties shall be afforded adequate shelter (refer to Section 302 Accessory Buildings) and shall also be fenced. The refuse and waste resulting from the maintenance of animals shall be controlled upon the premises and shall be cared for or disposed of in a manner keeping with generally accepted agricultural practices so as to minimize hazards of health and offensive effects. Each animal shall be maintained in a good, healthy condition in a manner not causing injury to the health of any animal or the health and safety of any person. The maximum number of hoofed animals kept on a single property shall be as follows: two (2) animals for the first 90,000 square feet of property and up to three (3) acres. One (1) additional animal shall be permitted for each whole one (1) acre (43,560 square feet) above and beyond the initial three (3) acres.

<b>Total Number of Animals</b>		
	90,000 square feet up to 2.99 Acres	Animals for each additional whole acre
Hoofed Animals & the Like	2	1

Amended 08-04-04 (36-04-02)

## SECTION 348

## WIND ENERGY CONVERSION SYSTEMS (Windmills):

A. Definitions. *Wind Energy Conversion Systems (hereinafter referred to as WECS)*: Any device that converts wind energy to mechanical or electrical energy.

1. *Wind Rotor*: The blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.
2. *Tower Height*: The height of the actual tower, plus one-half the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit as measured from the established or natural grade of the property.
4. *Survival Wind Speed*: The maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.

B. **Applicable Zones.** WECS may be permitted in any zoning district subject to the following Special Land Use Approval Requirements (Subsections C, D, and E). However, the erection of one (1) WECS structure on a single parcel of land at a height equal to or less than eighty (80) feet shall be considered a **permitted use** in the R-1 Agricultural Residential Zoning District and shall not require special land use or Planning Commission approval. This shall also apply to WECS units constructed on farm properties regardless of zoning classification. The approval of a WECS under this requirement shall be subject to administrative approval through the Building Department, as well as all other applicable provisions (Subsections D and E) of this Section of the Zoning Ordinance.

C. **Applicability of Ordinance.** The standards that follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system. For systems intended for uses other than the above, including multiple residents connecting to the same system, Planning Commission and special land use approval (Section 1201 of the Township Zoning Ordinance) shall be required. Said approval shall cover the location of the system (shown on a site plan for the property) on the site, the noise generated by the system, assurances as to the safety features of the system, and compliance with all applicable state and federal statutes and regulations. Planning Commission and special land use approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electric power for more than one main building.

D. **Standards for and Regulation of WECS.**

1. *Construction*: Tower construction shall be in accordance with the latest edition of the Michigan Building Code, and any future amendments and/or revisions to it.
2. *Electric-Magnetic Interference (EMI)*: Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions. Proof (from the manufacturer) of the WECS meeting this standard shall be supplied to the Township.

3. **Setbacks:** The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to one and one-half (1½) times the height of the tower. Setbacks shall be measured from the property line to the center of the windmill tower structure.

The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five (5') feet of utility lines.

4. **Location:** WECS shall be located within the side or rear yards. Any WECS located within the front yard shall require special land use approval. Such WECS may have an accessory building to house (only the necessary equipment associated with such WECS) within the front yard.
5. **Maximum Height:** The maximum height permitted as a special land use shall be one hundred and fifty (150') feet, unless otherwise prohibited by any state or federal statutes or regulations.
6. **Minimum Blade Height:** The minimum distance between the ground and any protruding blades utilized on a WECS shall be twenty (20') feet, as measured at the lowest point of the arc of the blades. Special exceptions may be allowed for vertical axis turbines.
7. **Labeling Requirements:** A minimum of one sign shall be clearly posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.
  - (a) The maximum power output of the system and the wind speed at which it is achieved.
  - (b) Nominal voltage and maximum current.
  - (c) Manufacturer's name and address, serial number and model number.
  - (d) Maximum survival wind speed and the emergency and normal shut down procedures.
8. **Utility Company Notification:** The appropriate utility company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications. Verification of this shall also be supplied and filed with the Township.
9. **Safety:** The WECS' manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.

10. **Noise:** The maximum level of noise to be generated by a WECS shall be fifty (50) decibels, as measured on the dBA scale, measured at each property line at any time. Proof (from the manufacturer) of the WECS meeting this standard shall be supplied to the Township.

**E. Miscellaneous.**

1. All electric line/utility wires shall be buried under ground unless otherwise approved by the Township.
2. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6') foot view obscuring fence. The supporting tower shall also be enclosed with a six (6') foot view obscuring fence unless the base of the tower is not climbable for a distance of twelve (12') feet. All areas which are secured with a fence shall provide emergency access as required by the Township. If the equipment is located within a lockable building, the view obscuring fence shall not be required.
3. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor eight (8') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line. Such building shall not be considered an accessory building in terms of the total number or total size of accessory buildings permitted onsite.
4. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days. Appropriate legal documentation, in the form of a deed restriction, shall be filed with the County and the Township guaranteeing such removal prior to any permits being granted for construction.
5. Every WECS shall be insured with minimum liability insurance of five hundred thousand dollars (\$500,000) for each occurrence. Proof of insurance shall be furnished to the township.  
Amended 10/07/08 (36-08-1)

**Section 349 Medical Marijuana Uses.**

**A. Intent**

1. Voters in the State of Michigan approved a referendum authorizing the use of marijuana for certain medical conditions, being the Michigan Medical Marihuana Act, MCL 333.26421, et seq. ("The Act").
2. The specified intent of The Act is to enable certain specified persons who comply with the registration provisions of the law to acquire, possess, cultivate, grow and use marijuana as well as to assist specifically registered individuals identified in the statute without being subject to criminal prosecution under state law in limited, specific circumstances.
3. Despite the specific provisions of The Act and the activities identified in The Act, marihuana remains a controlled substance (Schedule 1 drug) under Michigan law. The activities set forth The Act have a potential for abuse. Such activities should be closely monitored and, to the extent permissible, regulated by local authorities.
4. If not closely monitored or regulated, the presence of marihuana even for the purposes



specified by The Act may present an increase for illegal conduct and/or activity which adversely affects the health, safety and welfare of the residents of Ray Township.

5. Nothing in this Ordinance shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow any other activity relating to cultivation /growing, distribution or consumption of marijuana that is otherwise illegal.

B. *Medical Marijuana Dispensary, Compassion Centers or other similar operation for the consumption or distribution of medicinal marijuana.* It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marijuana dispensary, compassion center or other similar operation, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marijuana dispensary, compassion center, growth facility, growth cooperative or other similar operation in Ray Township.

C. *Registered Primary Caregiver.* A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, The Act and the requirements of this section, shall be permitted to grow marijuana as a home occupation subject to the applicable provisions of Section 4.01(J). Nothing in the section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with The Act and the General Rules. Also, since Federal Law is not affected by The Act or General Rules, nothing in this section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal Law. The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

1. The medical use of marijuana shall comply at all times and in all circumstances with The Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
2. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school (as measured from the property lines), including child care or day care facilities operated by a school, to insure community compliance with Federal "Drug-Free School Zone" requirements;
3. A registered primary caregiver must be located outside of a one thousand (1,000) foot radius from any public or private park property or public library property (as measured from the property lines).
4. Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a single parcel or an approved livable unit;
5. All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient;
6. There shall be no signs of the growing, cultivating, or distributing of the medicinal marijuana visible from the exterior of the residence, including plant material, lighting, caregiver/patient interaction, etc.
7. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the production of marijuana are located;
8. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as

herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ray Township Fire Department to insure compliance with the Michigan Fire Protection Code.

9. The disposal of plant material shall be done in a safe and secure manner which does not permit those without the proper permits to access or obtain any disposed plant material.

Amended 04/05/11(36-11-1)

## ARTICLE IV

### R-1 RESIDENTIAL-AGRICULTURAL DISTRICT

#### Section 400 STATEMENT OF INTENT.

The intent or goals of the R-1 Residential-Agricultural District are as follows:

Maintain, to the extent possible, the balance between farming, open space, natural resources, the environment and residential development.

- Retain the sense of openness or rural character.
- Preserve natural resources and the environment.
- Preserve open space.
- Preserve or retain farming.
- Encourage the dominance of natural resources and the environment as an integral part of future man-made development.

In promoting the goals of this District, direct reference is made to the Ray Township Master Plan, adopted by the Planning Commission on November 25, 1991. Specific notation is also directed to the Community Attitude Survey summarized in the Master Plan, which was the foundation upon which the Plan was developed. In addition, Ray Township recognizes:

- That, in a rapidly urbanizing society, agricultural, open space and natural resources have a definite public value and their preservation constitutes an important physical, social, aesthetic and economic asset to existing and future urban developments.
- That based upon the Township Master Plan, certain areas of the Township have unique natural resources, productive soils, ecological limitations, scenic beauty and/or other reasons presented in the Master Plan as to why these lands should be preserved.
- That development under the Open Space Provisions (Section 1203.T.) of this Ordinance is a primary goal of the Township.

For these reasons and others in the Master Plan, this Article is necessary for the promotion of the general welfare and the protection of the public interest.

#### Section 401 PRINCIPAL USES PERMITTED.

- A. Farm buildings and greenhouses, general and specialized farms, and agricultural activities (except feedlots), which contain a contiguous parcel of at least ten (10) acres of land and meet the definition of this Ordinance.
- B. Single-family dwellings.
- C. Open Space Communities, as regulated by Section 331 of this Ordinance.  
Amended: 09-05-00 (36-00-6)
- D. Tree and shrub nurseries.
- E. Publicly-owned and operated municipal buildings and essential services.

- F. Farm, fish and recreation ponds or aesthetic landscaping ponds, subject to the following:
1. A site plan shall be submitted to and approved by the Building Inspector.
  2. Ponds shall only be of an excavation type, as defined by the Soil Conservation Service engineering standard, and all ponds shall be constructed to the SCS standards (see Standard 378 of the Soil Conservation Service, as amended).
  3. No commercial activities, including public fishing, shall be allowed.
  4. The pond shall be a minimum distance of fifty (50) feet from the property line of abutting lands.
  5. In the event the owner wishes to sell or the excavated materials off the site, he shall conform to the requirements of the mining and extraction ordinances of the Township.
  6. Any artisan well or other water overflow from a pond that could affect adjacent property shall be provided with adequate drainage.
  7. Ponds shall be a minimum of ten (10) feet deep over twenty-five (25%) percent of the pond's surface area.
  8. Ponds shall be located a minimum of one hundred (100) feet from the septic tank or field.
  9. Contaminated surface water shall be diverted around all ponds.
  10. Ponds shall be constructed in such a manner that runoff, overflow, spillage or seepage shall not encroach upon adjacent properties owned by another person.
  11. Ponds shall have warning signs and lifesaving equipment, as required by the State of Michigan.
- G. The growing, stripping and removal there from of sod, provided that said lot or portion thereof shall be reseeded after stripping by Fall of the year in which it was stripped, so as to prevent actual or potential erosion by water or wind.
- H. Private swimming pools, subject to the regulations of Section 326.
- I. One-Family Site Condominiums, as regulated by Section 330.
- J. Type I Home Occupations, as defined in Section 200 of this Zoning Ordinance. If there is a question as to whether the proposed use is a Type I home occupation, then such use shall be submitted as a special approval land use.
- K. A temporary permit may be issued by the Township Board for a mobile home for a period up to six (6) months while the single-family dwelling is being constructed. Such temporary permit may be renewed for periods up to a total of two (2) years, subject to the provisions of Section 327.
- L. Accessory buildings, structures and uses customarily incidental to any of the above uses, when located on the same property and subject to Section 302.

M. Roadside Stands, as defined in Section 200 of this Zoning Ordinance.

**Section 402 SPECIAL APPROVAL LAND USES.**

The following uses may be permitted by the Township Planning Commission, subject to the standards for each use hereinafter itemized and subject to the provisions of Article XII and Section 1500, Site Plan Review:

- A. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations (Section 1203.A.).
- B. Churches and/or cemeteries (Section 1203.C.).
- C. The raising or keeping of animals, fowl, birds, peacocks, rabbit, mink, fox or similar fur-bearing animals on other than bonafide farms. Cattle or livestock feedlots, dog kennels, feline establishments, veterinarian or animal clinics (Section 1203.I.).
- D. Convalescent or rest homes (Section 1203.D.).
- E. Large-scale recreation uses (Section 1203.F.).
- F. Public, parochial and private schools, colleges and universities (Section 1203.K.).
- G. Public utilities, buildings and uses (Section 1203.L.).
- H. Soil, sand, gravel, clay or similar materials, mining, extraction and landfills (Section 1203.P.).
- I. Nursery schools, day nurseries and child and adult care centers (Section 1203.G.).
- J. Agribusiness Uses (Section 1203.O.).
- K. Type II home occupations, as defined in Section 200 of this Zoning Ordinance, provided that adequate off-street parking can be provided for such use and it is determined, after a public hearing, that there would be no adverse impacts on surrounding properties. This may include barber shops, beauty parlors, child-care centers or medical offices.
- L. Bed & Breakfast Establishments Amended: 05/16/06 (36-06-01)

**Section 403 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.**

In the R-1 Residential-Agricultural District, the following area, height, density, bulk and placement regulations shall apply. In keeping with the goals and objectives of the Master Plan and the stated intent of this zoning district, the following principles and requirements are established:

- A. No lot shall be created which is less than ninety thousand (90,000) square feet in area or has a lot width of less than one hundred fifty (150) feet measured at the front building line (except as part of an approved Open Space development). Lots which legally existed and were recorded prior to the adoption of this amended Ordinance may be developed, provided they meet the setback requirements of this Article.

B. The maximum ratio of lot depth-to-lot width shall not exceed 5-to-1. The one remaining lot or parcel from the parent parcel may exceed the 5-to-1 ratio.

C. Minimum Front Yard Setback (measured from road centerline)

26 Mile	152 feet
32 Mile and North Avenue	125 feet
All Other Major Roadways	110 feet
Local and Private Roads	80 feet

Amended 10/04/05

D. Side yard setbacks shall be at least fifteen (15) feet.

E. Rear yard setbacks shall be at least fifty (50) feet.

F. Maximum height of structures: Two (2) stories; Thirty-five (35) feet.

G. Minimum floor area in square feet:

	<u>1st Floor</u>	<u>Total</u>
1 story	960	960
1 1/2 story	800	1,200
2 story	650	1,300

H. The maximum density permitted in this district, regardless of division by lot splitting, subdivision, site condominium or open space development, shall not exceed one (1) dwelling unit per ninety thousand (90,000) square feet of land area.

**ARTICLE V**  
**RESERVED FOR FUTURE USE**

**ARTICLE VI**

**RESERVED FOR FUTURE USE**



## ARTICLE VII

### R-M RESIDENTIAL-MODERATE DENSITY DISTRICT

#### Section 700 STATEMENT OF INTENT.

The R-M, Moderate Density Residential District is designed to permit a more intensive residential use of land with various types of multiple family dwellings, mobile homes and related uses. These areas would be located near major streets for good accessibility and within areas of potential sewer service. Various types and sizes of residential accommodation for ownership or rental, would thereby be provided to meet the needs of the different age and family groups.

#### Section 701 PRINCIPAL USES PERMITTED.

In all R-M Districts, no building or land except as otherwise provided in this Ordinance, shall be erected or used except for one or more of the following specified uses:

- A. All principal uses permitted in the R-1 District, subject to requirements for such uses in that zoning district where first permitted.
- B. Multiple dwellings including:
  - Apartment houses.
  - Row or townhouse dwellings.
  - Two-family dwelling units subject to the requirements of Section 1203.H.
- C. Mobile Home Parks.
- D. Maintenance and management building to serve the multiple dwellings or mobile home park.
- E. Clubhouse and private swimming pool designed and operated only for occupants of that multiple family district and their personal guests.
- F. Signage when located on the same parcel as the use, complex or development.
- G. Off-street parking and loading in accordance with Article XIV of this Ordinance.

#### Section 702 SPECIAL APPROVAL LAND USES.

The following uses may be permitted by the Township Planning Commission, subject to the standards for each use hereinafter itemized and subject to the provisions of Article II and Section 1500, Site Plan Review:

- A. Nursery schools, group homes and day care centers (Section 1203 G.).
- B. Convalescent and nursing homes (Section 1203.D.).
- C. Service clubs and lodges (Section 1203.N.).
- D. Large scale recreation uses (Section 1203.F.).
- E. Churches (Section 1203.C.).

Amended: 07-06-99 (36-99-01)

**Section 703 OTHER REQUIREMENTS.**

A. All uses other than single-family residences shall require site plan approval, as regulated by Section 1500, prior to issuance of a building permit.

B. In the R-M Residential-Moderate Density District the following area, height, density, bulk and placement regulations shall apply:

Minimum lot size:	Five (5) acres
Minimum lot width:	Three hundred (300) feet
Maximum height of buildings:	Three (3) stories, Thirty-five (35) feet
Maximum building coverage:	Twenty-five (25) percent

C. The required lot area per dwelling unit shall be computed as follows:

Efficiency and one bedroom unit:	2,500 square feet.
Two-bedroom unit:	3,000 square feet.
Three-bedroom unit or more:	4,000 square feet.

A family room, den, library, or extra room shall each be counted as a bedroom for purposes of determining lot area requirements.

In no case shall the overall density exceed ten (10) dwelling units per acre, exclusive of any land area occupied by water bodies or by water and sewer systems.

D. All multi-family and mobile home developments shall have a minimum of fifteen (15) percent of the total site area developed for recreation and park purposes. Such recreation space shall be of sufficient size and location as to be usable and easily accessible to the residents of the development.

E. All multi-family developments shall have direct access to a major or secondary thoroughfare, as described in the Township Master Plan. Egress and ingress shall be designed to minimize congestion and interference with normal traffic flow.

F. The site shall be designed in such a manner so as to insure adequate drainage.

G. A greenbelt, ornamental masonry wall or planting strip, as regulated in Section 314, not less than forty (40)feet in width, shall be located along all property lines which abut directly upon an R-1 District. A landscape planting area and/or berm shall be provided along all street frontage.

H. In no instance shall the minimum floor area per unit be less than three hundred and sixty (360) square feet or more than five hundred (500) square feet for an efficiency apartment. In no instance shall the minimum floor area per unit be less than five hundred (500) square feet in a one-bedroom unit and seven hundred fifty (750) square feet in a two-bedroom unit. The floor area per unit shall be increased by one hundred and fifty (150) square feet of floor area for each additional bedroom beyond that of a two-bedroom unit.

I. No multiple-family building shall exceed one hundred and fifty (150) feet in length unless reviewed by the Planning commission and it is found that adequate pedestrian and other circulation needs can be met.

- J. In an R-M District, front, side, or rear yards refer to spacing between multiple family buildings or mobile homes for a planned development of two or more buildings on the same parcel. The following minimum yard requirements shall be provided. No dwelling unit or mobile home shall be closer than forty (40) feet to any proposed public street right-of-way, and no closer than thirty (30) feet to any other property line. The distance between any two (2) buildings or mobile homes in a multiple-family development shall be not less than thirty (30) feet.

Parking may be permitted in the required rear or side yard, provided that there shall be at least fifteen (15) feet of yard space between said parking area and the buildings or mobile homes.

- K. The minimum mobile home lot used or occupied by each mobile home shall be six thousand (6,000) square feet and not less than fifty (50) feet wide at the setback line. Service drives and recreation space shall be excluded when computing mobile home site area.
- L. There shall be open space between each mobile home not less than twenty (20) feet and not less than twenty (20) feet of open space between the ends of adjacent mobile homes. No mobile homes shall be located closer than thirty (30) feet to any building in the mobile home park. All mobile homes shall be set back at least ten (10) feet from any service drive right-of-way.
- M. All streets and parking spaces in every development shall be constructed and maintained with concrete or asphalt surface. Such roads shall be completed before mobile homes are permitted on those lots. Roadways and streets shall conform to the minimum construction specifications of the Macomb County Road Commission. The development owners shall provide adequate maintenance of roadways, lanes and streets within the mobile home park in order to permit travel without hazards to pedestrians, vehicles or their occupants at all times of the year.
- N. The development shall provide a thirty-six (36) inch concrete walk from the entrance of each multi-family or mobile home to all required service facilities.
- O. Each mobile home lot shall be provided a concrete apron upon which the mobile home shall be located. The minimum size shall be twelve (12) feet by sixty (60) feet by four (4) inches thick. (121 x 601 x 4").

In lieu of a concrete apron, each mobile home may be placed upon concrete piers which shall meet or exceed F.H.A. minimum construction standards. A concrete rat wall shall be provided beneath the perimeter of the mobile home to which fireproof skirting shall be attached.

- P. Street and yard lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be provided and shall be effectively related to buildings, trees, walks, steps and ramps.
- Q. Fire hydrants or fire extinguishers shall be placed within said mobile home park so that no mobile home shall be more than six hundred (600) feet from a fire hydrant or fire extinguisher.
- R. No utility trailers, travel trailers, boats, contractor's equipment or similar equipment or vehicles shall be parked or stored except in a separate storage area designed and approved as such.
- S. Minimum size of mobile homes shall be ten (10) feet by fifty (50) feet. (10' x 50').
- T. One metal utility cabinet is permitted and encouraged for each mobile home site. Such utility cabinet shall be uniform as to size and location. Said cabinet shall not exceed seven (7) feet in height nor

five (5) square feet of floor area. All metal cabinets shall be mounted on and anchored to a four (4) inch slab of concrete. These cabinets shall be kept neat and clean at all times.

- U. One (1) freestanding sign identifying the multi-family complex or mobile home park, not more than fifty (50) square feet in area, may be maintained at or adjacent to the principal entrance to the park. It shall have no flashing illumination.
- V. No individual mobile home site shall be occupied or reoccupied by a mobile home until properly placed on its stand, and connected to utilities through the proper issuance of the required permits and certificates of occupancy.
- W. Plumbing and electric installations shall be maintained in accordance with Township and State Ordinances and Codes. The electrical distribution system and telephone system shall be installed underground with boxes of a uniform type of panel at each mobile home site throughout the mobile home park.

## ARTICLE VIII

### RC RECREATIONAL DISTRICT

#### Section 800 STATEMENT OF INTENT.

The RC Recreational District is intended to help preserve the natural flood hazard areas of the Township and to provide for those uses devoted to public and private recreation activities. The provisions of the District include those activities which will encourage utilization of the Township's recreational potential. This District is established to protect the health, safety and general welfare of the inhabitants of Ray Township by promoting land uses which will not reduce the river valley's reservoir capacity nor impede, retard, accelerate or change the carrying capacity of the river or its flood hazard area.

#### Section 801 PRINCIPAL USES PERMITTED.

- A. Agricultural uses.
- B. Public playgrounds and picnic grounds, swimming areas, parks, and sports areas.
- C. One-family detached dwellings, provided that such are designed as an integral part of any existing or proposed park or recreation facility and subject to the provisions of Article IV, R-1 Agricultural-Residential Zoning District.
- D. Private non-business and non-commercial recreational uses.

#### Section 802 SPECIAL APPROVAL LAND USES.

The following uses may be permitted by the Township Planning Commission subject to the standards for each use hereinafter itemized and subject to the provisions of Article XII and Section 1500, Site Plan Review:  
Amended: 02-01-00 (36-00-3)

- A. Large scale public and private recreation uses (Section 1203.F.).
- B. Shooting ranges and gun clubs (Section 1203.F.).
- C. Service Clubs and lodges (Section 1203.N.).
- D. Communication towers, personal wireless services (cell towers) and similar towers and antennas, subject to the provisions of Section 1203 (V).

## ARTICLE IX

### B-1 LOCAL BUSINESS DISTRICT

#### Section 900 STATEMENT OF INTENT.

The B-1 Local Business District is designed to give the Township a business district that is somewhat more selective than a General Business District, and to provide for the establishment of local neighborhood shopping facilities designed to meet the day-to-day convenience shopping, personal services and professional office areas that are compatible with and are of service to nearby residential areas.

#### Section 901 PRINCIPAL USES PERMITTED.

- A. Generally recognized neighborhood retail businesses, which supply commodities on the premises, such as but not limited to: groceries, drug stores (drive thru prohibited), video rental, stores selling cellular phones and the like, coffee shops, sit down restaurants (not including fast food, other drive thrus) or hardware.
- B. Personal service establishments, which perform services, on the premises, such as but not, limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty shops or barber shops, and self-service laundries.
- C. Dry cleaning establishments, (pick-up stations only), dealing directly with the consumer.
- D. Professional and business offices such as: doctor clinics, architect, engineer, lawyer, real estate, and insurance offices.
- E. Churches subject to Section 1203.C.
- F. Public utility buildings, service buildings, telephone exchange buildings, electric stations and substations, and gas regulator stations but not including storage yards.
- G. Accessory structures and uses customarily incidental to the above permitted uses.
- H. Municipal Facilities
- I. Off-street parking and loading spaces as required in Article XIV.

#### Section 902 SPECIAL APPROVAL LAND USES.

The following uses may be permitted by the Township Planning Commission subject to the standards for each use hereinafter itemized and subject to the provisions of Article XII and Section 1500, Site Plan Review:

- A. Private clubs and lodges (Section 1203.N.).
- B. Nursery schools and day care centers (Section 1203.G.).
- C. Pharmacies, banks and other similar uses with drive thrus
- D. Hospitals and emergency clinics

**Section 903 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.**

- A. All developments in this district shall require site plan approval (Section 1500) prior to the issuance of a building permit.
- B. The following area, height and placement regulations shall apply to all uses and structures:

Minimum lot area:	90,000 square feet
Minimum lot width:	One Hundred and Fifty (150) feet
Maximum height for buildings, structures:	Thirty Five (35) feet
Maximum lot coverage:	Thirty (30) percent
Maximum impervious surface	Fifty (50) percent
Minimum front yard setback:*	26 Mile Road 152 feet 32 Mile Road & North Avenue 125 feet All Other Roadways 110 feet Private Roads 80 feet or 50 feet from the easement line
Minimum rear yard setback:	Thirty (30) feet. When a rear yard abuts a residential use or district, the minimum rear yard setback shall be fifty (50) feet.
Minimum Side Yard Setback:	Twenty five (25) feet. When a rear yard abuts a residential use or district, the minimum side yard setback shall be 50 feet.
Minimum Building Separation:	Thirty (30) feet.
Minimum Parking Setback:	Parking shall not be permitted within any required yard setback.

- C. Any nonconforming lot of record based on insufficient land area or lot dimension shall only be used as permitted in the district in which it is located. A single nonconforming lot may be developed or improved with a principal building and permitted accessory structures, without the need for a variance, provided that the following conditions have been met:

1. The structure and lot shall meet a minimum of fifty (50) percent of the required side and rear yard setbacks. Further, the required greenbelt provisions of this Ordinance may also be reduced by fifty (50) percent.
2. The required front yard setback may be reduced by ten (10) feet.
3. The lot shall conform with all other applicable yard dimensions, setbacks and other requirements.
4. Any additional requests to vary the requirements of this Section or the remainder of the Zoning Ordinance shall be heard by the Zoning Board of Appeals.

Amended 08-17-04 (36-04-03)



## ARTICLE X

### B-2 GENERAL BUSINESS DISTRICT

#### Section 1000 STATEMENT OF INTENT.

The General Business District, as established in this Article, is intended to permit a wider range of business and entertainment activities than those permitted in the Local Business District. The B-2 General Business Districts are designed to provide sites for more diversified business types and are often located so as to serve passerby, auto-oriented consumer traffic. These uses would likely generate larger volumes of vehicular traffic, would need more off-street parking and loading and would require more planning to integrate such districts with adjacent residential areas.

#### Section 1001 PRINCIPAL USES PERMITTED.

- A. Any retail business or service establishment permitted in B-1 Districts, subject to the regulations in the following sections of this Article.
- B. All retail business, service establishments or processing uses as follows:
  - 1. Any retail business whose principal activity is the sale of merchandise.
  - 2. Eating or drinking establishments
  - 3. Churches, wedding chapels, catering establishments or banquet halls.
  - 4. Offices, medical or dental clinics, banks, loan companies, real estate and insurance offices, and similar uses.
  - 5. Commercial dog kennels and veterinarian clinics within a completely enclosed building.
  - 6. Funeral homes and mortuary establishments.
  - 7. Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, printer, upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
  - 8. Hotels, motels, fraternal organizations, lodge halls, and clubs.
  - 9. Indoor commercial recreation establishment such as a bowling alley, billiard ball, gymnasium, indoor archery range, indoor tennis court, indoor skating rink or similar establishment.
  - 10. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.
  - 11. Business schools, colleges or private schools.
  - 12. Nursery schools and day care centers subject to Section 1203.G.
  - 13. Public utility buildings, telephone exchange buildings, gas regulator stations, station and

substations.

14. Accessory buildings and uses customarily incidental to the above permitted uses.

**Section 1002 SPECIAL APPROVAL LAND USES.**

The following uses may be permitted by the Township Planning Commission, subject to the standards for each use hereinafter itemized and subject to the provisions of Article XII and Section 1500, Site Plan Review:

- A. Open air business uses such as but not limited to drive-ins, commercial outdoor recreation, and agricultural sales. Public utility buildings and warehousing or storage of construction machinery including tractors, dozers and other types of earth-moving equipment (Section 1203.M.).
- B. Outdoor sales space for sale of automobiles and/or trucks; mobile homes and travel trailers (Section 1203.M.).
- C. Drive-in thru establishments; including fast food restaurants (Section 1203.E.).
- D. Warehousing and storage within a completely enclosed building subject to the provisions of the Industrial District.
- E. Auto bump and paint shops (Sections 1203.B.).
- F. Woodworking or cabinetmaker and sales (Section 1203.R.).
- G. Offices, research and testing laboratories subject to the following specific standards:
  1. All operations and storage shall be carried on in a completely enclosed building.
  2. There shall be no testing of toxic, radioactive, or carcinogenic materials or wastes in this district.
  3. All proposed uses shall meet or exceed the performance standards of Section 319.
  4. There shall be no loading or unloading in the required front yard.

Prior to occupancy, approvals shall be obtained from the DNR, EPA or other applicable Federal or State agencies.

- H. Communication towers, personal wireless services (cell towers) and similar towers and antennas, subject to the provisions of Section 1203 (V).
- I. Car washes and auto laundries
- J. Automobile service stations and gas stations (Section 1203.J.)

**Section 1003 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.**

- A. All developments in this district shall require site plan approval, Section 1500, prior to the issuance of a building permit.

B. The following area, height and placement regulations shall apply to all uses and structures:

Minimum lot area:	90,000 square feet
Minimum lot width:	One Hundred and Fifty (150) feet
Maximum height for buildings, structures:	Thirty Five (35) feet
Maximum lot coverage:	Thirty (30) percent
Maximum impervious surface	Fifty (50) percent
Minimum front yard setback:	26 Mile Road 152 feet 32 Mile Road & North Avenue 125 feet All Other Roadways 110 feet Private Roads 80 feet or 50 feet from the easement line
Minimum rear yard setback:	Forty (40) feet. When a rear yard abuts a residential use or district, the minimum rear yard setback shall be fifty (50) feet.
Minimum Side Yard Setback:	Thirty (30) feet. When a rear yard abuts a residential use or district, the minimum side yard setback shall be 50 feet.
Minimum Building Separation:	Thirty (30) feet.
Minimum Parking Setback:	Parking shall not be permitted within any required yard setback.

C. Any nonconforming lot of record based on insufficient land area or lot dimension shall only be used as permitted in the district in which it is located. A single nonconforming lot may be developed or improved with a principal building and permitted accessory structures, without the need for a variance, provided that the following conditions have been met:

1. The structure and lot shall meet a minimum of fifty (50) percent of the required side and rear yard setbacks. Further, the required greenbelt provisions of this Ordinance may also be reduced by fifty (50) percent.
2. The required front yard setback may be reduced by ten (10) feet.

3. The lot shall conform with all other applicable yard dimensions, setbacks and other requirements.
4. Any additional requests to vary the requirements of this Section or the remainder of the Zoning Ordinance shall be heard by the Zoning Board of Appeals

Amended 08-17-04 (36-04-03)

## **ARTICLE XI**

### **M-1 INDUSTRIAL DISTRICT**

#### **Section 1100 STATEMENT OF INTENT.**

The M-1 Industrial Districts are designed to accommodate wholesale activities, warehouses, manufacturing and industrial operations. Certain commercial uses may be permitted in these districts where it is shown that these uses are needed to serve the industrial uses and the personnel employed therein.

#### **Section 1101 PRINCIPAL USES PERMITTED.**

- A. Manufacturing, compounding, processing, assembly and packaging facilities.
- B. Warehousing, wholesaling and trucking operations, trucking facilities and truck storage.
- C. Offices, research and laboratories.
- D. Public utility buildings, telephone exchange, stations and substations, gas and oil pumping regulator and stations, and propane depots.
- E. Storage facilities for building materials, sand, gravel, lumber, or storage of contractor's equipment and materials.
- F. Automotive and truck repair shops along with minor auto engine and body repair.
- G. Commercial kennels.
- H. Airports, airfields, runways, hangars, beacons and other facilities associated with airport operations.
- I. Accessory buildings and uses customarily incidental to the above permitted uses.

#### **Section 1102 SPECIAL APPROVAL LAND USES.**

The following uses may be permitted by the Township Planning Commission, subject to the standards for each use hereinafter itemized and subject to the provisions of Article XII and Section 1500, Site Plan Review:

- A. Retail business uses which have an industrial character in terms of their outdoor storage requirements or activities such as; lumber yards; building materials; boat, car, truck, mobile home, travel trailer or farm implement sales; tree and nursery sales (either wholesale or retail).
- B. Retail services to serve the needs of persons working in the industrial district such as: eating and drinking establishments; banks; automobile service stations; trade or industrial schools; medical clinics and offices.
- C. Incineration or compaction of garbage or refuse, provided that such use is located at least three hundred (300) feet from any residential use or residential zoning district and also providing that such meets State and County regulations.
- D. Junk yards, provided such is entirely enclosed within a building or an eight (8) foot obscuring wall,

and provided further that such use is located at least two hundred (200) feet from any residential use or residential zoning district.

- E. Mining, Extraction and Landfills (Section 1203.P.).
- F. Communication towers, personal wireless services (cell towers) and similar towers and antennas, subject to the provisions of Section 1203 (V).
- G. Heavy automobile and engine repair.
- H. Adult Oriented Business.
- I. Concrete, Asphalt, or other Bituminous plants
- J. Yard Waste Composting Facilities (Section 1203.S.) Amended: 05/26/06 36-06-02

**Section 1103 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.**

- A. All structures and uses permitted in this district require site plan approval, Section 1500, prior to the issuance of a building permit.
- B. The following area, height and placement regulations shall apply to all uses and structures:

Minimum lot area:	90,000 square feet
Minimum lot width:	One Hundred and Fifty (150) feet
Maximum height for buildings, structures:	Thirty Five (35) feet
Maximum lot coverage:	Thirty (30) percent
Maximum impervious surface	Fifty (50) percent
Minimum front yard setback:*	26 Mile Road 152 feet 32 Mile Road & North Avenue 125 feet All Other Roadways 110 feet Private Roads 85 feet or 50 feet from the easement line
Minimum rear yard setback:	Forty (40) feet. When a rear yard abuts a residential use or district, the minimum rear yard setback shall be fifty (50) feet.

Minimum Side Yard Setback:	Thirty (30) feet. When a rear yard abuts a residential use or district, the minimum side yard setback shall be 50 feet.
Minimum Building Separation:	Thirty (30) feet.
Minimum Parking Setback:	Parking shall not be permitted within any required yard setback.

C. Any nonconforming lot of record based on insufficient land area or lot dimension shall only be used as permitted in the district in which it is located. A single nonconforming lot may be developed or improved with a principal building and permitted accessory structures, without the need for a variance, provided that the following conditions have been met:

1. The structure and lot shall meet a minimum of fifty (50) percent of the required side and rear yard setbacks. Further, the required greenbelt provisions of this Ordinance may also be reduced by fifty (50) percent.
2. The required front yard setback may be reduced by ten (10) feet.
3. The lot shall conform with all other applicable yard dimensions, setbacks and other requirements.
4. Any additional requests to vary the requirements of this Section or the remainder of the Zoning Ordinance shall be heard by the Zoning Board of Appeals.

Amended 08-17-04 (36-04-03)

## ARTICLE XII

### CONDITIONAL USE REQUIREMENTS (Uses Permitted After Special Approval)

#### Section 1200 STATEMENT OF INTENT.

For all Special Approval Land Uses, a site plan must be submitted to the Township Planning Commission according to the requirements of Section 1500, Site Plan Review Procedures. These use permit review procedures are instituted to provide an opportunity to use a lot or parcel of land for an activity which, under usual circumstances, might be detrimental to other permitted land uses and cannot be permitted within the same district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land use.

#### Section 1201 SPECIAL APPROVAL REQUIRED.

- A. In all cases the power to grant specific approval shall be and hereby is vested in the Planning Commission. Upon receipt of a written application and site plan therefore, the Planning Commission shall make a determination as to whether the proposed use or structure meets the required standards and designs and that there are no adverse effects which in the opinion of the Planning Commission cause injury to the adjacent properties or residents, or the Township as a whole.
- B. In considering all applications for special approval land uses, the Planning Commission shall review each case individually as to its conformity and must find affirmative to each of the following standards as well as the standards for each Special Approval Land Use:
  1. The proposed special approval land use will 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 use will 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, routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access to off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle conflicts.
  3. The proposed use will be designated so that the location, size, intensity, site layout and periods of operation of the proposed use eliminate any possible nuisance emanating there from which might be objectionable to the occupants of any other nearby permitted uses.
  4. The proposed use will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
  5. The proposed use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
  6. The proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.



## **Section 1202 PROCEDURES.**

- A. Five (5) copies of the proposed site plan and the application for Special Approval Land Uses shall be submitted to the Township Offices at least fourteen (14) days prior to the meeting of the Planning Commission. Copies of the application and site plan shall be submitted to the Planning Commission, Building Inspector, Planning Consultant, Township Clerk, and other Township advisors as necessary (fire, police, engineer, etc.). The Planning Commission may request comments from county, state or local agencies as they deem necessary.
- B. Upon receipt of an application (which shall also include the proposed site plan), the Township shall:
- 1) publish a notice of public hearing in the local newspaper;
  - 2) submit a notice of same to owners of the property in question;
  - 3) send or deliver notices to persons with assessed property within three hundred (300) feet; and
  - 4) send notices to occupants within three hundred (300) feet. The notice shall be published not less than five (5) nor more than fifteen (15) days prior to the Planning Commission meeting at which the application will be considered. The notice shall:
    1. Describe the nature of the special land use request.
    2. Indicate the property which is the subject of the special land use request.
    3. State when and where the special land use request will be considered.
    4. Indicate when and where written comments will be received concerning the request.
    5. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered for a special use.
- C. The Planning Commission shall review the application after proper notice has been given as required by State Law. The Commission shall base its recommendations upon review of the individual standards for that Special Approval Land Use, the general standards of Section 1201, and the conditions of Section 102.
- D. The Planning Commission shall consider the special approval land use for approval, conditional approval or disapproval. If the Commission determines that the particular special land use(s) should be allowed, it shall clearly set forth in writing the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special approval land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than one year thereafter, or such approval shall automatically be revoked. Provided, however, that the Township Board may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.
- E. If the Planning Commission 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 which clearly sets forth the reason for such denial.
- F. The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State Law and this Ordinance which it deems necessary to fulfill the spirit and purpose

of this Ordinance providing that such conditions meet the requirements of Section 102 of this Ordinance.

- G. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for decision, and any conditions imposed.
- H. Appeals from decisions made under this section of the ordinance shall be taken to the Township Zoning Board of Appeals as provided in Act 184 of the Public Acts of 1943, as amended.

### **Section 1203 REQUIRED STANDARDS AND DESIGNS BY USE.**

#### **A. Airports.**

Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations are permitted uses in the R-1, RC and M-1 Districts, subject to the approval by the Planning Commission, upon a finding that the plans meet the requirements of this Ordinance and following conditions:

1. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the Township. (Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be established after consultation with the appropriate aeronautical agencies).
2. **Yard and Placement Requirements.**
  - a. No building or structure or part thereof, shall be erected closer than sixty (60) feet from any property line.
  - b. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.
3. **Prohibited Uses.**

The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than sixty (60) days from the date of the accident or abandonment.
4. **Off-Street Parking Requirements.**
  - a. One (1) parking space shall be required for every three (3) airplanes stored on the site.
  - b. All off-street parking shall be constructed to the standards shown in Article XIV.

Amended: 02-01-00 (36-00-3)

**B. Automobile Repair.**

Automobile repair, such as auto body repair, engine rebuilding, auto rustproofing and the like, may be permitted in the B-2 and M-1 District subject to approval by the Planning Commission upon a finding that the plans meet the requirements of the Ordinance and the following special conditions:

1. The site of the proposed use shall have all ingress and egress directly onto a public road designated as a major thoroughfare on the Township's adopted Master Plan.
2. All wrecked or damaged vehicles shall be screened from public view by a wall or fence which shall be constructed according to the standards of Article III.
3. No wrecked or damaged vehicle shall be stored on the premises for a period of time exceeding thirty (30) days nor shall any wrecked or damaged vehicle be parked or stored within the required front yard area.

**C. Churches.**

Churches are a permitted use in all districts subject to the approval by the Planning Commission upon finding that the plans meet the requirements of this Ordinance and the following conditions:

**1. Site Requirements.**

- a. Minimum site shall be 90,000 square feet.
- b. The site shall abut a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's Master Plan.

**2. Yard and Placement Requirements.**

- a. Front, Side and Rear Yard: Same as those listed for the district in which the conditional use is requested.
- b. Maximum Lot Coverage: Same as for the district in which the conditional use is requested.

**3. Off-Street Parking.**

- a. A fixed seats or pews facility shall have one (1) parking space for every three (3) seats or six (6) feet of pew based on maximum capacity of the main place of assembly.
- b. A facility without fixed seats or pews shall have one (1) parking space for every one hundred (100) square feet of usable floor area.
- c. No off-street parking shall be permitted in the front yard space.
- d. All off-street parking shall be constructed to the standard shown in Article XIV.

**D. Convalescent or Rest Home.**

Convalescent or rest homes; homes for the aged, indigent or physically handicapped; or orphanages are permitted uses in the R-1 and R-M Districts, subject to the approval by the Planning Commission, upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

**1. Site Requirements.**

- a. All ingress and egress shall be directly to a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Master Plan.
- b. The maximum extent of development shall not exceed thirty (30) patients per acre.

**2. Yard and Placement Requirements.**

- a. No building other than a structure for strictly residential purposes shall be closer than sixty (60) feet to any property line.

**3. Off-Street Parking Requirements.**

- a. There shall be one (1) parking space provided for each two beds and every two (2) staff members
- b. All off-street parking shall be constructed to the standards shown in Article XIV.

**E. Drive-in Business.**

Drive-in business or open front store are permitted uses in the B-2 District subject to the approval of the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

**1. Site Requirements.**

- a. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
- b. Ingress and egress points shall be located at least twenty-five (25) feet from the intersection of any two (2) street right-of-way lines or abutting residential district.

**2. Area, Height and Placement Requirements.**

Same as the B-2 District.

**3. Buffer and Sign Requirements.**

Same as the B-2 District.

**4. Off-Street Parking Requirements.**

- a. One (1) parking space shall be provided for every twenty-five (25) square feet of gross floor space.

- b. All off-street parking shall be constructed to the standards shown in Article XIV.

**F. Large-Scale Public and Private Recreation Uses.**

Large-scale recreation uses, operated by public or private agencies, organizations or authorities either for profit or not, including golf courses, parks, driving ranges, riding stables, tennis courts, gun ranges, camping and camper parks, hayrides, snowmobile and minibike trails, picnic grounds, swimming facilities, (but not including circuses, amusement parks, outdoor drive-in theaters, motorcycle and auto race tracks, horse tracks and the like which may be permitted in the commercial or industrial district).

Such uses and site plans must meet the requirements of this Ordinance and the following conditions:

**1. Site Requirements.**

- a. All approved uses shall be on a contiguous parcel of twenty (20) acres or more in area. All approved uses, shall be located on an existing or proposed regional, major or secondary thoroughfare as designated on the Township's Master Plan. Review of the proposed site plan shows that a proper relationship exists between the major or secondary thoroughfare and all proposed service roads driveways, and parking areas to encourage pedestrian and vehicular traffic safety throughout the area to be served and the Township as a whole.

**2. Yard and Placement Requirements.**

- a. All development features including the principal building are related so as to minimize the possibility of any adverse effect upon adjacent property. The site plan shall indicate a minimum distance of two hundred (200) feet between buildings and the property lines of abutting residentially zoned lands; provided that the Township Planning Commission may modify this requirement where it is shown that no good purpose would be served.
- b. No active recreation facilities shall take place within thirty (30) feet of the perimeter of the recreation area. Adequate screening, greenbelts, and walls, shall be provided along abutting R-2 residentially zoned property or existing single-family residences provided that the Township Planning Commission may modify this requirement where it is shown that no good purpose would be served.
- c. Related accessory commercial uses may be permitted in conjunction with recreation use when it is clearly incidental to the main recreational character of the use and such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.

**3. Other Requirements.**

- a. Whenever a swimming pool is to be provided within a large scale recreation use, said pool shall be provided with a protective fence at least six (6) feet in height, and entry shall be by means of a controlled gate which shall be locked when not in use.
- b. Prior to a Planning Commission recommendation, the developer shall furnish the Township with sufficient copies of the site plan for the area to be developed. The site

plan shall be a scale of not less than 1" = 100' and shall show all details of development including buildings, structures, parking areas, recreation areas, roads, sidewalks, and individual lots and travel trailer sites. The Building Inspector shall not issue a building permit until he has received a copy of the site plan approved by the Planning Commission as meeting the requirements of this Ordinance.

- c. Approval shall be for a specific designated use or uses such as tamping, snowmobiles, or the like. The addition to other permitted uses after special approval must again be approved through the submission of an amended or new site plan.

**4. Off-Street Parking.**

There shall be one (1) parking space for every two (2) member families or individuals in private pools and/or one (1) parking space for every four (4) users at maximum capacity plus one (1) space for each two (2) employees.

**5. Travel Trailer parks shall also be subject to the following:**

- a. Within a travel trailer park as defined in Article II, the number of individual unit spaces shall be not more than fifteen (15) per gross acre. The minimum area of any space for a travel trailer shall be not less than 1,200 square feet, with no dimension less than thirty (30) feet. Travel trailers shall be so located on each space so that there will not be less than ten (10) feet to any other trailer or building within the park.
- b. Parking of a tent, camper, travel trailer or recreation vehicle shall be limited to not more than thirty (30) days duration. Storage of recreation vehicles shall be permitted for extended periods of time in clearly defined and regulated storage areas.
- c. The travel trailer park shall have a central water supply system with potable water under pressure piped to within five hundred (500) feet of each camping site and with fire hydrants or fire extinguishers within one thousand (1,000) feet of each campsite.
- d. Enclosed toilet and sewage facilities approved by the State of Michigan and Macomb County Health Departments with hot and cold running water available therein shall be provided.
- e. No occupied recreational vehicle, tent or travel trailer shall be allowed within the park except upon an approved camper site or within an approved, designated, overflow camping area. Such overflow area shall not exceed ten (10) percent of the total park capacity.
- f. The minimum size of any travel trailer park shall be twenty-five (25) acres. A minimum of twenty-five (25%) percent of the total area shall be reserved for recreation purposes or open space except that lakes, other bodies of water and swamps shall not be included in computing the twenty-five (25%) percent minimum recreational area.
- g. One (1) single-family residence shall be permitted within the travel trailer park and may be used as the office or for other commercial activities provided such business or at least eighty (80%) percent of such business shall be exclusively for the use of the users of the park.

6. Gun ranges and gun clubs both public and private shall be regulated and licensed and shall meet or exceed the requirements of the Ray Township Shooting Range Ordinance.

**G. Nursery Schools, Day Nurseries, Child Care Centers and Group Homes.**

Nursery schools, day nurseries, child and adult care centers, and group homes are permitted uses after special approval by the Planning Commission upon a finding that the plans meet the requirements of this ordinance and the following conditions:

**1. Site Requirements.**

- a. The site shall contain a minimum of one hundred (100) square feet of outdoor play area for each child and shall not be less than one thousand (1,000) square feet of fenced play space in total.
- b. Any such use shall not be permitted in the interior of any residential subdivision and shall be screened from any adjoining lot in any residential district in accordance with the requirements of Section 314 Greenbelts.
- c. Group homes and foster homes as defined and regulated by the State of Michigan. These homes are intended to furnish a home-like atmosphere for social reorientations of individuals including those not within the same family. The erection, conversion or alteration of buildings for such uses shall be subject to the following conditions:
  - (1) Adequate ingress and egress, parking and circulation shall be provided on the site.
  - (2) The facility shall provide adequate open space and recreational area.
  - (3) The County Health Department shall certify that the water and sewer systems are adequate to service the facility with the proposed number of occupants.
  - (4) There shall be a minimum of one hundred fifty (150) square feet of usable floor area per occupant of the premises.

**2. Yard and Placement Requirements.**

- a. All such group homes or child care centers shall be constructed with a minimum fifty (50) foot front building setback to any property line.

**3. Off-Street Parking Requirements.**

- a. One parking space shall be required for every two (2) employees.
- b. All off-street parking shall be constructed to the standards shown in ARTICLE XIV.

**H. Two-Family Dwelling Units.**

Two-family dwelling units may be permitted in the R-1 and RM Districts after approval by the Planning Commission, upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

1. **Site Requirements.**

- a. The proposed units shall be located on a major thoroughfare, as designated on the Township's Master Plan.
- b. The two-family structure shall be considered as occupying one (1) lot for yard and placement requirements.
- c. The character and quality of construction shall be such as to blend with existing homes in the district.

2. **Yard and Placement Requirements.**

- a. The minimum lot size shall be ninety thousand (90,000) square feet.
- b. Maximum height of any structure, minimum yard setback per lot, maximum lot coverage of all buildings and rules regarding accessory buildings, same as those for the R-1 District.
- c. Minimum floor area per family unit: Nine hundred sixty (960) square feet.

3. **Off-Street Parking Requirements.**

- a. Off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, for each dwelling unit. Such parking spaces shall be equally accessible for all residents and shall be located on the premises they are intended to serve. All such parking shall be paved to provide not less than two (2) off-street parking spaces per dwelling unit. Off-street parking shall not be permitted in any required front yard.

I. **Kennels, Veterinarians and the Raising of Animals.**

The raising or keeping of animals (excluding domestic household pets and three (3) or less dogs), dog kennels, offices of a veterinarian and animal clinic. Mink, rabbit, fox, fowl, peacocks or similar animals are permitted, subject to the approval by the Planning Commission upon a finding that the plans meet the following requirements:

1. **General Site, Yard and Placement Requirements.**

The following minimum site, yard and placement requirements shall apply, unless otherwise specified.

- a. Each site, unless specified elsewhere, shall have a minimum lot area of ten (10) acres and a minimum lot width of not less than five hundred (500) feet.
- b. The yard and placement requirements shall be the same as those permitted in the existing zoning district, plus no buildings or pens for the enclosure or housing animals shall be closer than one hundred (100) feet from any abutting property line.
- c. 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.

- d. Any use permitted by the Township shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this Ordinance violated.

**2. Specific Requirements for Animal Feedlots.**

- a. The raising of cattle, swine or other farm animals within feedlots, as defined in Article II, provided:
  - (1) That there be a minimum acreage of forty (40) acres for farms which have such feedlots.
  - (2) That no structures, pens or corrals be located closer than five hundred (500) feet to any property line.
  - (3) That all feedlots shall have diversion and storage facilities to prevent feedlot runoff from reaching a water course.
  - (4) That an environmental study is undertaken by the applicant that assures protection of ground water sources and negligible odors to adjacent off-site premises.

**3. Specific Requirements for Horse Riding Stables.**

- a. The site shall contain not less than thirty (30) acres.
- b. All areas of the site where livestock are permitted to roam, exercise or feed shall be enclosed by a fence of not less than four (4) feet and not more than six (6) feet in height and constructed of materials which can restrain the animals.
- c. All structures, with the exception of residences, private garages (attached or detached), utility sheds, playhouses, play equipment, gazebos, swimming pools and other structures customarily incidental to single-family residential use shall be set back at least one hundred (100) feet from all property lines.
- c. All stockpiled manure shall be kept in a central area at least two hundred (200) feet from any property line and shall be regularly treated so as to properly control flies and insects.

**4. Specific Requirements for Commercial or Private Dog Kennels, Offices of a Veterinarian and Animal Clinics.**

- a. A private kennel is for not less than four (4), but no more than ten (10) dogs that are maintained for pets, breeding, training, competition, hunting or showing. There shall be no boarding and no sales other than puppies. Stud services are permitted. The required minimum site will be ten (10) acres and shall have a minimum side yard requirement of one hundred (100) feet on each side and shall be located not less than three hundred fifty (350) feet from the centerline of the road.

- (1) All dogs must have shelter according to the breed of the animal, with access to exercise runs that are able to be cleaned as per County minimum requirements. These animal runs must be enclosed by a solid six (6) foot privacy/safety fence to screen them from adjoining property.
- b. A commercial kennel is for four (4) or more animals maintained for pets, breeding, showing, boarding, training and related sales of pet products.
  - (1) A commercial kennel shall be so constructed that all animals must be enclosed within a building at night.
  - (2) Minimum site requirements of ten (10) acres, with a minimum road frontage of five hundred (500) feet, a required front yard setback of three hundred fifty (350) feet, and a required minimum side yard setback of two hundred (200) feet.
  - (3) All outdoor animal pens shall be constructed to meet minimum State and County requirements for licensing.
  - (4) All outdoor animal pens must be enclosed within a solid six (6) foot safety fence, which also screens the animals from adjoining property. The animal pen surface shall be of concrete pitched to provide runoff from cleaning to a septic tank or other County approved system.
- c. All objectionable noise shall be subject to the requirements of the Township Noise Ordinance.

**5. Off-Street Parking Requirements.**

- a. A commercial kennel housing more than ten (10) dogs shall provide one (1) off-street parking space for each five (5) kennel runs.
- b. Other uses shall provide parking to accommodate the maximum number of visitors using the facility at any one time.
- c. All off-street parking shall be constructed to the standards shown in ARTICLE XIV.

**J. Automobile Service Stations.**

Automobile Service Stations are permitted uses, subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

**1. General Requirements.**

- a. Must meet all of the requirements listed for Automobile Service Stations in Section 316 of this Zoning Ordinance.
- b. Must be located at or near the intersection of two public roads, each having a proposed right-of-way of a major thoroughfare or one with a proposed right-of-way of a major thoroughfare and the other having a designation of a secondary thoroughfare on the Township's adopted Master Plan.

- c. Must be determined to be appropriate to the neighborhood commercial development.

2. **Area, Height and Placement Requirements.**

Same as the B-2 District, except "minimum size of each lot per building" which shall be:

- a. Area: 22,500 square feet
- b. Width: 150 feet

3. **Buffer and Sign Requirements Parking Requirements.**

- a. All off-street parking shall be constructed to the standards shown in ARTICLE XIV.

K. **Public and Private Schools and Colleges.**

Public and private schools (elementary, secondary, high schools, trade schools, business institutions), colleges and universities and other similar institutions are permitted uses in the R-1 and R-M Districts, subject to the approval by the Planning Commission, upon a finding that the plan meets the requirements of this Ordinance and the following conditions:

1. **Site Requirements.**

- a. All ingress and egress shall be directly to a public road having an existing or proposed right-of-way of not less than that of a major thoroughfare (120 feet) on the Township's adopted Master Plan.

2. **Yard and Placement Requirements.**

- a. Schools which provide lodging, overnight or living quarters shall only be located within the R-1 zoning district.
- b. No building, other than a structure for residential purposes, shall be closer than seventy-five (75) feet to any property line.
- c. Height of residential buildings in excess of the minimum requirements may be allowed, provided minimum yard setbacks where yards abut land zoned for residential purposes are increased by not less than thirty (30) feet for each yard, for each twelve (12) feet or fraction thereof by which said building exceeds the minimum height requirements of the zone.
- d. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.

3. **Off-Street Parking Requirements.**

- a. The quantity of parking spaces shall be such as to adequately service the faculty, students and maintenance staff of the institution and provide property for access and egress to the public streets.

- b. All off-street parking shall be paved and constructed to the standards shown in ARTICLE XIV.

**L. Public Utilities, Gas and Oil Pipe Lines and Storage Fields.**

Public utilities, electric and gas lines, gas storage fields, oil and gas pipe lines, stations and other utility or services which traverse the Township or whose function is to serve areas greater than the Township of Ray. Such uses and site plans must meet the requirements of this ordinance and the following conditions:

1. Utility lines and pipe lines shall follow section lines or mile roads wherever possible. Bisecting or diagonal cuts through parcels of land shall be permitted only when it is shown to benefit the environment and/or the residents of the Township or where there is no other reasonable route.
2. Buildings and related uses must be screened and/or landscaped so that they do not adversely affect the surrounding properties or neighborhood.
3. It shall be shown in the review that every reasonable precaution has been taken to provide maxim safety to the residents within the vicinity as well as a minimum of interference in their normal daily living patterns.

**M. Open Air Business Uses.**

Open air business uses such as drive-ins, commercial out door recreation, and agricultural sales, auto, sales, storage of manufactured and processed goods including agricultural products, minerals and other goods, storage of construction machinery including tractors, dozers and other types of earth moving equipment are permitted uses subject to the approval of the Planning Commission upon a finding that the use meets the requirements of the zoning ordinance and the following conditions:

1. The minimum area of the site shall be twenty thousand (20,000) square feet.
2. The minimum street frontage shall be one hundred (100) feet.
3. There shall be provided around all sides of the site, except at the front, and along sides of premises enclosed by buildings, a fence or wall in order to intercept wind-blown trash and other debris. Where the side abuts any residentially zoned district, the requirements for protective screening shall apply.
4. Off-street parking areas and aisles, as required under ARTICLE XIV.
5. Lighting shall be installed in a manner which will not create a driving hazard on abutting street or which will not cast direct illumination on adjacent properties.
6. Before approval is given for any use, a site plan shall be first submitted to the Planning Commission for review as to suitability of location of entrances and exits to the site, parking area, fencing, lighting and other design features.

**N. Community Service Clubs, Lodges, Private Clubs and Catering Halls.**

Public and private clubs, lodges, halls and similar facilities are permitted uses in the R-M, RC, B-2 and M-1 Districts subject to the approval of the Planning Commission upon a finding that the meet the ordinance and the following conditions:

1. The proposed site shall have at least one property line abutting a major or secondary thoroughfare and the site shall be so planned as to provide vehicular ingress and egress directly onto that thoroughfare.
2. Front, side and rear yards shall be at least forty (40) feet wide and shall be landscaped in trees, shrubs and grass. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.
3. Off-street parking shall be provided so as to accommodate at least one-half (1/2) of the member families and/or individual members. By-laws of the organization shall be provided in order to establish the membership involved for computing parking requirements.

**O. Agribusiness Uses.**

Agribusiness uses for sale of fruit, vegetables, eggs, etc. such as but not limited to farm markets, fruit and vegetable stands. All such uses are subject to the following requirements:

1. The maximum floor area of any building used for agribusiness sales shall be eight hundred (800) square feet.
2. All buildings shall have a front setback of at least fifty (50) feet from the edge of the proposed road right-of-way as designated on the Township's adopted Thoroughfare Plan.
3. Fifty-five (55) percent of all sales shall be from farm produce from the Township or the adjacent Townships.
4. Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
5. There shall be no more than two (2) freestanding or ground signs, neither sign to exceed thirty-two (32) square feet of sign area.
6. Ingress and egress to the site shall be located at least sixty (60) feet from the intersection of any two streets measured from the proposed right-of-way lines.
7. A minimum of five (5) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used by the customers. The Planning Commission shall determine the number of additional parking spaces necessary based on each individual use and the anticipated traffic that will be generated.
8. The Planning Commission shall review the site plan at the Public Hearing to determine that it meets all of the requirements of Section 1500.
9. The Planning Commission may apply such other reasonable conditions for site plan approval which may include landscaping, buffers or screening, circulation or aesthetics.

**P. Mining, Extraction and Landfill.**

Sand and gravel mining or extraction, similar removal operations, land stripping and landfills (does not include solid waste or sanitary landfills approved under Act 641, P.A. 1978) may be permitted as a conditional use permit within the R-1 or M-1 Districts, subject to the approval of the Planning Commission, upon a finding that the proposed use meets the requirement of all other Township ordinances; the requirements of this Ordinance; Federal and State Regulations; and the following conditions:

1. The purpose of these requirements is to provide for the use of lands which have significant gravel and/or sand deposits or landfill capabilities and which, if mined for such deposits or filled under the regulations of this article and this ordinance, would not constitute a hazard to the public health, safety, and welfare. The regulations are intended to result in: mining, excavation, landfill or similar operations that will not be detrimental to the public health, safety, and welfare; and operations which will be conducive to and result in the reclamation of the land so that it will be suitable for other purposes, including single-family residential purposes.
2. **Permit Procedures and Regulations.**
  - a. An application for the approval of a landfill, or mining extractive permit shall be made by an owner of an interest in the land on which the use is to be located, to the Township Clerk accompanied by the necessary fees, financial guarantees and documents.
  - b. The application shall be accompanied by a site plan as per Section 1500 as well as the following information:
    - (1) Name of the owner, or owners, of land from which removal or landfill 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 who or which will be conducting the actual removal operation.
    - (4) Location, size, and legal description of the total land area proposed for such use.
    - (5) Location of the processing plant.
    - (6) Type of materials or resources to be removed or to be brought to the site.
    - (7) Proposed method of removal or filling, 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 time to complete total operations.
    - (10) The total area (expressed in acres) proposed to be excavated, mined or land filled in the first year of operation, said period to commence from the date of issuance of the mining and extractive industry permit.

- (11) A reuse plan, drawn to a scale of 1" = 50' placed on a standard sheet and containing the following information:
  - (a) A description of the land use activities proposed to be located on the site upon completion of mining, extraction and landfill operations.
  - (b) A description of the zoning district classification required for use of the site for the uses intended and described in a) above.
  - (c) A description and location of the street, drainage, water and sanitary sewer facilities required to serve the uses intended and described in (a) above.
- c. The application for a permit shall be accompanied by the fee established by the Township Board.
  - (1) The application shall be referred within thirty (30) days after the receipt by the Township Clerk to the Township Planning Commission for its review and recommendation.
  - (2) The Commission shall hold a public hearing and shall hear any person wishing to express an opinion on the application and review the application at its next regular meeting, following receipt of the application, provided such regular meeting provides adequate time to notify adjacent property owners and post a notice of public hearing, as required.
    - (a) The Township Clerk shall publish a notice of such public hearing in a newspaper of general circulation within the Township not less than one (1) week or more than two (2) weeks before the next regular meeting of the Commission as provided above.
    - (b) The Township Clerk shall mail a copy of such notices to each resident and owner of all properties as listed on the tax roll and located within three hundred (300) feet from the property involved in the application.
  - (3) The Commission shall, within forty-five (45) days after the public hearing at which the application was considered, advise the applicant, the Building Inspector, and the Township Clerk of its findings regarding problems which can be anticipated from the proposed activity, and of its recommended approval, with any condition the Commission may find necessary, or of its recommended disapproval, with its reasons in writing.

### 3. **Regulations.**

All mining and extraction is subject to the following requirements and regulations:

- a. No mining, landfill, stockpiling of material, or processing shall take place closer than fifty (50) feet to any property line provided, however, that the Township Planning Commission may approve a reduction in this setback requirement for mining or stockpiling where the Township Planning Commission finds that proposed lateral support will adequately protect abutting property. If the circumstances of the site indicate that the fifty (50) foot setback requirement would not be adequate to protect

abutting property, the Township Planning Commission shall require such greater distance to adjacent property. If deemed necessary to protect adjacent property, the Township Planning Commission may require a fence along such property.

- b. No mining or landfill shall be carried on closer than seventy-five (75) feet of the right-of-way of a dedicated street, road or highway, or the edge of the traveled portion of an existing and non-dedicated street, road or highway, except that mining may be conducted within such setback area in order to reduce or raise the final elevation thereof to be in substantial conformity to the existing elevation of such street, road, or highway. Any area excavating along a street, road, or highway within the seventy-five (75) foot setback area shall be back filled within twelve (12) months after completion of excavation to result in elevation in substantial conformity to the adjoining street, road, or highway.
- c. Site barriers or fences shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one of the following:
  - (1) Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, or shrubs.
  - (2) Planting of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective site barriers when six (6) feet in height.
- d. Both permanent and/or temporary processing plants and their accessory structures shall not be located closer than two hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower elevation than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor to the stockpiling or loading and equipment.
- e. Pit Operations.
  - (1) Where an excavation in excess of five (5) feet will result from such operations, the applicant shall erect a fence completely surrounding the portion of the site where the excavation extends said fence to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
  - (2) All roads used for the purpose of ingress and egress to said excavation site shall be kept dust free by hard topping with cement bituminous substance or chemical treatment.
  - (3) The slopes of the banks of the excavation shall in no event exceed a minimum of seven (7) feet to one (1) foot (seven feet horizontal to one foot vertical) when ponded water results from the operation. This slope must be maintained and



extended into the water to a depth of five (5) feet.

- (4) Where quarrying operations result in a body of water, the owner or operator shall place appropriate "KEEP OUT" - "DANGER" signs around said premises not more than two hundred (200) feet apart in order to protect water wells and the water supply of the Township, the pumping or draining of water from such quarrying operations is absolutely prohibited. A drag line or other method of quarrying approved by the Township Planning Commission shall be followed.
  - (5) The Township Planning Commission shall require such other performance standards where because of peculiar conditions they deem it necessary for the protection of health, safety, morals and well being of the citizens of the Township.
  - (6) Dust and noise emitted from said operations shall be controlled by Section 319 of this Ordinance.
- f. All equipment and facilities used in the land filling, processing, or 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.
- g. Temporary stockpiling of topsoil or overburden near road intersections and similar operational problems shall be subject to approval of the Township Planning Commission.
- h. Reclamation and Rehabilitation.

Reclamation and rehabilitation of mining areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute for this purpose, termination of mining activity.

- i. Stripping Operations.
- (1) No soil, sand, gravel, clay or similar materials shall be removed below a point of six (6) inches above the mean elevation of the center line of the nearest existing or proposed street or road established or approved by the Macomb County Road Commission, except as required for the installation of utilities and pavements.
  - (2) No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health. The premises shall at all times be graded so that surface water drainage is not interfered with.
  - (3) That sufficient top soil shall be stockpiled on said site so that the entire site, when stripping or landfill operations are completed, may be covered with a minimum of four (4) inches of top soil immediately following the termination of the

stripping operations. In the event, however, that such stripping operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored top soil over the stripped or land filled areas as he progresses.

- (4) The Township Planning Commission shall require such other and further requirements as is deemed necessary in the interest of the public health, safety morals and general welfare of the citizens of the Township.

j. Township Board Action.

No building permit shall be issued until the Planning Commission has recommended approval of the Conditional Use and the Township Board has issued a mining, extraction or landfill permit as required in the Township Mining, Excavation and Landfill Ordinance.

**Q. Text deleted by Amendment, July 6, 1999. Reserved for future use.**

**R. Woodworking or Cabinetmaker and Sales.**

Woodworking, cabinetmaking, cutting, gluing, and assembly of wood products and similar uses may be permitted in the B-2 District subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of the zoning ordinance and the following conditions:

1. All storage and operations shall take place within a completely enclosed building.
2. No parking, loading or unloading of trucks or other commercial vehicles shall be permitted in any required front yard.
3. No loading or unloading shall be permitted on the site adjacent to a residentially developed site unless adequate buffers and greenbelts are provided.
4. Approvals shall be secured from the necessary State and Federal agencies for environmental control of dust, noise, fumes and odors.

**S. Municipal or Commercial Composting Operations.**

Municipal or Commercial Composting Operations for leaves and grass may be permitted in the M-1 Zoning District, subject to the approval by the Planning Commission, upon a finding that the site plan meets the requirements of this Ordinance, the Standards of Section 1201.B., and the following conditions:

**1. Site Requirements:**

- a. The minimum site shall be twenty (20) acres.
- b. A minimum area of one (1) acre shall be provided for each three thousand (3,000) cubic yards of organic material to be composted.
- c. All ingress and egress shall be directly onto a proposed major thoroughfare of at least one hundred twenty (120) feet of right-of-way.

- d. The public road servicing the site must be paved. The access or service roads on the site shall be paved for at least the first two hundred fifty (250) feet from the public road. This portion of the access road shall be a minimum of twenty-four (24) feet in pavement. All other roads/maneuvering lanes onsite shall be built to a standard acceptable to the Township to ensure emergency access is maintained and shall be kept dust free at all times.
  - e. Only typical yard waste shall be composted or stored on site. These yard wastes typically include: leaves, grass clippings, brush or shrub trimmings.
  - f. The entire area being actively composted shall be clay lined to a thickness determined by the Township Engineer based on underlying soil conditions, water table, potential for groundwater contamination, proximity to environmentally sensitive areas, etc.
2. **Application Requirements** (may be shown on the site plan or as an addendum to the plan):
- a. A site plan meeting the requirements of Section 1500.
  - b. Name, address and telephone number of the owner, or owners, of land of the subject site.
  - c. Location, size and legal description of the total land area proposed for such use.
  - d. Name, address and telephone number of applicant making a request for such permit.
  - e. Name, address and telephone number of the person, firm or corporation who, or which, will be conducting the actual composting operation.
  - f. Types of materials to be composted.
  - g. Types and number of equipment used (i.e., shredders, front-end loaders, windrow turning machine, screening and shakers).
  - h. Location and sizes of staging area, windrows, curing area, screening area, finished product, shipping and loading.
  - i. Location and dimensions of office, control booths, maintenance and storage buildings. Plans shall show the location of all fuel storage facilities and shall detail all primary and secondary containment for all hazardous materials.
  - j. Location, numbers, types and cross-sections for landscaping, screening, berms and buffers.
  - k. Location of any adjacent wetland or flood plain.
  - l. On-site topography with elevations or contours not greater than two (2) feet.
  - m. A site drainage plan addressing the method of storm water runoff shall be provided for review and approval by the Township Engineer. Pondered water shall not be permitted to collect on site. An appropriate stormwater quality facility in addition to the required settling basin/detention pond or similar device, shall be installed prior to the discharge

off site.

- n. Soil types and water table.
- o. Water source.
- p. Personnel, number and classifications.
- q. Development Impact Statement

**(1) Information and Data Required.**

- (a) Location map at 1" = 200', indicating the location of the subject property in relation to the Township's thoroughfare system.
- (b) Zoning Map, indicating the subject property and the zoning of adjacent properties for a radius of one half (½) mile, measured from the boundaries of the site.
- (c) Land Use Map, indicating the subject property and adjacent land uses by type for a radius of one half (½) mile, measured from the boundaries of the site. An aerial photograph may be used to illustrate this information.
- (d) Site conditions of the subject property, indicating the following information. All information shall be depicted graphically on an existing conditions map and accompanied by the most recent aerial photography supplied by the Macomb County Planning Commission.
  - (1) Location and size of existing natural features, such as streams, bodies of water, floodplains, soil types and conditions, topography, ground water table, and vegetation inventory (classification of existing types by general location and numbers or density as appropriate). If the possibility of wetlands exist on-site, an official Level III wetlands assessment conducted by the Michigan Department of Environmental Quality shall be conducted.
  - (2) A woodlands map identifying the location, size and type of site vegetation.
  - (3) Location and size of existing facilities and utilities, as applicable (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.) on the site or available to serve the site.
  - (4) Improvements adjacent to and directly across the street, i.e., driveway approaches, passing lanes, curb-cuts, etc.
- (e) Conceptual Plan, showing how the proposed composting facility relates to the above-referenced conditions.
- (f) Other information, as determined by the Planning Commission that may be necessary to assess the impact of the proposed development.

**(2) Impact Assessment.**

The applicant shall provide information assessing the impact of the proposed composting facility as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate.

**(a) Land Use Impacts.**

- (1) Brief description of the proposed land use.
- (2) Hours of operation.
- (3) Identify whether the proposed use will create dust, noise, odor or glare that may impact abutting property and how such will be mitigated.
- (4) Project phasing plan or schedule.
- (5) Describe how existing natural features will be preserved.
- (6) Describe impacts on ground water quality or quantity.

**(b) Impact on Public Utilities.**

- (1) Describe how the site will be provided with water and sanitary sewer facilities, public system or private, including the adequacy of the existing public utility system to accommodate the proposed new development.
- (2) For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the Macomb County Health Department shall be required.
- (3) Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction. Correspondence from the Macomb County Drain Commissioner stating their initial concerns and recommendation shall be attached.

**(c) Traffic Impacts.**

- (1) Description of Existing Traffic Conditions:
  - i. Traffic Counts. Existing conditions, including existing peak-hour traffic volumes and daily volumes, if applicable, on street(s) adjacent to the site. Traffic count data shall not be over two (2) years old, except the community or road agency may permit 24-hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two (2%) percent annually in the past three to five (3-5) years.

- ii. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include land configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
- iii. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
- iv. The existing right-of-way shall be identified, along with any planned or desired expansion of the right-of-way requested by the applicable road agency.
- v. Approved developments within the study area shall be part of all calculations for anticipated traffic.

(2) Trip Generation.

- i. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. This shall include the anticipated truck traffic entering and exiting the site. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan. All approved but not yet constructed developments shall be included in the forecasted trip generation for the area.
- ii. Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
- iii. For projects intended to be developed in phases, the trip generation by phase shall be described.

(3) Trip Distribution.

The projected traffic generated shall be distributed (inbound vs. outbound, left turn vs. right turn) onto the existing street network to project turning movements at site access points and nearby intersections, where required. Projected turning movements shall be illustrated in the report.

(4) Impact Analysis.

Level of service or "capacity" analysis at all intersections significantly impacted by the proposed development shall be provided using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.

(5) Access Design/Access Management Standards.

The report shall include a map and description of the location and design of proposed access (driveways or new street intersections), including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet on either side of the main roadway, data to demonstrate that the number of driveways proposed are the fewest necessary, support that the access points will provide safe and efficient traffic operation, and be in accordance with the standards of Ray Township and the Road Commission of Macomb County.

(6) Other Study Items.

The traffic impact study shall include:

- i. Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency.
- ii. Changes which should be considered to the site plan layout.
- iii. If a traffic signal is being requested, the relationship of anticipated traffic-to-traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.
- iv. Description of site circulation and available sight distances at site driveways.
- v. The anticipated area for truck stacking and how such stacking area will alleviate stacking on the adjacent public thoroughfare, not negatively impact any surrounding residential properties, and not interfere with on-site circulation and emergency access.

(7) Mitigation/Alternatives.

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

- (8) All traffic impact studies shall be prepared by a registered Professional Engineer specializing in the preparation of traffic studies. The preparer shall have a minimum of three (3) years of recent experience in the preparation of traffic impact analyses and provide evidence of ongoing familiarity with the Highway Capacity Manual.

**(3) Evaluation Standards.**

In reviewing Development Impact Statements, the Planning Commission shall consider the information provided in relation to the following standards:

a. **Land Use Impacts.**

- (1) The use shall not result in a negative impact on the surrounding neighborhood or future development, taking into consideration the type and intensity of use on the basis of the potential for nuisances (glare, noise, odor, etc.).
- (2) The use is compatible with planned development patterns, as expressed in the Township's adopted Master Plan.

b.. **Public Utilities.**

- (1) Public water and sanitary sewers with adequate capacity to serve the site are available, as determined by the Township Engineer.
- (2). For sites where public utilities are not available, documentation has been provided by the appropriate agency that the site is capable of supporting on-site wastewater disposal systems and well(s).
- (3) That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading the watercourses in the area. Further, that such runoff will not impact water quality of adjacent water bodies.
- (4) That the plan provides for the proper extension of public utilities and drainage improvements as provided for in the Township Master Plan and as determined by the Township Engineer.

c. **Traffic Impacts.**

- (1) The proposed development has access to a public road capable of supporting the development.
- (2) The use will not increase traffic that will effectively result in a level of service of "D" or lower on the abutting road or at intersections proximate to the proposed development.
- (3) The number of driveways serving the site are the minimum necessary to accommodate anticipated traffic.
- (4) The placement and design of driveways will accommodate safe movement of traffic into and out of the site, giving particular attention to truck traffic.
- (5) Appropriate mitigation measures have been provided to address the anticipated traffic impacts of the development.

d. **Natural Resources.**



- (1) That natural resources will be preserved to the maximum extent feasible, and that areas to be left undisturbed during construction shall be so indicated on the plan.
  - (2) The proposed development does not encroach into floodways or floodplains.
  - (3) That soil conditions are suitable for excavation and site preparation and the wet or unstable soils not suitable for development will be either undisturbed or modified in an acceptable manner.
  - (4) The proposed development will not cause soil erosion or sedimentation problems.
- e. Any adverse impacts that are the direct result of mitigation strategies shall also be addressed.

**3. Operational Requirements:**

- a. All composting operations shall utilize aerobic methods. Generally accepted methods for composting as defined by the United States Environmental Protection Agency, Michigan Departments of Natural Resources, Environmental Quality, and Agriculture shall be utilized onsite.
- b. Operation cycle and timetable from acceptance of material on site to disposition of the final product. This shall include shredding, aeration, moisture control, mechanical turning and screening. Pile turnings shall be done to coincide with favorable wind conditions.
- c. Proposed methods of disposing of the final product. The applicant shall show that sufficient contracts exist for the sale of the final product. The plan shall show the size and height of the storage area. The plan shall indicate the type of sales or distribution of product (i.e., retail, individual bags, truckloads, or wholesale).
- d. All operational details shall be clearly delineated. The hours of operation and days of week the facility is open shall be stated. Further details of trucking operations shall also be provided, including number of trucks entering and existing the site daily, truck stacking areas, designated haul routes, etc.
- e. Use of any chemicals or accelerating agents, including bacteria, fungi, nitrogen or sewage.
- f. Monitoring and control methods for environmental protection (odor, dust, anaerobic problems, methane production). Prior to the start of operation, the owner or operator shall provide a written control plan to the Township which shall outline the steps necessary to reverse a breakdown in the system or a pollution problem. Upon a declaration by the Township that such a problem exists, the owner and operator shall be notified and given a reasonable time to correct the problem. If the problem is not corrected, the Township shall have the right to intervene, correct the problem, and use the performance bond to pay for the services.

- g. Plan to ensure that trash and contaminants are not brought onto the site or, if they are, that there is a plan for proper disposal of non-yard wastes at an approved sanitary landfill.
- h. Plan for disposition of unmarketable compost.
- i. Demonstration by operators that the operation is capable of success (profitable).
- j. Yard waste shall be actively rotated. There shall be a maximum accumulation period of three (3) years.

**4. Area, Height and Placement Requirements:**

- a. Front yard setbacks (measured from the proposed right-of-way line) fifty (50) feet. No stockpiling shall be located closer than seventy-five (75) feet from the proposed right-of-way.
- b. Side and Rear. No composted material, stockpiling or processing shall be located closer than seventy five (75) feet from side or rear property lines.
- c. Height. The height of any composted material (windrows or stockpiling) shall be limited to eight (8) feet.
- d. Distance to Housing: No stockpiling, storage, loading or unloading, processing, windrows or composting shall take place within five hundred (500) feet of an existing residential dwelling unit.
- e. If any river, creek, stream, swale, drain, regulated wetland, or similar natural feature is present on the site, it shall be buffered by a twenty-five (25) foot undisturbed setback, measured from the outer edge of the floodplain, high water mark, wetland edge, etc. A one hundred (100) foot setback shall be provided between any active composting and a groundwater well. Approval from the appropriate regulating agency shall be required, ensuring the above noted features have been adequately protected from pollution.

**5. Other Requirements:**

- a. A composting facility shall not be allowed in any 100-year or 500-year floodplain, unless the Michigan Department of Environmental Quality (MDEQ) has approved the area for such operations. Permission from the MDEQ, stating where composting operations will be allowed in the floodplain, shall be necessary before site plan review.
- b. A composting facility shall not be allowed in any protected wetland. A Level III Wetland Assessment shall be made by the MDEQ prior to site plan review.
- c. Screening. That portion of the site used for composting or stockpiling which is visible from the street or an adjacent residence shall be enclosed, screened or buffered as follows: an eight (8) foot high berm with a four (4') foot wide flat crown, shall be constructed along the entire perimeter of the site or the area being actively utilized for composting. A double row of evergreens (6'-8' in height at planting) shall be planted

atop the berm fifteen (15') feet on center for each row. The rows shall be offset a minimum of eight (8) feet. This requirement may be altered as determined by the Planning Commission based on a finding that a more suitable alternative is available which accomplishes the intent of this section.

- d. **Trash Receptacles.** Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
- e. **Signs.** There shall be no more than one (1) freestanding or ground sign, not to exceed thirty-two (32) square feet of sign area or exceed six (6) feet in height.
- f. **Parking.** A minimum of three (3) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used. The Planning Commission shall determine the number of additional parking spaces necessary based on the number of employees and the anticipated traffic that will be generated.
- g. **Performance Standards.** All applicable performance standards specified in Section 319 shall be observed.
- h. **Performance Guarantees.** The Commission shall require and establish the amount of any performance guarantees, such as bonds or letters of credit or other means of guarantee acceptable to the Township, to assure zoning and special approval compliance, to correct breakdowns in the composting system, and to guarantee restoration in the event of abandonment, hazardous waste, or other environmental pollution. The amounts of these bonds shall be established by the Township Engineer and shall be stipulated as a part of any conditions of approval.
- i. **Approvals.** The applicant shall provide letters from Macomb County and the State Department of Natural Resources (MDNR), the Michigan Department of Environmental Quality (MDEQ), etc. that this operation, based on the proposed site plan:
  - (1) Is consistent with the Macomb County Solid Waste Management Plan.
  - (2) That the appropriate State agencies have reviewed such plans and are not aware of any problems and does not have any environmental concerns from the proposed operation.
- j. All yard waste composting operations shall be licensed yearly by the Township Board. As a part of the yearly licensing, a licensing fee as established by Township Board Resolution shall be paid in full. As a condition of that permit, any and all costs incurred by the Township to verify compliance with this Ordinance, or as a result of the review of monthly reports, general site inspections as a result of the permit or those monthly and annual reports shall be the responsibility of the applicant. Any violation of this Ordinance shall be grounds for the denial of a license.
- k. **Inspection.** As a condition of the composting license, the site shall be open for inspection to the Township during normal business hours or within twenty-four (24) hours per Township request. Further, the operator of the facility shall supply the Township with a monthly report (between the months of April and October) including, at a minimum, the following information: the amount of material brought

to the site, the amount of material taken from the site, results of groundwater and surface water monitoring, any issues with rodents or other health concerns, any indications of violations or potential violations of the license or this Ordinance and actions to correct such action, and any other information cited as a condition of the annual license as granted by the Township.

T. **Reserved for future use. (Repealed February 6, 2001 by Ordinance 36-01-01.)**

U. **Reserved for future use.**

V. **Wireless Communication Towers**

1. **Purpose and Intent**

It is the general purpose and intent of Ray Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems as may be required by law. However, it is the further purpose and intent of the Township to provide for such authorization only in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this Ordinance, an attempt has been made to balance these potentially competing interests.

It is the further purpose and intent of this Section to:

- a. Protect residential areas and land uses from the potential adverse impact of towers and antennas.
- b. Establish predetermined districts or zones of the number, shape, and in the location considered best for the establishment of wireless communication facilities as special land uses, subject to conformance with applicable standards.
- c. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings, and limit inappropriate physical and aesthetic overcrowding of land use activities and adverse impact upon existing population, transportation systems, and other public services and facility needs by regulating and limiting the establishment, placement and manner of wireless communication facilities.
- d. Minimize the total number of towers or antennas throughout the community.
- e. Promote the public health, safety and welfare.
- f. Provide for adequate public information about plans for wireless communication facilities, and allow the Township to efficiently plan for the location of such facilities.
- g. Minimize the adverse impacts of technological obsolescence of such facilities, including timely removal of facilities.
- h. Encourage users of towers and antennas to configure them (stealth technology) in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.

- i. Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of tower structures.

Amended: 02-01-00 (36-00-3)

In furtherance of these goals, Ray Township shall give due consideration to the Township's Master Plan, Zoning Ordinance, existing land uses, and environmentally sensitive areas in considering sites for the location of towers and antennas.

## 2. **General Provisions**

Commercial wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication, and similar communication services and facilities, shall be permitted as a special land use in the General Business, Manufacturing and Recreation Districts, when found to be needed or desirable to the public convenience or welfare and in conformance with the following requirements. It is noted that communication towers do not fall under the classification of essential services and may in no way be regulated as such.

- a. A signed and sealed written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards shall be submitted by a State of Michigan Certified Professional Engineer. This information shall also address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided.
- b. If a new tower is proposed, the application shall include a map showing existing and known proposed wireless communication facilities within the Township and, further, showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township, in the location and area relevant in terms of potential co-location or in demonstrating the need for the proposed facility. The Township may also request that the applicant provide a map or overlay identifying all of the tower locations, "search rings," or coverage areas within Ray Township and the nearest adjoining units of government which are within a one-mile radius of the applicant's site. The Township may also require the applicant to show why a cable-based, fibre optic, or similar system cannot or should not be used in lieu of a wireless communication tower.
- c. In order to maximize the efficiency of providing such services, while minimizing the negative impact of such facilities on the Township, co-location of such facilities on an existing tower or other existing structure is required, when feasible. If the application represents a new tower/antenna facility, the applicant shall provide a letter of intent to lease any excess space on a tower facility and shall commit itself to:
  - (1) promptly responding to any requests for information from a potential co-user of their tower/antenna:
  - (2) negotiate in good faith and allow for leased, shared use of the facility, when it is technically practical; and
  - (3) make no more than a reasonable charge for a shared use lease.

If the application involves co-location on an existing tower or structure, the public hearing requirements shall be waived and approval shall only include a site plan and documentation by the co-user as to their compliance with all of the terms and conditions required of the host applicant. Co-location may be permitted by the Planning Commission, after site plan review, on all existing towers and existing similar structures, regardless of the zoning district in which it is located. Co-location on Edison allowed in any district.

d. The location and improvement of facilities, as provided for herein, shall also be subject to the following additional requirements:

- (1) Towers may be located in the B-2, M-1 and RC Zoning Districts after special land use approval, and provided the location of such facilities do not represent a hazard to the use and/or development of other uses on the site and in the area. The development of new towers is specifically prohibited in all other zoning districts in the Township. The Township strongly encourages the development of necessary towers on suitable Township-owned property.
- (2) The site shall be of such size and shape that the proposed tower facility may be developed in compliance with all requirements of the Township and any such tower/antenna shall not exceed one hundred seventy-five (175) feet in height above the average grade around the structure it is mounted upon.
- (3) The Township encourages innovative designs and utility pole camouflage as practical solutions for minimizing the visual pollution impact on residential neighborhoods or the motoring public. Monopole (stealth or equivalent type) antenna structures shall be required where such are technologically feasible.
- (4) The tower site shall be landscaped in an aesthetically pleasing and functional manner. The tower base, accessory buildings, and protective fencing shall be screened from the view of any public right-of-way and/or adjacent properties by an obscuring greenbelt. Landscaping shall also be incorporated along access drives servicing the tower site.
- (5) Setback requirements will be determined in relation to the tower/antenna design and collapse data previously required in this Section. Minimum setback requirements, unless otherwise provided for, are as follows:
  - (a) When adjacent to non-residential zoning districts, the setback shall not be less than the overall height of the tower/antennas. This setback requirement shall also apply to any accessory buildings. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirements to any side or rear yard property line abutting a non-residential zoning district may be reduced to no less than fifty (50) feet. In no instance shall any tower facility be located within a front yard. Accessory buildings shall be screened from view by an obscuring greenbelt.
  - (b) When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antennas, plus fifty (50) feet. This setback shall also apply to all accessory buildings. In no

instance shall any tower be located within a front yard.

- (c) Further modifications to the side and rear yard setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains or other significant limitations. It shall also be found that no adverse effects on reasonable development patterns in the area would be created by developing the tower.
- (d) Additional setbacks may be required if the established fall zone for the tower/antennae is greater than the above stated setback requirements. The setbacks shall be no less than the fall zone as established by the design engineer or the above mentioned setback, whichever is greater.
- e. All structures, buildings, and required improvements shall comply with all other applicable codes and ordinances and shall be continuously maintained in a safe, healthful and complying condition. The permit shall include a requirement for structural and safety inspections and reports every five (5) years, as required by the Township Building Administrator.
- f. The applicant shall submit a letter agreeing that, should any tower/antenna facility approved under this Section cease to be used for its approved use for more than ninety (90) continuous days, or more than 90 days of any 120-day period, it shall be removed from the site within one hundred eighty (180) days of such cessation. Removal of the tower/antenna and its accessory use facilities shall also include removing the top three (3) feet of the caisson upon which the tower is located and covering the remaining portion with top soil. The letter of agreement may include a financial guarantee, if deemed appropriate by the Township Planning Commission, to insure removal of any or all of the facilities approved under the Special Use Permit. Any such agreement, including any financial guarantee shall be in a form acceptable to the Township Attorney. The financial guarantee may also include a provision for periodic adjustments to reflect changes in the Consumers Price Index or other similarly established and accepted price indexes.
- g. If, and to the extent, the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy (MCL 15.243(1)(g)). This Ordinance shall serve as the promise to maintain confidentiality must be prominently stated in order to bring it to the attention of the Township.

### 3. **Procedures.**

Once all information has been collected and the public hearing has been held (if necessary), the Planning Commission shall make its recommendation to the Township Board stating findings of fact which support a recommendation for approval or denial. Any stipulations of approval which may be pertinent shall also be submitted to the Board. The Township Board shall render their decision after reviewing all relevant information on the case. The record of the Planning Commission and Township Board

shall include findings of fact and evidence to support such decisions. The written findings and conclusions shall be contained in the minutes of the Commission and Board.

**W. Bed and Breakfast Establishments.**

Bed and breakfast establishments shall be defined as in PA 92 of 2000, as amended. In addition, the following regulations shall apply:

1. The rooms utilized for lodging purposes shall be part of the primary residential use. There shall be no added construction of rooms for a bed and breakfast facility.
2. There shall be no commercial kitchens (as defined by the Macomb County Health Department or other appropriate State agency) used for the Bed and Breakfast rooms. Further, cooking or dining facilities shall not be permitted to be used by the general public.
3. The residence shall be occupied and lived in at all times by the owner/mortgagor of the property.
4. Sufficient off-street parking must be provided to meet the requirements of the existing single-family structure as specified in this Ordinance, as well as one (1) parking space per rentable room.
5. Adequate lavatory, bathing facilities and kitchen facilities for the lodging rooms shall be provided, as per the requirements of the Macomb County Health Department or other appropriate regulatory agency.
6. A Bed and Breakfast establishment may be permitted one (1) sign not exceeding nine (9) square feet in area. Such sign shall not be internally lit and shall not exceed five (5) feet in height from the established grade.
7. Rooms associated with a bed and breakfast establishment shall only be permitted in the primary residence and shall not be permitted in accessory dwellings.
8. Copies of all current Federal, State, County, and local permits/approvals shall be provided to the Township.
9. The length of any stay shall not exceed fourteen (14) consecutive days or a total of thirty (30) days in any one calendar year.
10. Ancillary activities associated with a bed and breakfast facility may be permitted as a part of a special land use approval. Ancillary activities are defined as activities related solely to a primary use of the realty as a bed and breakfast and shall not exceed the maximum capacity of the bed and breakfast as defined by the Ray Township Fire Department.



## **SECTION 1204 PLANNED UNIT DEVELOPMENT**

### **A. STATEMENT OF PURPOSE**

It is deemed necessary to the preservation of health, safety and welfare that the certain uses hereinafter set forth be specially controlled because they serve an area, market and/or purpose considerably beyond the borders of the Township and/or create particular problems of control in relation to adjoining uses, districts, public health, safety and welfare. These uses, because of their unique characteristics and/or effects upon public health, safety and welfare, are deemed to be impractical to be permitted without Special Land Use or Planned Unit Development (PUD) approval, and then only as specifically allowed.

The intent of the Planned Unit Development is to permit flexibility in the regulations of land development; encourage innovation in land use and variety of design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the Township.

The specific objectives of this section are to:

- Provide for a mixture of acceptable uses such as commercial, industrial, office, and residential.
- Allow for an innovative site design that incorporates all uses, parking, open spaces, etc.
- Approve the development of a planned unit development through an overall site development plan.
- Provide for flexibility in setbacks, building relationships, and use relationships.
- Provide regulations for coverage, density, and building heights.
- Provide a mechanism for managing site access for multiple uses through joint roads and driveways as well as interconnection of uses.

### **B. LOCATION**

1. Planned unit developments (PUDs) may be permitted as regulated in this section within all Zoning Districts.

### **C. PERMITTED USES**

1. All permitted uses within the B-1, B-2, and M-1 Zoning Districts. (Uses consisting largely of outdoor storage and/or outdoor operation shall be located in an internal location when feasible. Further, landscaping and screening which completely masks such storage or activity shall be provided.

### **D. SPECIAL LAND USES**

1. All special land uses within the B-1, B-2 and M-1 Zoning Districts.

### **E. MINIMUM SITE CRITERIA**

1. **Ownership and Minimum Site Area.**

Any person or persons having a beneficial interest or right to obtain a beneficial interest in at least five (5) acres of land may apply for development as a PUD under the procedures for, and in compliance with, the standards of this Article.

**2. Access.**

The PUD must have direct access to a regional, major or secondary road as defined in the Township Master Plan. Local roads adjacent to the PUD shall not be used except for uses and traffic intensity compatible with the adjacent zoning. Access drives within close proximity to major intersections of public streets shall be avoided. Common drives or roadways shall be provided for all uses on site. The use of boulevard roadways and entryways is encouraged. Further, separate roads may be provided for truck traffic as deemed appropriate by the Planning Commission.

**F. PROCEDURES SUBMISSION AND APPROVAL**

Approval of a PUD shall require a two-step process by the Township Planning Commission, preliminary and final PUD approval. The preliminary phase shall involve a review of the preliminary PUD development plan to determine its suitability and consistency in the land use and zoning patterns of the Township. The final phase shall require detailed site plans for all or various parts of the preliminary PUD development plan prior to the issuance of building permits. The Ray Township Planning Commission shall be the reviewing and approving body for PUD's.

**1. Submission of Preliminary Plans.**

An application as supplied by the Township along with all applicable fees as established by the Township Board shall be submitted to the Township along with the necessary number of copies of the site plan and supplemental information. Unless otherwise stated within this Ordinance, the requirements and review process of Section 1500 Site Plan Review shall be met. The following documentation and information shall be provided with the preliminary plans:

- a. A boundary survey of the exact acreage being requested, to be performed by a registered land surveyor or civil engineer (Scale: 1" = 200').
- b. A topography map drawn as contours, with an interval *at a maximum of* two (2) feet. This map shall indicate all stands of trees, bodies of water and unbuildable area due to soil conditions, wetlands, topography or similar conditions (Scale: 1" = 200').
- c. A recent aerial photograph of the area shall be provided (Scale: 1" = 200).
- d. A preliminary development plan for the entire PUD area, carried out in such detail as to indicate the functional use areas, any subdivision of land, building layout, architecture and design and the character of non-residential development being requested; the densities being proposed; a generalized thoroughfare, traffic and pedestrian circulation plan; natural resource areas and other usable open spaces, and common areas for users of the Planned Unit Development. Phasing lines (if proposed) must be shown on the plan at this time.
- e. A preliminary utility plan shall show each utility as a one-line diagram, with

flow direction drawn on the proposed street or site layout. Preliminary estimates shall also be provided regarding contemplated total storm water flow, sanitary sewage flows and water requirements. The anticipated method of treating sanitary sewer flows and providing water shall be specified. The Planning Commission may require appropriate studies to verify the ability of the site to accommodate onsite water and sewer.

- f. All supporting documentation and material as to the development's objectives and purposes to be served; economic feasibility; conformity to plans and policies of the Township; market needs; utilities and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan. The Township may require the applicant to provide additional information demonstrating the demand for this project, surety that public services and facilities affected by the land use or activity will be capable of accommodating the increased service and facility loads caused by the land use or caused by the activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner. Such information may include, but shall not be limited to, the following: market demand studies, relevant financial information, banking references, and examples of previously completed projects.
- g. The general architectural themes shall be presented to the Planning Commission for approval at the preliminary planned unit development phase.

## 2. **Review of Preliminary Plans**

Upon receipt of a completed application for preliminary approval, and all required supplemental information the Planning Commission shall set and hold a public hearing on the application. Proper notice, as required by the Township Zoning Act, shall be given to required individuals/property owners. The applicant shall make a presentation to the Planning Commission and the public regarding the proposed PUD.

The Planning Commission shall review all applicable site plans, correspondence, studies, public comment, etc. in reviewing a PUD application. In addition the Planning Commission shall use the planning standards contained within Section 1201 SPECIAL APPROVAL REQUIRED and Subsection G of this Section. Further, in reviewing the PUD application the Planning Commission shall also review adjacent land use, adjacent zonings, adjacent Master Plan designations, etc. to ensure that the intent of the PUD meets the intent of the Townships goals, policies and land use planning practices for the particular area in which it is proposed. And finally that there is, or will be at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and the road system and storm water drainage system will be adequate.

## 3. **Action on Preliminary Planned Unit Plan submitted to the Planning Commission.**

- a. If the Planning Commission determines the application meets the standards and requirements set forth in subsection (F)(2) and has potential to meet the requirements of this Section 1204, it shall approve the preliminary PUD plan by

motion including the finding of facts and reasons for such preliminary approval. If the Planning Commission determines the application does not meet the standards and requirements set forth in subsection (F)(2) or does not have the potential to meet the requirements of this Section 1204, it shall deny the application and provide the reasons for denial in the Commission minutes.

- b. Once an area has been included within a preliminary development plan for Planned Unit Development and the Commission has approved such plan, no development may take place in such area, nor may any use thereof be made, except in accordance with the preliminary development plan approved or in accordance with a Commission approved amendment thereto.
- c. Within a period of eighteen (18) months following approval by the Commission, final detailed site plans for the entire area embraced within the area approved for development under this district by the Commission must be submitted as hereinafter provided. If such site plans have not been submitted and approved within the two (2) year period, the right to develop under the approved plan may be terminated by the Commission and a new application must then be filed and processed in the same manner as in the original instance if the project is to be considered for continuation.

#### 4. **Submission of Final Plans.**

- a. Before any building permits shall be issued for buildings and structures within the area of the Planned Unit Development District, a final detailed site plan for all or a portion of the PUD site shall be submitted to the Planning Commission for review. The following documentation shall be submitted with the final plans:
  - (1) A detailed site plan (meeting the requirements of Section 1500 SITE PLAN REVIEW), fully dimensioned, showing a fully scaled plan view of all buildings, all public road rights-of-way and private streets (commercial and industrial), boundaries and acreage of each use area and the proposed ultimate density thereof, parking areas, utilities; and the detailed site plan shall indicate plans for natural resource preservation, the development of open space or areas to be set aside for the use of the public within the development (Scale: 1" = 50').
  - (2) The proposed topography, contour interval of at least two (2) feet, shall be superimposed on all site plans (Scale: 1" - 50').
  - (3) Typical floor plans for all principal buildings and structures, with a schedule of building types.
  - (4) Each plat or site plan within the PUD submitted for final approval shall, either individually or in combination with previously approved project areas, meet the standards of this Section as to density and open space requirements. Open space shall be computed as a proportionate amount of the total open space requirement.
  - (5) A final scheduling indicating the proposed timing of the development, including phasing and partialization, if appropriate.

- (6) Statement of Covenants, Grants of easement sand other restrictions to be imposed upon the uses of land and structures.
- (7) Any other data, plans, or drawings considered by the Planning Commission to be necessary for the consideration of the proposal, including but not limited to assurances that areas shown on the plan for use by the public and occupants shall be, or have been, irrevocably committed for that purpose. The Township reserves the right to require conveyances or other documents to be placed in escrow. Assurance of financial support for and maintenance of all improvements indicated on the plan for open space areas and common use areas. Assurances may require posting of bonds as determined by the Township Planning Commission.
- (8) All other provisions of Section 1500 shall be met, unless otherwise provided in this section.

**5. Review of Final Plans.**

The Planning Commission shall review the final site plans, additional documentation provided by the applicant, and reviewing agency’s comments. In the process of review, the Planning Commission shall consider:

- (1) Specific development requirements set forth in this Section 1204.
- (2) The location and design of service roads or drives and driveways providing vehicular ingress to and egress from each building site, in relation to streets giving access to the site and in relation to pedestrian traffic.
- (3) The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will ensure:
  - (a) Safety and conveniences of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
  - (b) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent parcels and districts.
  - (c) Accessibility afforded to emergency vehicles.
- (4) The arrangement of use areas on the site in relation to functional, efficient and compatible arrangements within the site and also to adjacent uses.
  - (a) The treatment of public space.
  - (b) The availability of sewer and water capacity and the capacity of other utilities.
  - (c) The impact on air quality.
  - (d) The potential noise from development and traffic sources.

- (5) The plan's conformity with, and compatibility to, the character of the surrounding property and that it will not substantially interfere with the safety, light, air and convenience of the surrounding private and public property.
- (6) Any other matters that are within the township departments' or the planning commission's jurisdiction.
- (7) Before approval of any final, detailed site plan, the Township Planning Commission shall determine:
  - (a) That all use areas shown upon the development plan for the entire Planned Unit Development District for use by the public or the users of land within the Planned Unit Development District have been irrevocably committed to such uses by dedication, restrictive covenants or in some other manner satisfactory to the Township.
  - (b) That the final detailed site plan is in conformity with the original preliminary plan previously approved.
  - (c) That the sanitary sewage, water and storm water drainage requirements of the proposed development have been adequately addressed by the applicant.
  - (d) If necessary, the provision of public roads has been made so as to cause continuity of public access between any abutting thoroughfare and ingress and egress to all development within the plan.

**6. Action on Final Submittal to the Planning Commission.**

- a. If the Planning Commission determines the final plans meet the requirements set forth in subsection F(4), F(5) and those set forth in subsection G, the Commission shall approve the final plans. Any approval of the Planning Commission may include conditions as set forth in subsection F (7). If the Commission determines that the final plans do not meet the requirements set forth at subsection F (4), F (5) and/or subsection G, it shall deny the application. The reasons for the denial of the application and the final plans shall be set forth in detail in the Commission minutes.
- b. Upon approval of the Commission, each detailed final site plan shall be effective for a period of one (1) year. If development in compliance with a final site plan is not substantially underway in this period, further development shall not be approved until the final site plan in question is completed or until the timeframe for completion is extended or waived by the Planning Commission. Reasons for extending such timeframe may include a showing by the applicant of good faith in completing engineering review and approval or construction or the overall project still meets the intent of the original approval.

**7. Conditions to Approvals**

- a. The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State law and this Ordinance that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary to insure 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, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
  4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of changes granted in conditions.
  5. Once a Planned Unit Development has been approved, no Zoning Board of Appeals requests shall be permitted. Zoning Board of Appeals requests may be heard prior to the granting of Planned Unit Development approval. Any changes in the development plans must be made following the same procedure as with the detailed-final-site plan in accordance with revision procedures contained herein.
- b. The Township Board shall have the right to establish a Special Assessment District for those amenities permitted by State Statute to ensure that the uses and buildings approved as a part of the overall planned unit development are kept in a clean, safe and acceptable manner. The terms and conditions of any special assessment district shall be established by the Board and reviewed by the Township Attorney.

#### **G. DETAILED SITE CRITERIA**

##### **1. Consistency of Uses**

The uses proposed shall be generally consistent with the Ray Township Master Plan. Any variations or mixture of uses which are not shown on the Township Master Plan shall be duly noted and rationale for such deviation shall be made a part of the Planning Commission record.

##### **2. Perimeter Setbacks.**

All non-residential structures shall be located not less than one hundred (100) feet from all exterior property lines.

Further, a twenty five (25) foot greenbelt shall be provided along all exterior property lines of the PUD. This area shall not be used for building, parking, maneuvering, etc. and shall be planted with mixture of deciduous and evergreen trees consistent with the Ray Township Zoning Ordinance. These plantings shall provide a continuous visual screen. Trees may be grouped to allow landscape variation. The required tree plantings shall be supplemented with shrubbery and other decorative plantings.

The Planning Commission may modify any of these standards, when alternatives are proposed and are found to be consistent with the general planning standards of Section 1201. These may include architectural details, breaks in the building façade, varying the height of buildings, providing additional screening, etc.

**3. Interior Setbacks.**

All proposed uses shall comply with the applicable setback, height, minimum floor area and lot coverage requirements of the applicable zoning district. The Planning Commission may modify any of these standards, when found to be consistent with the general planning standards of Section 1201 SPECIAL APPROVAL REQUIRED. In making any such modifications, the Township shall determine that all structures are located and designed to assure maximum privacy. Building elevations and floor plans shall be required to assure compliance with these requirements.

**4. Landscaping and Screening.**

Whenever incompatible uses, in particular, off-street parking areas, service areas for loading and unloading vehicles other than passengers, and areas for storage and collection of refuse and garbage abut one another or are visible from public view or public right of way, either within the area of the Planned Unit Development or between the Planned Unit Development and the adjacent land uses or zoning districts adequate screening and buffering must be provided. Further screening shall be provided between exterior roadways and the area of the planned unit development.

**5. Architectural Compatibility.**

Architectural features of all structures shall be designed to be compatibly integrated within the overall PUD. The plan shall demonstrate such common architectural designs, materials, and amenities. The general architectural themes shall be established at preliminary planned unit development approval.

**6. Access Management.**

Well-defined circulation routes shall be required. Particular attention shall be paid to entry and exit drives and the potential conflicts that arise either onsite or offsite. Access drives shall be the absolute minimum number needed to adequately service the site. Main drives connected to the entry and exit points shall be provided. These drives shall limit the number of intersections or cross traffic within the parking and maneuvering areas extending the throat of the access drive.



Further landscaped parking islands shall be provided along the above noted main drives and shall also be provided at the end of all parking aisles. Parking lot landscaping shall be provided at a rate of one tree per five (5) parking spaces. These trees shall be planted within concrete islands placed at the end of parking lanes to provide parking lot definition.

7. **Open Space.**

A minimum of fifteen (15) percent of the total project area shall be developed for outdoor recreation and open space uses; but such areas shall not include space devoted to streets, parking, onsite stormwater facilities, or required setbacks. In calculating open space acreage, the applicant may, at the discretion of the Township, include existing natural features that occur on the site, including wetlands, lakes or ponds, woodlands, etc., provided that facilities are made available as apart of the PUD approval to use these areas for active or passive recreation purposes.

8. **Parking Requirements**

The applicant may propose a reduction in the overall number of parking spaces servicing the site. Information and support data shall also be furnished to the Township substantiating such reduction. The Planning Commission may allow for the banking of parking spaces onsite. This will allow for a reduction in the total number of parking spaces constructed in the immediate provided ample space for such future spaces is shown on the site plan. However, such provision would allow the Township to require the number of parking spaces reduced or banked to be built at a later date upon a finding that such spaces are necessary for the effective and safe operation of the site.

9. **Signage**

As a part of the overall signage for the PUD, the applicant shall submit a sign package either meeting Township Ordinance or providing a package that allows sign sizes to be averaged over the entire site.

Amended 04-19-05(36-05)

## **ARTICLE XIII**

### **NONCONFORMING LOTS, USES AND STRUCTURES**

#### **Section 1300 STATEMENT OF INTENT.**

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

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

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

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

#### **Section 1301 NONCONFORMING LOTS.**

In any district in which single-family dwellings are permitted notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in that district; provided that the minimum required yard setbacks and other requirements not involving area or width of the lot shall conform to the regulations for the district in which such lot is located. Yard setback requirement variances if required may be sought through approval of the Board of Appeals.

#### **Section 1302 NONCONFORMING USE.**

- A. Any use of land or structure, which use was lawful at the time of the effective date of this Ordinance, may be continued; provided, however, such use shall have continued in operation, and shall not be enlarged, altered, or changed in area, activity, or content during its continuance, except as provided otherwise by proper authority.

#### **Section 1303 NONCONFORMING STRUCTURE.**

- A. The use of or occupancy of a nonconforming structure, which was a lawful structure at the time of the effective date of this Ordinance, may be continued; provided, however, no enlargement, change, or alteration shall be permitted upon such nonconforming structure, except upon a finding by the Building Inspector that such enlargement, change or alteration will bring such structure into conformance with this Ordinance, and that the use within such structure is in conformity with the requirements of this Ordinance; and further provided, that no enlargement, change or alteration of a nonconforming structure housing a nonconforming use shall be permitted, except upon a finding by the Board of Appeals that such enlargement, change, or alteration will permit greater compliance

with the provisions of this Ordinance and that adequate provisions, as required by the Board of Appeals, are installed or instituted to minimize the detrimental effects of the nonconforming use or structure upon adjoining conforming use.

1. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared to be unsafe by any official charged with providing for the public safety, and which strengthening or restoration is ordered by such official.

**Section 1304 REPAIRS, MAINTENANCE AND ABANDONMENT.**

- A. Nothing in this Ordinance shall prevent the restoration, rebuilding, or repairing of any nonconforming structure, or a structure housing a nonconforming use, which structure has been damaged by fire, acts of God, or any act of a public enemy, subsequent to the effective date of this Ordinance, in an amount up to and including sixty-five (65) percent of the replacement value of the structure as determined by an assessment board consisting of a qualified appraiser appointed by the Township Board, another by the owner of the structure, and a third appointed by the first two appointees, with the cost of such appraisers shared equally by the Township and the owner, and provided that the restoration or repairing shall have commenced and is diligently prosecuted within one (1) year after the date of destruction.
- B. Nothing in this Ordinance shall prevent the renovation or repair of nonstructural members, or the maintenance of a nonconforming structure made necessary by ordinary wear and tear provided the cost per year of such repair or maintenance does not exceed twenty-five (25) percent of its replacement value, as determined above.
- C. There may be a change of tenancy, ownership or management of any existing nonconforming uses provided there is no change in the nature or character of such nonconforming use.
- D. Any nonconforming use shall be deemed abandoned and such nonconforming use may not be resumed thereafter upon the happening of any of the following events, acts or conditions:
  1. When the owner declares or otherwise makes evident his intent to discontinue such use.
  2. When the nonconforming use has been replaced by a conforming use.
  3. When any nonconforming use has ceased its usual conduct of such business for a period of one (1) year or more, it shall be considered to have terminated and may not thereafter commence operation.
  4. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

## ARTICLE XIV

### OFF-STREET PARKING AND LOADING REQUIREMENTS

#### Section 1400 STATEMENT OF INTENT.

In all zoning districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the building hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

#### Section 1401 REGULATIONS APPLYING TO ALL ZONING DISTRICTS.

The following regulations shall apply to all zoning districts:

- A. Off-street parking may be located within any non-required yard and within the rear yard setback unless otherwise provided in this Ordinance.
- B. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- C. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of this Ordinance.
- D. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- E. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- F. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- G. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
- H. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within the required off-street parking.
- I. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
- J. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

- K. For the purpose of computing the number of parking spaces required, the definition of PARKING SPACE in ARTICLE II, DEFINITIONS, shall govern. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneuvering Lanes</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Circulation Limitations</u>
0° (parallel)	20 ft.	10 ft.	24 ft.	One-way traffic
45°	20 ft.	10 ft.	20 ft.	One-way traffic
60°	20 ft.	10 ft.	20 ft.	One-way traffic
90°	24 ft.	10 ft.	20 ft.	Two-way traffic

Amended 10/04/05

- L. Reserved parking may be requested by the applicant. Reserved parking spaces must be shown and labeled on the site plan. If an applicant demonstrates that its proposed specific use presents a fewer required number of parking spaces based on total usable floor area; the total number of employees / workers is substantially less than that anticipated by the previous sections of this Ordinance; there exists a combination of uses which share parking facilities; peak hours or operation vary from normal business hours and that the reserve parking for the development will be serviced safely, undue stacking of vehicles will not occur, and traffic flow throughout the parking lot will be maintained in a safe manner, the Planning Commission may reduce the total number of parking spaces required to be built. If the Planning Commission determines that the development cannot be serviced safely, that undue stacking, is likely to occur, or that traffic flow will likely not be maintained in a safe manner if the total number of parking spaces is not built prior to the issuance of a certificate of occupancy, the Planning Commission shall deny the applicant's request for reserve parking. If the Planning Commission grants the applicant's request for reserved parking, the total number of parking spaces required to be built must be shown on the site plan and the number of spaces which the total is reduced by must be shown on the site plan as reserved parking. If the Township determines that traffic patterns, a change in use or an increase in the use, either in number of employees, hours of operation, decreased amount of storage, etc. constitutes a need, in the Township's sole discretion, for the reserved parking spaces to be constructed, such spaces shall be constructed as shown on the site plan within six (6) months of being so notified by the Township.

Amended 10/04/05

- M. If the Planning Commission finds that in order to decrease hazards to vehicular traffic by minimizing the need for driveways to each facility, it shall require a cross access easement and shared driveway easement to provide for vehicular access to existing and/or contemplated adjacent parking lots. All such easements shall be reviewed by the Township and recorded with the Macomb County Register of Deeds.

Amended 10/04/05

**Section 1402 MINIMUM OFF-STREET PARKING SPACES BY TYPE AND USE.**

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

**A. Residential.**

1. Residential, One-Family and Two-Family: Two (2) for each dwelling unit.

2. Residential, Multiple-Family: Two (2) for each dwelling unit.
3. Housing for the Elderly: One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. Mobile Home Park: Two (2) for each mobile home site, and one (1) for each employee of the Mobile Home Park.
5. Boarding House: One (1) parking space for each bed.

**B. Institutional.**

1. Churches or Temples: One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
2. Hospitals and Sanitariums: One (1) space for every two (2) beds, and one (1) additional space for every two (2) persons employed for the same working hours.
3. Homes for the Aged and Convalescent Homes: One (1) for each two (2) beds, plus one (1) space for each employee.
4. Elementary and junior High Schools: One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of auditorium.
5. Senior High Schools: One (1) for each one (1) teacher, employee, or administrator and one (1) for each twenty (20) students, in addition to the requirements of the auditorium.
6. Private Clubs or Lodge Halls: One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, County, or State fire, building or health codes.
7. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or other Similar Uses: One (1) for each two (2) member families or individuals.
8. Golf Courses Open to the General Public, Except Miniature or "Par-3" Courses: Six (6) for each one (1) golf hole, and one (1) for each one (1) employee.
9. Fraternity or Sorority: One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
10. Stadium, Sports Area, Auditorium, Theaters, or Similar Place of Out of Door Assembly: One (1) space for each four (4) fixed seats, or major fraction thereof, and one (1) space for each sixty (60) square feet, or major fraction thereof, of floor area used for public assemblies but not containing fixed seats.

**C. Business and Commercial.**

1. Planned Commercial or Shopping Center: One (1) for each sixty (60) square feet of usable floor area.
2. Auto Wash: One for each one (1) employee. In addition, two (2) spaces for each twenty (20) feet of wash line, plus fifty (50) feet for drying strip.
3. Beauty Parlor or Barber Shop: Three (3) spaces for each of the first two (2) beauty or barber

chairs, and one and one-half (1 1/2) spaces for each additional chair.

4. Bowling Alleys: Five (5) for each one (1) bowling lane.
5. Establishments for Sale and Consumption on the Premises, of Beverages, Food or Refreshments: One for each fifty (50) square feet of usable floor space.
6. Furniture and Appliance, Household Equipment, Showroom of a Plumber, Decorator, Electrician or Similar Trade and other Similar Uses: One (1) for each six hundred (600) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed herein).
7. Automobile Service Stations: Two (2) for each lubrication stall, rack or pit; and one (1) for each gasoline pump.
8. Laundromats and Coin Operated Dry Cleaners: One (1) for each two (2) machines.
9. Miniature or "Par-3" Golf Course: Three (3) for each one (1) hole, plus one (1) for each one (1) employee.
10. Mortuaries or Funeral Homes: One (1) parking space for every fifty (50) square feet of floor space in the slumber rooms, parlors or individual funeral service rooms.
11. Motel, Hotel, or Other Commercial Lodging Establishments: One and one-half (1 1/2) for each one (1) occupancy unit, plus one (1) for each one (1) employee.
12. Motor Vehicle Sales and Service Establishments: One (1) for each two hundred (200) square feet of usable floor space of sales room, and one (1) for each one (1) auto service stall in the service room.
13. Retail Stores: One (1) space for every one hundred fifty (150) feet of usable floor area, plus one (1) space for every three (3) persons employed for the same working hours.

**D. Offices.**

1. Banks: One (1) for each one hundred (100) square feet of usable floor space.
2. Professional Offices: One (1) parking space for every one hundred (100) square feet, or major fraction thereof, of office area.
3. Medical or Dental Clinics: One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair or similar use area.

**E. Industrial.**

1. Industrial or Research Establishments: Five (5), plus one (1) for every two (2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
2. Wholesale Establishments: Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

**Section 1403 OFF-STREET LOADING AND UNLOADING.**

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

- A. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height.
- B. There shall be provided:
  - 1. One (1) space for floor areas up to 20,000 square feet.
  - 2. Two (2) spaces for floor areas 20,000 to 50,000 square feet.
  - 3. One (1) additional space for every additional 100,000 square feet of floor space.
- C. The Planning Commission may waive the loading and unloading space requirement for uses which do not customarily require large amounts of shipping.
- D. All unloading and unloading areas shall be located in the rear yard. Loading and unloading may be permitted in the front or side yard by the Planning Commission if they determine that the activity will be screened from the road and will not cause conflicts with internal or external traffic circulation.



## ARTICLE XV

### ADMINISTRATION AND ENFORCEMENT

#### SECTION 1500 SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

##### A. PREAMBLE

Each site is unique; it has physical features which are rarely duplicated precisely on another site. Portions of some sites may not be usable and, in certain instances, a minimum amount of buildable land should be retained for natural resource preservation, recreation or open space. The purpose of this Article is to provide the Township Planning Commission with the opportunity to review the proposed use of a site in relation to surrounding uses, accessibility, pedestrian and vehicular circulation, spatial relationships, off-street parking, public utilities, general drainage, environmental characteristics, site vegetation, screening and buffering, developmental characteristics and other site elements which may have an effect upon the public health, safety, morals and general welfare, and its relationship and harmony with adopted Township ordinances and plans. Site improvements and development shall conform exactly to the approved site plans and supplemental drawings as approved by the Planning Commission.

##### B. SITE PLAN SUBMISSION REQUIREMENTS

1. A site plan shall be submitted for review by the Planning Commission whenever one or more of the following conditions apply:
  - a. Whenever a building permit is required for the erection or structural alteration of a building (other than one-family homes, farm buildings, or accessory structures to these uses, unless otherwise required by this Ordinance).
  - b. For the construction, use, or establishment of a new or additional parking or storage area.
  - c. For all special land uses.
  - d. For any change in use or class of use as determined by the Township Building Official or his/her designee.
  - e. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities.
  - f. Any site used for mitigation purposes (i.e. wetland mitigation)
  - g. Any public road not otherwise regulated by Township Ordinance

##### C. SITE PLANNING.

1. The site plan shall present the proposed use of a site in relation to surrounding uses, accessibility, pedestrian and vehicular circulation, spatial relationships, off-street parking, public utilities, general drainage, environmental characteristics, site vegetation, screening and buffering, developmental characteristics and other site elements which may have an effect upon the public health, safety, morals, and general welfare and its relationship and harmony with adopted Township ordinances and plans.

2. All the development features, including the principal building or buildings and any accessory buildings or uses, open space, and any service roads, driveways and parking areas, shall be so located and related as to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to, channeling excessive traffic onto local residential streets, lack of adequate screening or buffering or parking or service areas, the accumulation of litter, production of noise, light, smoke, fumes, or the piling of plowed snow. Building groupings and circulation routes of traffic shall be located so as not to interfere with police or fire equipment access. Public streets adjacent or through the proposed development shall be required when it is essential to promoting and protecting public health, safety and general welfare, and to provide continuity to the public road system.
3. Recreation areas and facilities, such as playgrounds, swimming pools and community buildings, shall be provided to the extent necessary to meet the anticipated needs of the residents of the project it is designed to serve. Provision of separate adult and tot-lot recreation areas adequately landscaped is encouraged. Recreation facilities generally should be provided in a central location and should be convenient to the project community center. In larger development, however, recreation facilities can be decentralized, if more than one, or if made part of an open space area.
4. The site plan shall show that attention has been given in the placement of proposed buildings, parking areas, driveways, landscaping and other physical improvements of the site in relation to existing on-site natural features and vegetation such as trees, wooded areas, natural groves, and terrain features.
5. The Planning Commission may require further landscaping, fences, walls and berms pursuant to the objectives of this Ordinance, and such improvements shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
6. The site plan shall show that any proposed service roads, driveways, and parking areas are so related to each other within the site, and so related to the local streets bordering the site as to promote pedestrian and vehicular safety and to minimize the likelihood of accidents.
7. In those instances wherein the Planning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the Planning Commission may require a reduction in the number of access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money be placed in escrow with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the Township.
8. During development, building, renovating, or razing operations, the developer shall erect and maintain suitable protective barriers around all trees specified to be maintained so as to prevent damage to said trees and shall not allow storage of equipment, materials, debris or fill to be placed in this area except as may be necessary for no more than thirty (30) days, if no other storage space is elsewhere available. No developed site shall have less than ten (10) trees per acre, and all new plantings shall meet the standards of size and type cited in this Ordinance.

#### **D. SUBMISSION REQUIREMENTS.**

Whenever a building permit is required for the erection or structural alteration of a building, a site plan shall be required and approved by the Planning Commission prior to the issuance of a building permit. In addition, whenever a parking or storage area is to be used or constructed, a site plan shall be required and approved before construction may be begun, or, if no construction is to be undertaken, used for such purpose. This section does not apply to the erection or structural alteration of a single-family dwelling, a two-family dwelling, a permitted roadside stand or accessory buildings, and required motor vehicle parking areas for such one or two-family dwellings or roadside stands on individual lots. A site plan shall also be required for the erection of or an addition to any major utility service facilities, including the transporting, generating, processing, storing, or transmission of petroleum, electricity, sanitary sewage, and water, etc., including towers, rights-of-way, substations, pumping stations, regular stations and similar appurtenances.

1. The Site Plan Review Application shall be furnished in the number of copies required by the Township, together with the same number of site plan and building drawings.
2. The site plan shall be prepared by, and carry the seal of, the registered architect, landscape architect, community planner, land surveyor, or professional engineer who prepared it, unless waived by the Planning Commission.
3. The site plan shall contain the legal description, proposed address, and zoning of the particular site and all adjacent properties.
4. The site plan shall include the locations of the existing and proposed structures and improvements, including yards, drives, screening areas, walls, parking areas, hard surfaces, signs, utilities, park areas, and dimensions of all such items and areas including the site, so that the requirements of the Zoning Ordinance as to such items will be apparent. The site plan shall show the locations and dimensions of individual sites for proposed structures, including parking sites for mobile homes and other vehicles.
5. The site plan shall be drawn to a minimum scale of one inch equals twenty feet (1" = 20') for less than five (5) acres, and at one inch equals fifty feet (1" = 50') for five (5) acres or more, and shall contain scale, date, revisions, north point and size in acres. A general location map at a scale of four inches equals one mile (4" = 1 mile), giving site location, is also required on the site plan.
6. The site plan shall show the proposed and existing right-of-way of County and State highways which adjoin the site, together with the proposed zoning, existing buildings, or improvements on all land adjacent to the site within two hundred (200') feet shall be shown. Front, side and rear elevations and typical floor plan(s) of proposed buildings and dimensions shall accompany the site plan for determination of compliance with the requirements of this Ordinance.
7. Existing and proposed topography drawn to at least two-foot (2') contour intervals (five-foot [5'] contour intervals in areas of extreme topography) shall be shown on the site plan. Grade shots at building corners, property lines, and for the parking lot and street may be substituted on small site plans. Benchmarks for the elevations shown on the drawing shall be properly indicated.
8. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist or where such vegetation will be planted prior to occupancy. All such trees and shrubs shall be

labeled as to size and whether existing or proposed. Whenever a tree or group of trees of three (3") inch caliper or greater is to be removed as part of the planned improvements, its or their location shall be shown on the site plan in dotted outline and noted "to be removed."

9. Wetlands, as determined by a wetlands consultant, shall be indicated on the plan if a general wetlands map (MIRIS, National Wetlands Inventory conducted by the Department of the Interior, or any official wetlands map adopted by Ray Township), or if the Macomb County Soil Survey conducted by the Soil Conservation Service indicates hydric soils conducive to wetlands, indicates the potential presence of a wetland in the area of the site. The final determination on wetland location shall be regulated by the Ray Township Wetlands Ordinance.
10. Statistical data shall be furnished including: Number of dwelling units, size of dwelling units (i.e., 1-bedroom, 2-bedroom, and 3-bedroom), if any, and the total gross acreage involved. In the case of mobile home parks, the size and location of each mobile home site shall be shown.
11. In addition to the above requirements, all site plans shall contain the following information:
  - a. Net acreage figures.
  - b. Designation of units by type of buildings.
  - c. Interior sidewalks, and sidewalks within right-of-way.
  - d. Hydrant locations.
  - e. Exterior lighting locations with height, intensity, type and method of shielding.
  - f. Trash receptacle location, loading stops, and method of screening.
  - g. Transformer pad location and method of screening.
  - h. Front, side and rear yard dimensions.
  - i. Building length and width dimension.
  - j. Parking spaces with typical dimensions, including handicapped parking spaces.
  - k. Greenbelt, obscuring wall or berm locations, and cross-sections, where appropriate.
  - l. A landscape and screening plan for all unpaved areas.
  - m. Dedicated road or service drive right-of-way and pavement widths and lengths.
  - n. Drive or street approaches, including acceleration, deceleration and passing lanes.
  - o. All utility lines serving the area located on the site.
  - p. Soil borings, locations and summary report data shall be shown where soil quality may in question.
  - q. Surface drainage and drainage plan and indication of any BMPs utilized to control storm water quantity and quality.
  - r. Location of storage, use and disposal areas, if any, for hazardous substances.
  - s. List of hazardous substances used, stored or generated at the proposed facility, in accordance with procedures approved by the Ray Township Planning Commission and Ray Township Fire Department.
  - t. For residential uses (Multiple-Family, Mobile Home Parks, and open space developments), indicate the following additional information:
    - (1) Density calculations.
    - (2) Carport locations and details.
    - (3) Community building details and method of fencing the swimming pool, if applicable.
  - u. In the case of nonresidential uses (i.e., Commercial, Industrial, Special Land Use, and Office development), the following additional information shall be required:
    - (1) Loading and unloading area and method of screening.
    - (2) Total and usable floor area.
    - (3) Designation of fire lanes as approved by the Township.

- (4) Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, and other data of all such equipment and/or machinery shall be indicated.
12. Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the same time of site plan review or at a later date. However, the location of all signs shall be shown on the site plan.
13. Where it is determined by the Planning Commission that certain requirements of this Section are not necessary to the review and understanding of a site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the Commission's minutes together with the unique circumstances and reasons for such waiver.

#### **E. PROCESSING PROCEDURES.**

1. The proposed site plan shall be submitted to the Township Planning and Zoning Department who shall check the submission date and transmit it to the following departments, agencies and consultants:
  - a. Macomb County Road Commission or MDOT, whichever is appropriate (if necessary).
  - b. Macomb County Public Works Commissioner (if necessary).
  - c. Macomb County Health Department (if necessary).
  - d. Fire Department.
  - e. Building Department.
  - f. Assessor's Office (Check legal description).
  - g. Township Engineer.
  - h. Township Planner.
  - i. Planning Commissioners (one for each).
  - j. Planning Commission File.
  - k. Appropriate School District (if necessary).

Each department, agency or consultant shall acknowledge the date of its receipt of the site plan for its inspection and comments. The Township Planning and Zoning Department shall submit the site plan with the available written comments from the various agencies and departments to the Planning Commission for review at the meeting at which the site plan is placed on the agenda.

2. The site plan shall be reviewed by the Planning Commission with reference to the specific requirements of the Ordinance, including those items listed above and other factors to be considered by the Township in planning and establishing zoning districts as authorized under this Ordinance. The Commission shall also request review and comment from the Township Planner and Township Engineer, when appropriate. Approval of the site plan (as submitted, or with additions, corrections, or alterations) by the Planning Commission shall satisfy the requirements of this Zoning Ordinance for the issuance of a zoning compliance permit. It shall not, however, exempt the petitioner from compliance with other Township ordinances. If the site plan is not acted on (approved or disapproved) within 60 days after date of submission to the Township Clerk, the site plan shall be considered as approved unless the site plan has been postponed pending the receipt of additional information as required by this Ordinance and requested of the applicant by the Planning Commission (in which case the 60 days referred to above shall be increased by the number of days postponed). If not approved,

the reasons shall be stated in writing and a copy promptly supplied to the applicant.

3. A site plan approval shall be valid for one (1) year after the date of the Planning Commission where approval was granted. If physical improvement of the site is not in actual progress at the end of a year and completed within two years, the approval becomes null and void unless renewed or extended by specific Planning Commission action. If approval is not extended before expiration of the one-year period, then a new application and a new approval shall be required before a building permit may be issued.
4. Where the Planning Commission finds it is appropriate, for reasons stated in writing, to the satisfactory completion of the site development in accordance with the site plan, the Commission may require a cash deposit or irrevocable bank letter of credit acceptable to the Township, covering the estimated cost of improvements associated with a project for which the site plan approval is sought, be deposited with the Clerk of the Township to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project, and any cash deposits shall be rebated in reasonable proportion to the ratio of work completed on the required improvements as work progresses.
5. An applicant for a site plan approval may appeal the decision or absence of a decision of the Planning Commission to the Township Zoning Board of Appeals as described in this Ordinance. Amended 08-04-04 (36-04-02)

#### **Section 1501 ADMINISTRATIVE OFFICIAL.**

- A. The provisions of this Zoning Ordinance shall be administered and enforced by a Zoning Administrator or Building Inspector and appointed by the Township Board. Unless specifically directed otherwise by the Township Board, the duties of the Zoning Administrator shall be provided with the assistance of such other persons as the Township Board may direct. The Building Inspector shall serve under such terms and at such rate of compensation as the Township Board may determine.

If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing, the person responsible for such violation or the owner of record of the lot upon which such violation is taking place, indicating the nature of the violation. He shall order discontinuance of the illegal use of any lot or structures; or if illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

#### **B. Permits Required.**

1. A zoning compliance permit shall be required for all new uses, change of use, new construction or structural alteration of any structure or building.
2. A building permit, meeting all of the requirements of the BOCA Code or the State Construction Code shall be required prior to the erection, alteration, moving or removal of any structure or building.
3. No building or zoning compliance permit shall be required for alterations or repairs for roofing repairs, siding or painting, or interior repairs, provided that such repairs shall not be construed to include the cutting away of any stone or masonry wall, the addition or removal of any beam or support, or the removal, change or closing of any staircase, means of ingress or egress, or

any chimney or window. No building or zoning compliance permit shall be required for detached accessory buildings such as storage sheds, dog houses, bus shelters, or children's playhouses provided they do not exceed fifty (50) square feet in area.

4. Site plan approval and/or Special Approval may be required for certain uses according to the provisions of this zoning ordinance prior to the issuance of a building permit or a zoning compliance permit.
5. Applications shall be applied for in writing on the forms provided and according to the procedures established by the Township. The amount of fees charged for permits or inspections shall be established by the Township Board.

**C. Certificates of Zoning Compliance.**

It shall be unlawful to use, or occupy, or permit the use, or occupancy of any structure or premises, or parts thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy and zoning compliance shall have been issued therefore by the Building Inspector stating that the proposed use of the structure or lot conforms to the requirements of this Ordinance.

1. No nonconforming structure or use shall be changed, or extended until a certificate of compliance shall have been issued by the Building Inspector. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance.
2. No permit for erection, alteration, moving, or repair of any structure shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.
3. The Building Inspector shall maintain a record of all certificates of zoning compliance.
4. Failure to obtain a certificate of compliance shall be a violation of this Ordinance and punishable under the applicable provisions of this Ordinance.

**D. Building Permits.**

Where a building permit is required for the erection or structural alteration of a building (other than a single-family dwelling or farm dwelling and other than accessory building to such dwellings), a Site Plan shall be reviewed and approved in accordance with the provisions of Section 1100 of this Ordinance prior to the issuance of a building permit.

Before proceeding with the erection, alteration or removal of any structure or building, a permit shall be first obtained from the Building Inspector. The application for such permit shall be made in writing and upon printed forms furnished by the Building Inspector.

All applications for building permits shall be accompanied by two (2) sets of plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of structures already existing, if any; and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required by the Building Inspector, including data on existing or proposed structures or alteration, existing or proposed uses of the structures and lot; the location of existing or proposed wells, septic systems or

drains; the number of families, housekeeping units, or rental units the structure is designed to accommodate.

1. One (1) copy of the plans shall be returned to the applicant by the Building Inspector after he shall have marked such copy either as approved, or disapproved, and attested to same by his signature on such copy. One (1) copy of the plans, similarly marked, shall be retained by the Building Inspector.

**E. Certificates of Occupancy.**

It shall be unlawful to use, or occupy, or permit the use, or occupancy of any structure or premises, or parts thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy and zoning compliance shall have been issued therefore by the Building Inspector.

1. No occupancy permit shall be granted until the septic tank tile field and water supply system is inspected and approved by the Macomb County Health Department.
2. No change or use shall be made in any building, premises or land or part thereof now or hereafter erected, altered, or used that is not consistent with the provisions of this Ordinance and no such change or use or occupancy shall be made without the issuance of a certificate of occupancy and compliance for such new use.
3. A certificate of occupancy and compliance shall be applied for coincident with the application for a building permit. Where a certificate of use and occupancy is required not in conjunction with the issuance of a building permit, the same shall be issued on forms furnished by the Building Inspector. Every change of use shall require the issuance of a certificate of use.
4. A temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during alterations for partial occupancy of a structure pending completion of such alterations, provided that such temporary certificate may include such conditions and safeguards as will protect the safety and health of the occupants and the public.
5. The Building Inspector shall maintain a record of all certificates of zoning compliance.
6. Failure to obtain a certificate of occupancy shall be a violation of this Ordinance and punishable under the applicable provisions of this Ordinance.

**F. Expiration of Building Permit.**

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire, except as otherwise provided herein; it shall be canceled by the Building Inspector; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been completed within one (1) year from the date of issuance, the permit shall expire unless it is renewed. The Building Inspector may reissue said permit for a second period of one (1) year at the cost of 1/2, the original permit fee. The renewal permit will expire at the end of one (1) year having allowed a total of two (2) years for final construction under original permit.

At the end of two (2) years from the date of issuance of the original building permit, the permit shall expire and the Building inspector will notify the permit holder in writing of said expiration. No further work may be undertaken and all monies (financial guarantees, plan reviews, and permit fees) will be forfeited. To undertake any additional work after this period a new application, permit and fees shall be required.



**G. Inspections.**

As work progresses under a building permit the holder thereof shall cause the Building Inspector to be notified according to the requirements of the Township Building Code.

Each inspection shall be made as soon as possible following the receipt of notification. At the first inspection the Building Inspector shall determine to the best of his ability that the building or structure has been located in accordance with the site maps and that yard areas will comply with Township requirements.

Should the Building Inspector determine that the construction is not proceeding according to the plan filed or is in violation of any provision of this code or any other applicable ordinance, regulation or law, he shall notify the permit holder and further construction shall be stayed until correction has been affected and approved by the Building Inspector or upon notice and request for reinspection duly made.

If the permit holder fails to comply with the requirements at any stage of construction, the Building Inspector is hereby empowered to cancel the building permit issued and shall cause notice of such cancellation to be securely posted upon said construction. Posting of such notice shall be considered sufficient notification to the permit holder of cancellation thereof. No further work shall be undertaken or permitted upon such construction until a valid building permit shall thereafter have been issued.

**H. Unlawful Structures.**

Any uses of land or dwellings or construction or alteration of building or structure including tents or mobile homes used, erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se.

The Building Inspector or the Township Supervisor is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use or structure. Whenever the Building Inspector has declared a structure to be not conforming with the requirements contained in this Ordinance, the owner or occupant may be required to vacate such structure or premises and such structure or premises shall not again be used or occupied until it has been made to conform with this Ordinance.

**Section 1502 SCHEDULE OF FEES, CHARGES, AND EXPENSES.**

- A. Fees, charges, and expenses shall be assessed as part of the application for special use permits, site plan review, appeals, building permits, certificates of zoning compliance, and amendments to defray expenses incurred in processing such application.
- B. The Township Board by resolution shall establish a schedule of fees, charges, and expenses.
  - 1. The schedule of fees, charges and expenses may be altered or amended by resolution duly adopted by the Township Board.
- C. No action shall be taken on any application or appeal until all applicable fees, charges, and expenses have been paid in full.

## ARTICLE XVI

### BOARD OF APPEALS

#### **Section 1600 CREATION OF BOARD OF APPEALS.**

There is hereby created a Township Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided by Act 184 of the Public Acts of 1943 and any amendments thereof and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, health, morals, and general welfare secured and substantial justice done. The membership of the Board shall consist of five members who shall be appointed in the manner as provided by said Act.

Amended 11/15/05

#### **Section 1601 PROCEDURE.**

The Township Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance including the interpretation of the zoning maps and may fix rules and regulations to govern its procedure. It shall hear and decide appeals from, and review any order, requirements, decisions or determination made by an administrative official charged with the enforcement of this Ordinance. It shall also bear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant in any matter on which they are required to pass under this Ordinance. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the Township, County or State. The grounds of such determination shall be stated. Appeals to the Appeal Board shall be taken within fifteen (15) days after the approval or denial of an application or finding is made by any administrative official charged with the duty of enforcement of this Ordinance by filing with said official when the appeal is taken and with the Board of Appeals a notice of appeals specifying the grounds thereof and depositing with the Clerk a sum to cover the expenses of the Appeal Board meeting. The official from whom the appeal is taken shall forthwith to the Board all of the papers constituting the record upon which the action appealed from was taken.

#### **Section 1602 STAY OF PROCEEDING.**

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

#### **Section 1603 NOTICE, REPRESENTATION AND DECISION.**

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties concerned and decide the same thirty (30) days after the hearing. Before hearing any matter before it for determination, the Board of Appeals shall serve a notice of hearing personally or by regular mail, upon all owners of property shown on the latest tax rolls and/or occupants within a radius of three hundred (300) feet of the property involved and/or upon which said building or structure is or may be located or business conducted at least one week before the date of hearing and by publishing a notice of hearing at least once in a newspaper printed in Macomb County and circulated in the Township of Ray not less than five (5) days nor more than twenty (20) days before the said date for hearing the appeal or matter pending before the Board for determination. Proof of service of mailing and Affidavit of Publication shall

be filed before the matter in controversy shall be heard. Upon the hearing, any party may appear in person, by agent, or by an attorney. The Board of Appeals may reverse or affirm wholly or partly or modify the orders, requirements, decision or determination as in its opinion ought to be made in the premises and to what end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance the Board of Appeals shall have the power to vary or modify any of its recommendations, regulations or provisions so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done. The decision of said Board on all questions of fact shall be final and the Board of Appeals shall have no power to grant any rehearing, variances or modification of its final orders, except that this ordinance shall not abridge the right of any person having an interest affected by any such decision to take an appeal to the Circuit Court for the County of Macomb upon questions of law and fact.

#### **Section 1604 POWERS OF BOARD OF APPEAL.**

Upon the appeal, in addition to the general duties and powers conferred upon it by law, the Board of Appeals shall have the following specific powers:

- A. To permit the erection, alteration or enlargement of any building or structure of a greater height, bulk or area than is permitted by the district requirement herein established, if the use of such building or structure is permitted in such district by the provisions of this Ordinance and is in conformity with the intent and purposes of this Ordinance.
- B. To permit the erection, alteration, enlargement and/or use in any district of a public utility building or structure if the Board of Appeals shall find such building or structure and its height, area and bulk reasonable necessary to public convenience and service, and provided such building or structure is designed, erected, maintained, and landscaped to conform harmoniously with the general architecture of the plan of such district.
- C. Permit in any district such modification of the requirements of these regulations as such Board may deem necessary to secure an appropriate development of a lot where adjacent to such lot on two or more sides there are uses that do not conform to regulations contained herein.
- D. Interpret zone boundaries where, due to the scale, or illegibility of the zoning map, or due to the absence of a street, alley, recorded subdivision, or plat lines, there is any uncertainty, contradiction or conflict as to the intended location of any zone district boundaries on said map. In those cases where zone district boundary line divides a lot of record, the Board of Appeals shall have the power to permit the extension of a permitted use provided that such extension shall not exceed a distance of one hundred (100) feet beyond the zone district boundary line.
- E. To allow a lot of record to be used as a building site, which lot at the time of application for use thereof does not meet the minimum requirements as to square foot area and frontage as required in the district or zone wherein located, such use to be allowed subject to such conditions and protections as will safeguard the character of contiguous property and the surrounding neighborhood, provided always that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
- F. To permit an increase in height of a nonconforming building or structure or use existing at the effective date of this Ordinance, or an enlargement or extension of such a nonconforming building, structure, or use upon land partially occupied by such existing nonconforming building, structure or use at the effective date of this Ordinance, subject to such conditions and protections as will safeguard

the character of contiguous property and not unduly depreciate or cause increased annoyance to the surrounding neighborhood, provided that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

## **ARTICLE XVII**

### **VIOLATIONS AND PENALTIES**

Any building or structure which is erected, altered, maintained or used or any use of land which is begun, maintained or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se. Any person, firm, or other organization which violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provisions shall be fined upon conviction not more than One Hundred (\$100.00) Dollars, together with the cost of prosecution or shall be punished by imprisonment in the County Jail for not more than ninety (90) days for each offense or may be both fined and imprisoned as provided herein at the discretion of the Court. Each and every day during which an illegal erection, alteration, or maintenance of use continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

## **ARTICLE XVIII**

### **REPEAL OF CONFLICTING PROVISIONS**

The Ray Township Interim Zoning Ordinance passed by the Township Board on November 8, 1973 and as amended, is hereby repealed: All other resolutions or ordinances, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict, hereby repealed.

## **ARTICLE XIX**

### **VESTED RIGHTS**

This Ordinance and any of the provisions hereof are not intended and shall not be construed to establish any vested right in or on behalf of any persons, firm or corporation in and to the continuation of any particular use, district, zoning classification or any activity therein and each of such matters are hereby declared to be subject to such later amendments to this Ordinance as may be necessary to appropriate for the further preservation and protection of public health, safety, welfare and morals.

## **ARTICLE XX**

### **SEVERABILITY**

This Ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable. If any article, section, subsection, paragraph, part, provision, sentence, word and/or portion is adjudged by a Court of competent jurisdiction to be invalid or unenforceable for any reason whatsoever, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

## ARTICLE XXI

### ENACTMENT AND EFFECTIVE DATE

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, welfare and morals of the people of the Township of Ray, and are hereby ordered to be given immediate effect from and after the date of its passage by the Township Board in accordance with the provisions of Section 11 of Act 184, Michigan Public Acts, 1941, as amended, and subsequent publication as required by law.

I, J. Robert Devers, Township Clerk of the Township of Ray, do hereby certify that this Ordinance was originally adopted by the Ray Township Board, by authority of Act 184 of the Public Acts of 1943, as amended, at a meeting of the Ray Township Board held at the Township Hall on the 18th day of October, 1976. Zoning Ordinance shall take immediate effect.

J. Robert Devers  
Ray Township Clerk

I, J. Robert Devers, Township Clerk of the Township of Ray, do hereby certify that this amended Ordinance was adopted by the Ray Township Board, by authority of Act 184 of the Public Acts of 1943, as amended, at a meeting of the Ray Township Board held at the Township Hall on the 18th day of November 1997. Zoning Ordinance shall take immediate effect upon publication of summary of amendments (November 26, 1997).

J. Robert Devers  
Ray Township Clerk