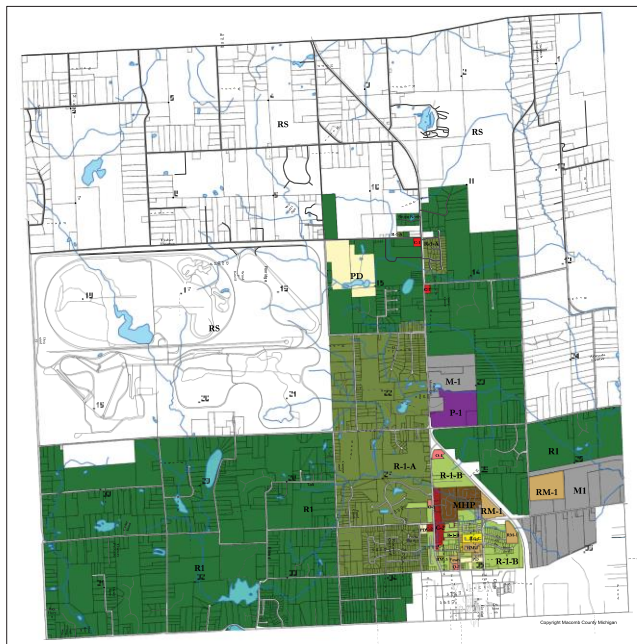
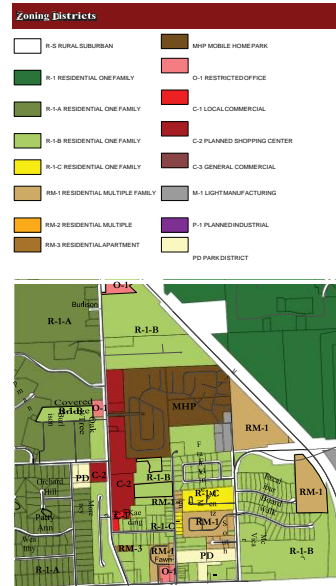


Bruce Township

Zoning Ordinance No. 161



Zoning Map



Adopted
August 23,
1990

Amended Thru:
February 17, 2016

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BRUCE TOWNSHIP
MACOMB COUNTY, MICHIGAN

ORDINANCE NUMBER 161
ZONING ORDINANCE

TITLE

“AN ORDINANCE regulating and restricting the use and development of land by dividing the Township of Bruce into zoning districts; restricting the uses of land permitted within such districts; regulating the placement, height, bulk, erection, construction, reconstruction and uses of structures and/or other uses of land; limiting and regulating the density of population, occupancy and size of lots, yards and open spaces; regulating and limiting congestion of transportation systems through the arrangement of land uses by requiring off street parking and loading facilities; providing for a site plan review prior to construction; providing for uses within each zoning district allowed upon conditional approval; providing for the location, design and review of planned unit developments; prescribing the rights of owners and occupants of nonconforming uses and structures; providing for fees for zoning permits as a condition to the granting of authority to erect, alter, or locate dwellings, buildings, and structures; providing for a cash deposit for irrevocable bank letter of credit to insure compliance with ordinance requirements relating to the installation of improvements; graphically portraying the boundaries of zoning districts upon a map incorporated as part of said ordinance; establishing a zoning board of appeals and defining and limiting the powers and duties of said board; establishing standards of review for special land uses, planned unit developments, and for appeals or other matters reviewable by the zoning board of appeals; providing procedures for amendment, administration and enforcement of said ordinance; providing a penalty for violation of said ordinance and repealing any and all ordinances or resolutions in conflict therewith.”

ENACTING CLAUSE

BRUCE TOWNSHIP ORDAINS:

ARTICLE 1

SHORT TITLE

Section 1.00

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

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ARTICLE 2

GENERAL PROVISIONS

Section 2.00 CONFLICTING REGULATIONS.

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

Section 2.01 SCOPE.

Except as elsewhere provided in this Ordinance, no structure, or part thereof, shall hereafter be erected, constructed, re-constructed or altered in any manner; and no structure, land, premises, or part thereof, shall be used for a purpose; and no open space surrounding any structure shall be reduced or encroached upon, other than as permitted by the provisions of this Ordinance, for the district in which such structure, land or premises is located.

Section 2.02 ACCESSORY BUILDINGS TO ONE AND TWO-FAMILY RESIDENTIAL USES.

1. Accessory buildings or structures in all single-family residential districts shall be customarily incidental to the principal structure or use and shall be subject to the following regulations:
 - a. No accessory building shall be constructed prior to the enclosure of the principal building.
 - b. An accessory building shall not be used for any business, profession, trade or occupation, nor shall it be used for any residential living purpose.
 - c. No detached accessory building or structure shall be located closer than twelve (12') feet to any principal building; nor shall it be located closer than ten (10') feet to any side lot line in the RS, R1 and R1A zones, or eight (8') feet in R1B, and five (5') feet in R1C zone; or ten (10') feet to any rear lot line.
 - d. Accessory buildings shall not occupy the required front yard, or the required street-side yard on a corner lot or parcel.

*Amended: 02-11-91 (161-03-90)
06-08-92 (161-07-92)
04-21-93 (161-10-93)
02-18-98 (161-25-98)*

- e. An accessory building or structure may be constructed in the non-required side yard, provided the Building Official determines such to be architecturally compatible with the principal building.
- f. Accessory buildings located in the rear yard shall be constructed of stone, face brick, finished metal, wood or similar materials.
- g. Decks may be permitted, provided such are not located in the required side yard or easement, or project more than fifteen (15') feet into the required rear yard.
- h. Accessory buildings shall be constructed with a "rat wall" which shall extend eighteen (18) inches below grade and shall be constructed of concrete, masonry block, or treated wood.

Amended: 08-19-09 (161-101-08)

- i. Accessory buildings and structures up to 850 square feet shall not exceed 22 feet in height. Accessory buildings and structures over 850 square feet shall not exceed 29 feet in height.
- j. The area above the first floor of an accessory building may be utilized as a loft for additional storage. The second floor shall not be utilized for living quarters or for the purposes of a home occupation or business.

Amended: 09-15-10 (161-109-10)

2. Accessory buildings on lots or parcels less than 90,000 square feet (2.066 acres) shall also meet the following regulations:

- a. Accessory buildings and structures shall have a ground floor area that shall not exceed 850 square feet or exceed twenty two (22) feet in height as measured from the ground to the ridge line.
- b. An accessory building shall be located in a rear yard or in the non-required side yard, provided the building official determines such to be architecturally compatible with the principal building.
- c. There shall be no more than one (1) accessory building.

3. Accessory buildings located on parcels of land greater than 90,000 square feet (2.066 acres) or greater but less than five (5) acres shall meet the following regulations:

- a. Accessory buildings and structures shall have a combined gross total ground floor area that shall not exceed 1,700 square feet or exceed twenty nine (29) feet in height as measured from the ground to the ridge line.
- b. Accessory buildings greater than 850 square feet shall require that the owner sign a Declaration of Zoning Compliance for an Accessory Building in Bruce Township prior to the issuance of a building permit.
- c. On property greater than 90,000 square feet, two accessory buildings shall be permitted without special land use.

4. Accessory buildings located on parcels of land of at least five (5) acres but less than ten (10) acres shall meet the following regulations:

- a. Accessory buildings and structures shall have a combined gross total ground floor area that shall not exceed 2,720 square feet or exceed twenty nine (29) feet in height as measured from the ground to the ridge line.
- b. Accessory buildings greater than 850 feet shall require that the owner sign a declaration of Zoning Compliance for an Accessory Building in Bruce Township prior to the issuance of a building permit.
- c. Two accessory buildings shall be permitted without special land use.

5. Accessory buildings located on parcels of land of at least ten (10) acres but less than fifteen (15) acres shall meet the following regulations:
 - a. Accessory buildings and structures shall have a combined gross total ground floor area that shall not exceed 3,270 square feet or exceed twenty nine (29) feet in height as measured from the ground to the ridge line.
 - b. Accessory buildings greater than 850 feet shall require that the owner sign a declaration of Zoning Compliance for an Accessory Building in Bruce Township prior to the issuance of a building permit.
 - c. Two accessory buildings shall be permitted without special land use.
6. Accessory buildings located on parcels of land of at least fifteen (15) acres shall meet the following regulations:
 - a. Accessory buildings and structures shall have a combined gross total ground floor area that shall not exceed 4,120 square feet or exceed twenty nine (29) feet in height as measured from the ground to the ridge line.
 - b. Accessory buildings greater than 850 feet shall require that the owner sign a declaration of Zoning Compliance for an Accessory Building in Bruce Township prior to the issuance of a building permit.
 - c. Two accessory buildings shall be permitted without special land use.
7. The following accessory buildings and structures may be permitted as a special land use, subject to the provisions of Section 27.00 (review Standards) and Section 27.01 (Procedures), and a Planning Commission determination that: 1) there is proportionality between the size of the lot, street frontage, and the size of the accessory structure; and 2) the accessory structure is in harmony with the principal structure, the environment, the topography, and the surrounding properties.
 - a. Accessory buildings and structures that exceed a combined gross total floor area or height than that permitted within the specified lot size.
 - b. Accessory buildings that are proposed to be located in the non-required front yard, non-required street side yard, or the non-required side yard.
 - c. For more than two (2) accessory buildings or structures.
8. Accessory buildings used as an integral part of a bona fide agricultural operation are exempt from the requirements noted above with the exception of building location and setbacks.

*Amended: 02-11-91 (161-03-90)
06-08-92 (161-07-92)
04-21-93 (161-10-93)
02-18-98 (161-25-98)
06-20-07 (161-65-07)
09-17-08 (161-77-08)
09-15-10 (161-109-10)
02-19-14 (161-115-14)*

Section 2.03 ACCESSORY BUILDINGS IN THE RM-1, RM-2, RM-3, O-1, C-1, C-2, C-3, I-R-O, M-1 AND P-I DISTRICTS.

Accessory buildings in the RM-1, RM-2, RM-3, O-1, C-1, C-2, C-3, I-R-O, M-1 and P-I Districts shall be subject to the same restrictions as the main building.

Section 2.04 ACCESSORY AMUSEMENT DEVICES.

Five (5) or less amusement devices may be established and installed as accessory only to a business, institutional, or residential association principal permitted use.

Each amusement device established and installed as accessory to any of the foregoing uses must have at least one-thousand (1,000) square feet of gross floor area for the first four such devices, plus five-hundred (500) square feet of gross building area for the additional machine.

A permit for the installation and establishment of such amusement device must be secured from the Building Department and conspicuously displayed in close proximity thereto. A fee for such permit may be established by resolution of the Township Board.

*Amended: 02-11-91 (161-03-90)
06-08-92 (161-07-92)
04-21-93 (161-10-93)
02-18-98 (161-25-98)*

Section 2.05 APPEARANCE.

In any case where a principal non-residential building or accessory building is erected or placed within two-hundred (200') feet of the front lot line, the front walls of said building or accessory building shall be constructed of stone, face brick, or other decorative material approved by the Planning Commission.

Section 2.06 APPROVAL OF PLATS.

No proposed plat of a new or redesigned subdivision shall hereafter be approved by either the Township Board or the Township Planning Commission, unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such a plat fully conforms with the statutes of the State of Michigan and the Subdivision Regulations of the Township.

Section 2.07 AVERAGED LOT SIZE.

Whenever a subdivider or developer wishes to vary lot sizes and lot widths so as to average the minimum size per dwelling unit as required in each respective district, the following conditions shall be met:

1. In meeting the average minimum lot size, the subdivision shall be so designed as not to create individual lots having an area or width more than ten (10) percent less than the area or width required for each respective district and shall not result in an increase in the number of lots.
2. The technique of averaging minimum lot size shall be acceptable only in those instances wherein the entire preliminary plat, which has received Township Board approval, is recorded in its entirety. Recording of phases of a plat shall not be acceptable under this provision.
3. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

Section 2.08 BASEMENT RESIDENCY.

Basement, cellar, garage or incomplete structure residency is expressly prohibited in Bruce Township. (See Terratecture.)

Section 2.09 BUILDING GRADES.

1. 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, beginning at the sidewalk level or right-of-way level if there are no sidewalks, shall be maintained and established 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 front, both grades sloping to the property lines. 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 run-off of surface water from flowing onto adjacent properties or into the sanitary sewer system. Grade elevations shall be determined by using the elevation at the center line of the road in front of the lot as the established grade.

Whenever a new building is constructed, the existing established grade shall be used in determining the grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property.

Grades shall be approved by the Building Administrator. A preliminary "certificate of grading and location of house" shall be duly completed and certified by a registered engineer or a registered land surveyor before rough carpentry begins. A final "certificate of grading and location of house", showing all improvements, including final grades, perimeter grades, swales and storm and drainage structures, shall be duly completed and certified by a registered engineer or a registered land surveyor before a final certificate of occupancy is granted.

2. Any alteration of existing grades, or previously approved grades, by the fill or redistribution of earthen materials shall first be approved by the Township Building Administrator. In the event the Township Building Administrator determines that the fill or redistribution of earthen materials may impede, obstruct or accelerate the natural flow of surface waters, a certificate of engineering approval shall be required. An applicant for such approval shall furnish the Township Engineer with a proposed finish grade plan of such proposed alteration showing its relationship to adjoining lands. Such plan shall be in accordance with the requirements of the Township Engineer, which shall be set forth in the application for such certificate. The Township Board shall establish, by resolution, an appropriate fee to be paid by the applicant to cover all costs of such review.

Section 2.10 BUILDINGS TO BE REMOVED.

Any building or structure, which has been wholly or partially erected on any premises, located either within or outside of this Township, shall not be moved to and placed upon any other premises in this Township until a permit for such removal shall have been secured under Article 30 of this Ordinance. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure.

*Amended: 07-18-01 (161-33-01)
06-10-91 (161-04-91)*

Before a permit may be issued for moving a building or structure, the Building Administrator shall inspect same and shall determine if it is in a safe condition for moving and whether it may be reconditioned to comply with the Building Code and other Township requirements for the use and occupancy for which it is to be used. Provided these conditions can be complied with, a permit shall be issued for the moving of said building or structure.

Section 2.11 BUILDINGS UNDER CONSTRUCTION.

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.

Section 2.12 CARNIVALS, PUBLIC MEETING TENTS, CIRCUSES AND THE LIKE.

Carnivals, public meeting tents, circuses, and similar short-term temporary uses may be given temporary permits for varying defined periods by the Township Board; such temporary use shall be first determined by the Board as being not injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Ordinance.

The Board may require the operator to provide a general liability insurance policy which names the Township as a party insured incident to the operation of such activity.

Section 2.13 CLEAR VISION ZONE.

There shall be a clear vision zone at all corners of intersecting roads or road junctions, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of twenty-five (25') feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two (2') feet to eight (8') feet above center line elevation of abutting streets, except that not more than two (2) trees with trunks of not more than thirty (30") inches in diameter each, and clear of any branches for such heights may be located within such area.

Section 2.14 DWELLINGS IN NON-RESIDENTIAL DISTRICTS.

No dwellings shall be erected in the Commercial or the Industrial District. However, the sleeping quarters of a watchman or a caretaker may be permitted in said district in conformance with the specific requirements of the particular district. Said sleeping quarters shall not be constructed as permanent sleeping or housekeeping facilities.

Section 2.15 DWELLINGS IN OTHER THAN MAIN STRUCTURES.

No residential structure shall be erected upon the rear yard of a lot or upon a lot with another dwelling.

Section 2.16 EXTERIOR LIGHTING.

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

Section 2.17 EXCAVATIONS OR HOLES.

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute, or are likely to constitute, a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Township Clerk; and, provided further, that this Section shall not apply to natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

Section 2.18 FENCES, WALLS AND PROTECTIVE BARRIERS.

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

1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be reviewed by the Township Planning & Zoning Coordinator as to the requirements of the zoning district wherein they are located.
2. 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. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25') 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.
3. Fences erected along the boundary line dividing lots or parcels, or located within any required side or rear yard areas, shall not exceed six (6') feet in height. In addition, double faced fences are encouraged when such fence is constructed within a required side or rear yard. In those instances, when a double faced fence is not constructed, such fence shall be constructed so that the non-post side of the fence faces adjacent properties.

Amended: 07-21-04 (161-47-04)

4. In all zoning districts (with the exception of the RS Zoning District and all parcels five (5) acres or more in size in the R1 Zoning District), only decorative non-confining fences shall hereafter be located in the required front yard of a lot or parcel having frontage on a public or private street, road or highway. No such fence shall exceed forty-two (42") inches in height. The location of chain-link, privacy and screening fences are prohibited in the required front yard.

Within the RS Zoning District and on all parcels five (5) acres or more in size in R1 Zoning District, fences, either confining or non-confining, up to a height of forty eight (48") inches may be permitted in the front yard. These fences shall be constructed of wood, vinyl, wrought iron or other similar materials. These fences however, shall not be view obscuring or screening privacy fences. Further, such fences shall be set back a minimum of fifty (50) feet from the front property line, right-of-way or easement line.

5. Barbed wire, concertina wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence is prohibited. Barbed wire may be permitted on the top of fences enclosing public utility buildings, as deemed necessary in the interest of public safety. Fences with electric current or charges shall be prohibited, except when incidental to the agricultural use of land for livestock enclosure purposes. Fences with electric currents or charges shall be prohibited as property boundary fences next to existing residentially developed property.
6. Fences used for agricultural purposes or for the keeping of horses or livestock, after approval as to location and type by the Township Planning and Zoning Coordinator, may be located on all property or road right-of-way lines of a parcel of land. Further, such fences shall not be of a privacy nature, but shall be split rail or other commonly acceptable farm animal style fencing.
7. For the purposes of this Section of the Zoning Ordinance, the height of a fence shall be measured from the established grade of the property. If such fence is to be constructed on top of a berm or other modification to the existing grade the total height of the fence shall also include the height of the berm or other modification to the existing grade.

*Amended: 06-08-92 (161-07-92)
07-16-03 (161-37-03)
09-17-08 (161-78-08)*

Section 2.19 FRONTAGE.

Every dwelling or principal building shall be located on a lot or parcel of record which shall front upon and have direct access to an approved public street or roadway or an approved private road. In all instances, frontage shall equal the lot width requirements established by this Ordinance. In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

Section 2.20 GARAGE SALES, RUMMAGE SALES AND THE LIKE.

Garage sales, rummage sales or similar activities shall not be conducted for a period of more than nine (9) consecutive days. No person shall be allowed more than two (2) such sales within any twelve (12) month period. In no instance shall more than two (2) garage sales or similar activity be held in any one location within any twelve (12) month period. All such sales or similar activity shall not be conducted within twenty-five (25') feet from the front lot line of the premises described in the permit. Overnight outside storage of goods or merchandise offered at said garage sale or similar activity is hereby prohibited. No signs advertising a garage sale or similar activity shall be placed upon public property. Two (2) signs advertising a garage sale are permitted to be placed upon private property with the consent of an owner of said property and shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.

*Amended: 06-08-92 (161-07-92)
03-21-01 (161-30-01)*

Section 2.21 HOME OCCUPATIONS.

A home occupation may be permitted within a single-family residential dwelling, subject to the following conditions:

- No person other than members of the family residing on the premises shall be engaged in such occupation.
- The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation, and shall be carried out completely within such dwelling.
- There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupations, other than one (1) sign not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the dwelling.
- No home occupation shall be conducted in any accessory structure.
- There shall be no sales of any goods manufactured elsewhere in connection with such home occupation.
- No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.

- No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Handicapped persons applying for home occupation permits may be excused from certain provisions of this section by the Planning Commission based on proven necessity.

Section 2.22 LOT LIMITATIONS.

In all residential subdivisions, only one (1) principal building shall be placed on a lot of record, with the exception of parcels of record described and designated as "outlots" which may be so arranged or subdivided as to provide for one or more principal buildings when the land area allocated to each building is equal to, or greater than, the lot area required for the district and the building and land complies with all the other requirements of the district in which it is located; provided further, that no building shall be erected on land subdivided in violation of Act 288 Public Acts of the State of Michigan, 1967, as amended.

Section 2.23 LOT, MINIMUM AND FRONTAGE.

For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required. Such lot shall have full frontage on an improved public street.

Section 2.24 LOTS, YARDS AND OPEN SPACES.

No space which, for the purpose of a building, has been counted or calculated as part of a required side yard, rear yard, front yard, other open space, or lot area per dwelling unit under this Ordinance, may be counted or calculated to comply with a yard, other open space or lot area requirements for any other building.

Section 2.25 MAXIMUM WIDTH-TO-DEPTH RATIO.

The maximum lot width-to-depth ratio for all un-subdivided residential land shall not exceed a ratio of 1-to-4 (width-to-depth), and for all subdivision lots, not exceed a ratio of 1-to-3. Cul-de-sac lots shall have a width-to-depth ratio not exceeding a ratio of 1-to-5.

Section 2.26 MEASURING MINIMUM FLOOR SPACE REQUIREMENTS.

Minimum floor space requirements, as established by the various provisions of this Ordinance for residential dwellings, shall be measured from the exterior surface of enclosing walls and the center line of common partition walls for each dwelling unit. Minimum floor area shall not include cellars or basements, attached garages or attics, unheated breezeways or porches.

Section 2.27 MEASURING SETBACK REQUIREMENTS.

The measurement for determining front, rear and side setback requirements shall be made from the exterior wall of the principal building to the nearest applicable site line.

Section 2.28 MOBILE HOME AND TRAVEL TRAILERS.

Mobile homes shall not be used as dwellings, excepting when located in and as part of a mobile home park, or when located in zoning districts set forth in this Ordinance. Travel trailers shall not be used as dwellings, except when located in an approved campground or private park as prescribed by this Ordinance.

Mobile homes proposed to be located outside mobile home parks shall be permanently affixed to the land and shall compare aesthetically to site-built housing located or allowed in the same single-family residential zoning district. Prior to issuance of a building permit for a mobile home, the Building Administrator shall determine:

1. That the minimum lot size, yard spaces, setbacks, parking, and all other minimum site requirements applicable to single-family dwellings within the zoning district will be met;
2. That said mobile home will be permanently installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, and shall have a perimeter wall of the same perimeter dimensions of the mobile home as the foundation wall, whether bearing or otherwise, and constructed of such materials and type as required in the applicable Building Code for single-family dwellings;
3. That such mobile home must meet the minimum living area for detached single-family residential dwellings of the zoning district in which said home is to be placed;
4. That the wheels, towing apparatus and exposed chassis shall be removed before occupancy of any mobile home; and
5. That such mobile home will be in harmony with the applicable regulations of the zoning district in which it is to be located and compare aesthetically to site-built housing located or allowed in said district. In making such determination, the Building Administrator shall examine such factors as character, proportion, appearance, living space, exterior materials with reference to other site-built homes in the zoning district. Further, in making such determination, and upon approval of the Township Board, the Building Administrator may secure an opinion of a registered architect.

Section 2.29 NON-RESIDENTIAL DRIVEWAYS.

Non-residential driveways, entrances and exits shall be subject to approval by the Michigan Department of Transportation, Macomb County Road Commission, and by the Township Planning Commission after considering the effects on surrounding property, pedestrian and vehicular traffic, and the movement on emergency vehicles.

Section 2.30 OUTDOOR MERCHANDISING.

No person or business shall use any sidewalk or that space between the sidewalk and curb or any planted strips in sidewalks, or any parking area, or any area of a road right-of-way for displaying for sale, or for any other purpose, any goods or any other articles, or leave any goods, boxes, trucks, barrels, trunks or any other article or thing in or on such areas for a longer time than is necessary for loading and unloading. Commercial sidewalk sales may be permitted for a defined time by the Township Board.

Section 2.31 PROHIBITED OCCUPANCY.

In no case shall a travel trailer, automobile chassis, tent or portable building be considered a dwelling.

In the case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

Section 2.32 RAILROAD LINES, SIDINGS AND SPURS.

The installation or extension of all railroad lines, sidings and spurs shall be subject to prior approval of the Township Board. In any case where such installation will cross a street or highway, plans shall first be submitted for approval as to public safety to the Township Engineer, Macomb County Road Commission, and Michigan Department of Transportation.

Section 2.33 ENTRYWAYS

1. Regulations pertaining to entry walls, columns, fences or other structures for all subdivisions, site condominiums, private roads, and multiple family developments. *(For the purposes of this section, the term wall, column and fence shall be synonymous.)* Walls, columns or fences:
 - a. Shall not exceed a total height of five (5) feet from the established grade. Further, such wall shall not provide a continuous facade of more than twenty five (25) feet. Continuous walls and/or columns shall not be permitted along any adjacent exterior roadways except at such entryway.
 - b. Shall be externally lit. Such lighting should not exceed a total of sixty (60) watts for each lighted side of the sign or wall. The lighting shall be directed solely at such wall and shall not provide glare onto adjacent properties or rights-of-way. Any lighting provided on the ground shall be adequately screened with an evergreen plant material of a sufficient height.
 - c. Shall be built of decorative clay brick, natural stone, decorative poured concrete wall, wood, or other similar decorative material as approved by the Township.
 - d. Shall not extend into any adjacent right-of-way, proposed right-of-way or clear vision area as established by this Ordinance.
 - e. Shall be landscaped in an attractive manner which shall consist of both large evergreen and deciduous plantings as well as an array of decorative shrubs and flowers.
 - f. Architectural elements such as light posts/columns, architectural embellishments, and the like may extend above the permitted five (5) foot wall an additional two (2) feet.

Amended: 07-16-03 (161-38-03)

Section 2.34 RESTORING UNSAFE BUILDINGS.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Township Clerk, and/or Fire Marshall, or required to comply with his lawful order, provided that restoration is not contrary to Sections 28.06 and 28.07 of this Ordinance.

Section 2.35 SATELLITE RECEIVERS AND DISH ANTENNAS.

Any exterior audio-visual dish antenna or receiver (a "satellite dish antenna") being three (3') feet or larger in diameter, to be placed upon a lot, parcel or building, shall be regulated as an accessory structure (building) in the applicable zoning district, and the location thereof shall comply with the regulations applicable to an accessory structure in the particular zoning district. Further, such "satellite dish antennas" shall conform to all building height restrictions in the applicable zoning district and be so located to be as obscure as possible to public view.

Section 2.36 SIDE YARD SETBACKS.

In all districts, the width or depth of side yards, which abut upon a street, shall not be less than the required front yard setback for said buildings which front upon said street. All buildings, structures and accessory uses shall maintain such required yard space.

Section 2.37 SITES FRONTING ON TWO STREETS.

A front yard shall be maintained on each street in accordance with the minimum front setback requirements established by the zoning district in which the lot is located.

Section 2.38 SOLAR RIGHTS.

The maximum height of any structure or planting on a neighboring property shall not interfere with the reasonable collection of solar energy from devices that are mounted on the south side of the principal building at least eight (8') feet above the ground. The solar collectors shall not be of such a nature as to create a reflection that is a substantial nuisance to adjacent properties.

Section 2.39 STORAGE, ACCUMULATION, DUMPING AND/OR COLLECTION OF WASTE, JUNK, GARBAGE AND OTHER SIMILAR MATERIALS.

No site shall be used for storage, accumulation, dumping and/or the collection of waste, junk, garbage, building materials, earthen matter, household refuse, demolition waste, rubbish, and other similar material, except upon approval by the Board of Appeals in compliance with Article 29 of this Ordinance, or as otherwise permitted under this Ordinance in any district. Provided, further, the depositing of dirt, sand or earth materials shall be permitted in any district in accordance with the following requirements:

1. Any finish grade to be established shall be approved by the Township Engineer.
2. The finish grade shall be graded not later than sixty (60) days after completion of the deposits on the land in a manner so as to prevent the collection of water and which will leave the ground surface in a condition suitable for other permitted uses within the district in which the site is located.
3. All deposited material will be spread at least once every six (6) months.

Section 2.40 STORAGE IN FRONT YARD.

The portion of a site in front of any dwelling shall be used only for ornamental landscaping, driveways, and parking spaces located within such driveways, except as otherwise prohibited in this Ordinance.

Section 2.41 STORAGE OF VEHICLES AND MACHINERY.

A. Vacant Lots

No automotive vehicles, travel trailers, motorized watercraft and/or other motorized recreation vehicle(s), (which require MC Numbers), or utility trailer shall be parked or stored on any vacant lot in any district. A vacant lot shall refer to any lot upon which no dwelling unit or other building or approved use exists.

B. Occupied Lots

No travel trailers, motor homes, motorized watercraft and/or other motorized recreation vehicle(s), (which require MC Numbers), or utility trailer shall be parked or stored on any lot occupied by a residential dwelling unit unless such vehicle, apparatus, or trailer is currently plated and is stored in a garage, enclosed in a building or is located within the non-required rear or non-required side yard of such lot or a minimum of ten (10) feet from any property line whichever is greater. Such storage shall not be placed so as to cause a nuisance to abutting residential premises. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot. Finally, no unoccupied mobile homes shall be parked on any lot.

C. Commercial Vehicles

Automotive vehicles, trucks or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. Further, in residential zones, it shall be illegal to park commercial vehicles outside of a garage or other approved accessory building; further said commercial vehicle must be owned and operated by a member of the family residing on said lot or parcel and shall not be used for hauling garbage or refuse or other objectionable matter. Commercial vehicles which have a gross vehicle weight of 24,000 pounds or more shall not be parked on any residential lot. Finally, such vehicle shall not be parked within the public right-of-way.

Commercial vehicles: As defined by the Michigan Secretary of State for the purposes of commercial vehicles and drivers licenses, and within Michigan Public Act 300 of 1949 as amended.

Amended: 07-21-04 (161-48-04)

Section 2.42 SWIMMING POOLS.

1. In all single-family zoning districts, swimming pools shall observe the following yard setback requirements:

- a. No swimming pool shall be located in a front or side yard area.
- b. Pools, as measured from the outer pool wall shall not be located within fifteen (15') feet to any property line.
- c. In the case of corner lots, the pool shall not be located in either front yard, and may be located in the non-required side yard but located no closer than part (b.) above.
- d. Pools shall not be located closer than four (4') feet to any building on the lot.

2. In the RM-1, RM-2 and RM-3 Districts, the swimming pool shall be located on the interior of the project at least eighty (80') feet from any adjacent residential district. No pool shall be located closer than ten (10') feet to any accessory building, and shall not be less than fifty (50') feet from any residential dwelling.

*Amended: 03-21-01 (161-30-01)
07-18-01 (161-33-01)
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Section 2.43 TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS OCCUPANCY PROHIBITED.

Substandard basement or garage dwellings as defined by the State Housing Law of Michigan 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. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

Section 2.44 ZERO LOT LINE.

Wherever no side or rear yard is permitted in this Ordinance, the structure(s) utilizing this provision shall build on the lot line or at least five (5') feet from the lot line so that desirable spaces relating to public safety will be achieved. A two-hour fire rated construction is required wherever a non-residential wall is constructed within ten (10') feet of the property line. No non-residential building shall be closer to an adjacent existing building than twenty (20) feet, unless no space is to be provided. Where any building is permitted to build on the lot line, and such building does not immediately abut an existing structure for its full length, a five-foot (5') wide maintenance easement shall be obtained from the adjacent property owner, a copy of which shall be submitted with the site plan or subdivision plat.

Where residential zero lot line is proposed, a special land use approval shall be required of the Planning Commission as provided in Article 27. The purpose of permitting such use shall be to accommodate innovative concepts and design as an alternate to the normal side yard requirements. Zero lot line may only be permitted on a project basis and minimum district yard setbacks shall be observed by all lots within the project that bound the project boundary. The minimum distance between windows in adjacent buildings shall be thirteen (13) feet. Accessory buildings, swimming pools and incidental structures and improvements (excluding fences and driveways) shall observe the conventional yard setback requirements of district.

Section 2.45 SINGLE-FAMILY CONDOMINIUMS.

1. Intent.

The intent of these requirements is to ensure that all condominium subdivisions are developed in compliance with accepted planning and engineering standards applicable to similar forms of development, as reflected in the ordinances and requirements of Bruce Township. Single-family detached condominiums may be allowed as a permitted use in any single-family zoning district or anywhere a single-family subdivision plat would be approved, subject to site plan review by the Planning Commission and the requirements of this Section.

2. Submission Requirements.

All condominium subdivision plans shall be submitted for review, as required by Article 4 of this Ordinance and Section 66 of the Condominium Act, and include the following additional information:

- a. A survey, prepared and sealed by a licensed land surveyor or engineer, shall be completed for the entire condominium subdivision site.
- b. A plan delineating all natural features on the site, including, but not limited to, ponds, streams, lakes, drains, floodplains, wetlands and woodland areas.
- c. The location, size, area, width and dimensions of all condominium units, common areas, and the location of all proposed streets.
- d. Any structure, entrance or driveway within one hundred (100') feet of the subject site.
- e. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
- f. A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus all easements granted to the Township for installation, repair and maintenance of all utilities.
- g. A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision plan.
- h. A storm drainage and storm water management plan, including all line, swales, drains, basins, and other facilities.

Amended: 06-08-92 (161-07-92)

3. 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 determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Township Attorney, Planner and Engineer regarding the adequacy of the submission as it relates to the Bruce Township Zoning Ordinance and requirements of the Condominium Act. The review process shall consist of the following two steps:

- a. 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 Bruce Township Zoning Ordinance. Plans submitted for preliminary review shall include information specified in items a., b., c., and d. of the Submission Requirements.
- b. Final Plan Review. Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final Review by the Planning Commission and the Township Board. Final plans shall include information as required by items a. through h. of the Submission Requirements. Such plans shall be reviewed by the Township Attorney, Engineer and Planner.

Further, such plans shall be submitted for review and comment to all applicable Local, County and State agencies. Final approval by the Township Board shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.

4. District Requirements.

The development of all condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements of the 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.

5. Design Standards.

All development in a condominium subdivision shall conform to the design and improvement standards of Ordinance Number 35 (the Bruce Township Subdivision Regulations -- Articles VII and VIII) and the Bruce Township Land Development and Engineering Standards Ordinance. In site condominiums with condominium units (lots) under 90,000 square feet in size, all roads shall be public and conform to the standards of the Macomb County Road Commission.

Amended: 02-18-98 (161-25-98)

In site condominiums with condominium units 90,000 square feet or greater in size, public streets shall be required, where necessary, to provide continuity to the public road system. In those locations where the Planning Commission determines that public roads are not necessary, private roads may be permitted. All private roads shall conform to the requirements of the Bruce Township Land Development and Engineering Standards Ordinance and Article 7, Private Roads, of the Bruce Township Zoning Ordinance.

In any of the foregoing referenced sections, the term "plat" shall be substituted with the term "condominium subdivision plan"; the term "tentative preliminary plat approval" shall be substituted with the term "preliminary plan review"; the term "final preliminary plat approval" shall be substituted with the term "final plan review"; the term "unit" shall be substituted with the term "lot"; and the term "proprietor" shall be deemed to refer to the applicant pursuant to this Ordinance. Any applications, fees, procedures for review or hearing, as set forth in these ordinances and their other provisions, shall be fully complied with, except as provided herein.

6. **Utility Easements.**

The condominium subdivision plan shall include all necessary public utility easements granted to Bruce Township to enable the installation, repair and maintenance of all necessary public utilities to be installed. Appropriate dedications for sanitary sewers, lines, and storm drainage improvements shall be provided.

7. **Final Acceptance.**

The Township shall also require all the appropriate inspections. After construction of the condominium subdivision, an as-built reproducible mylar of the completed site is to be submitted to the Township for review by the Township Engineer. A final certificate of occupancy and any building bonds will not be released to the developer/owner until said as-built mylar has been reviewed and accepted by the Township.

8. **Conversions.**

A majority of co-owners, as defined pursuant to Condominium Act, Public Act 1978 No. 59, as amended, may require that the project be platted in accordance with the Subdivision Control Act of 1967. Public Act 1967 No. 288. Platting of such condominium projects shall not terminate the project, unless four-fifths (4/5) of co-owners vote for such termination.

*Amended: 07-07-93 (161-14-93)
02-18-93 (161-25-98)*

Section 2.46 RESIDENTIAL OPEN SPACE PHASING REQUIREMENTS.

Whenever recreation and/or open space areas are provided in conjunction with a residential development, they shall be clearly delineated on a site plan or subdivision plat with said land being irrevocably reserved for this use. In phased development, a land reservation and a cash deposit or letter of credit shall be required to guarantee the completion of said improvements if not completed in Phase I.

Section 2.47 FARM ANIMALS IN RESIDENTIAL DISTRICTS.

Domestic farm animals and livestock, including horses, cows, sheep, swine and other animals, as determined by the Building Administrator solely for the personal, non-commercial use of the occupants of the premises, may be allowed in the RS Rural Suburban, R-1 Residential One-Family, and R-1-A Residential One-Family District, subject to the following standards:

1. Two (2) acres of land shall be provided for the first animal and one (1) full acre shall be required for each additional animal.
Amended 09-17-08 (161-79-08)
2. The area in which animals are kept shall be fenced. Animal buildings and enclosures shall be so constructed and maintained as to prevent the escape of animals and to provide appropriate protection from the elements.

Such fences or enclosures shall meet the requirements of this Ordinance. However, the Township Building Inspector may approve fences up to a height of ten (10) feet provided the following provisions are met:

- a. The owner or applicant provides a written affidavit in recordable form and financial guarantee acceptable to the Township Attorney that such fence will be removed upon the cessation of the farm animal activity. Such document shall be non-transferrable.
- b. Such fence should be colored in such a manner which reduces the visibility of such fence from adjoining properties. Further, such fencing should be constructed or coated with vinyl, plastic, etc. or galvanized to ensure the long term maintenance and aesthetics of such fence.
- c. Evergreen trees, a minimum of five (5) feet in height shall be planted along the entire length of such fence within the required ten (10) foot setback. Such trees shall not be planted more than thirty (30) feet on center. This provision may be waived by the Building Inspector upon a finding that natural vegetation, topography, or distance from adjacent residences provides sufficient screening.
- d. The minimum parcel size shall be ten (10) acres.
- e. Such fence shall not be located within the non-required front yard. Such fence may be located within the side and rear yards.
- f. The Township may review the condition of such fence on an annual basis to determine that the fence is being maintained in an acceptable manner.

*Amended: 08-16-95 (161-21-95)
07-16-03 (161-39-03)*

3. Stables, paddock areas and other enclosures for instruction, exercise or the confinement of animals shall be located at least twenty five (25) feet from any property line within the RS Residential Suburban District or the R-1 or R-1-A Residential One Family Districts.

Amended 09-17-08 (161-99-08)

4. The area used for keeping animals shall be maintained in a clean and sanitary condition so as to be free from offensive odors and other features that could be considered a nuisance or be a threat to public health.
5. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury.
6. All animal buildings, cages and runs shall be of sufficient size to provide adequate and proper housing for those animals kept therein.
7. 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.

Section 2.48 OPEN SPACE COMMUNITIES.

1. Intent and Purpose.

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

Open Space Communities shall promote the following objectives:

- Preserve and maintain irreplaceable natural resources that define the Township's character and preserve sensitive areas for future generations.
- Provide for "guided" growth, while maintaining the sense of rural and open space characteristics by minimizing roadside views of urban development.
- Provide an array of recreational opportunities within proximity of all residents within the Open Space Community.
- Provide a diversity of lot sizes, arrangements and housing types to meet the needs of all Township residents.
- Provide for the efficient use of Township land that will allow cost reductions in infrastructure and, consequently, the overall development cost, by providing the opportunity to reduce the lengths of roads and utility lines.

*Amended: 08-16-95 (161-21-95)
02-17-99 (161-27-99)*

- Provide the opportunity for establishing developments that create a greater sense of community, by providing areas conducive to personal interaction.
- Design residential lot standards that accommodate the varying characteristics and circumstances of the specific site.

2. **Qualifications.**

- a. To be considered as an Open Space Community, at least two of the following criteria must be approved by the Planning Commission. All of these areas shall be accessible or open to all residents within the Open Space Community, with the exception of farmland, which shall have only limited access.

- (1) **Preservation of Natural Assets --** Sites preserving a significant amount of any of the following criteria:

- (a) **Organic Amenities:** Significant views and vistas; mature woodlands; wetland or lowland areas; prairie; bodies of open water, such as lakes, ponds, streams, natural drainage ways; wildlife habitat or corridors; significant sized trees, six (6") to eight (8") inches or more measured five (5') feet above the grade; and slopes over fifteen (15%) percent.
- (b) **Non-Organic Amenities:** Farmhouses (viable for restoration and/or preservation); fence lines (stone or wood); archeological sites (i.e., Indian artifacts or other pertinent historical items); buildings or foundations of historical value.

- (2) **Provision for Recreational Facilities --** The submittal should include both passive and active recreation areas for residents within the Open Space Community. Passive recreation areas shall include areas such as trail way systems, common green areas of a substantial size, and open/preserved 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.

- (3) **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, natural lakes or ponds, or other areas consistent in nature.

Amended: 02-17-99 (161-27-99)

- (4) **Preservation of Agriculture --** Land uses, such as orchards, horse stables, active farms, or other similar agricultural 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 may be required between the agricultural use and the residential lots.

b. **Locations of Open Space Communities.**

An Open Space Community shall be a special use in any RS, R1, R-1-A, and R-1-B District, subject to the provisions of this Section and approval from the Macomb County Health Department.

c. **Single Ownership Control.**

The proposed development shall be under one owner, such that a single person or entity has sole responsibility for the overseeing and completion of the development. The applicant shall provide documentation of ownership or control in the form of a contract, covenant or deed restriction.

d. **Access.**

The Open Space Community shall have direct access to an approved public roadway. Proper acceleration and deceleration lanes, if needed, shall be provided according to the Macomb County Road Commission standards.

e. **Base Zoning Regulations.**

Unless otherwise stated within this Section, all existing zoning requirements for the existing zoning district shall be met.

3. **Submission Requirements.**

Simultaneous with the submittal of the Open Space Plan, the applicant shall submit the following:

- a. A parallel plan, following all standards for development of a conventional subdivision.

The developer shall provide a "parallel or yield plan" showing a feasible development under the conventional standards of the specific zoning district and the requirements of any and all State, County and Township regulations. The plan shall provide lots with building envelopes of sufficient size, along with all necessary roads and road improvements, without impacting wetland, floodplain or drainage ways as regulated by Federal, State, County or local agencies.

Amended: 02-17-99 (161-27-99)

This parallel plan must be determined by the Planning Commission to be able to be physically constructed and meet all current Ordinance requirements, should the Open Space Community be denied. Detailed engineering generally will not be required for the yield plan. The Planning Commission may require soil and ground water perk tests for lots of a suspect nature. They may also require test wells if adequate well water is questionable. If it is determined through these tests that the number of housing lots proposed is unfeasible, the site plan will be revised and resubmitted minus the number of house lots that failed the perk and/or well test.

b. A site analysis plan shall be submitted with the site plan, showing the following features of the parcel.

(1) **Environmentally sensitive areas:**

- (a) Wetlands
- (b) Water areas, such as streams, lakes and ponds
- (c) Woodlands
- (d) Soils and Topography
- (e) Drainage patterns and County drains.

(2) **Non-quantifiable factors:**

- (a) Historic, cultural features
- (b) Wildlife habitat corridors
- (c) View sheds and view corridors or scenic overlooks.

(3) **Along with the above items, the following items shall also be included:**

- (a) Existing easements of record
- (b) Existing and proposed rights-of-way
- (c) Existing infrastructure
- (d) Adjacent development within two hundred (200) feet
- (e) Adjacent park land.

c. The combination of these elements need be used to outline the primary and secondary conservation areas. The primary conservation areas are those where no development is to occur. The secondary conservation areas are those where development can occur, but special care must be given. These areas are determined to indicate where development will most adversely impact the environment. These areas include, but are not limited to the following:

(1) **Primary Conservation Areas** -- floodplains, wetlands, drainage ways, easements, or other exceptional elements.

(2) **Secondary Conservation Areas** -- large woodlands, tree lines, soils sensitive to development, soils prone to flooding, aesthetic views, etc.

Amended: 02-17-99 (161-27-99)

Areas that are not dedicated to primary or secondary conservation areas shall be treated as buildable areas. The concept plan shall also include housing sites and the road network. The written document shall reference how this proposal meets the objectives and qualifications for an Open Space Community.

- d. A conceptual plan, with the proposed housing layout based on the maximum number of housing units determined by the parallel/yield plan, shall be prepared. At this stage, the drawings need not be engineered, only drawn to scale. This plan shall also include a site analysis and conservation areas.

The Planning Commission shall either accept or reject the conceptual site plan.

4. **Further Submission Requirements.**

Upon approval of the concept plan, the proprietor undertakes the process for Subdivision Approval, Site Condominium or Parcel Division, per State and Township Ordinance.

5. **Open Space Requirements.**

a. **Open Space.**

All lands that are not set aside for residential dwelling units and their accessory uses, roadway improvements, drainage systems and any other approved land improvement, shall be dedicated as common open space. This space shall be open and accessible to all residents within the Open Space Community for any of the following uses: recreation, forestry and/or open space conservation, or agricultural uses. Grading within the open space areas shall be minimal, with the intent of preserving the natural topography and wildlife.

b. **Minimum Open Space.**

Under open space regulations, a minimum of fifty (50%) percent of the gross land area shall be set aside for common open space use. The open space requirements shall not be met by such land uses as golf courses or other exclusionary commercial recreational uses, lot area within the required setbacks of each specific lot or development as a whole, or easements owned by utility companies or governmental agencies.

c. **Maximum Amount of Unbuildable Land Used as Open Space.**

A maximum of fifty (50%) percent of the total open space allotment shall be unbuildable land. Unbuildable land is considered to be those lands that are 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 the said land.

Amended: 02-17-99 (161-27-99)

d. **Houses Abutting the Open Space.**

A minimum of seventy-five (75%) percent of all dwelling units within the development shall abut or overlook the dedicated open space. This percentage may be reduced at the discretion of the Planning Commission, if active farmland is preserved or created.

e. **Access to Open Space.**

A minimum of one access point, being a minimum of fifty (50') feet in width, shall be provided for each 12 households. These access points shall link the open space to the roadway, sidewalks, and the remainder of the development.

6. **Locations of Open Space.**

Open space may be located within any and/or all of the following configurations:

a. **Perimeter Open Space.**

Perimeter open space is encouraged when an Open Space Community abuts or adjoins a conflicting use, such as a higher density residential use or commercial development. This open space shall require the preservation and/or enhancement of tree lines or the creation of meadows. This perimeter buffer area should be a minimum of fifty (50') feet if a substantial tree line is present, and one hundred (100') feet if the buffer consists of meadow or minimal tree line.

b. **Large Interior Open Space.**

These tracts generally include level areas for more active recreation. Interior open space is encouraged to create spaces that promote social interaction and provide centrally located, easily accessible areas to all residents for more active recreation areas, such as children's play sets and sports fields. These areas are suggested to be a minimum of one (1) acre in size, with several different activities provided.

c. **Community Green Open Space.**

Generally, these spaces are formal geometric shapes, typically found at the center of the development at street intersections and terminuses. These types of open spaces, while smaller in individual size, are generally more intensive and greater in number and serve the same number of residents, but supply them with park sites that are directly adjacent to the dwelling units. These areas shall be an integral part of the design, not merely afterthoughts.

Amended: 02-17-99 (161-27-99)

d. **Agricultural Uses.**

This type of open space allows active farming on a hobby level. This space can be rented out to a local farmer who wishes to continue to farm, but on a less intense level. These spaces should generally be a minimum of thirty (30) to forty (40) acres

e. **Natural Areas.**

A twenty-five (25') foot undisturbed green belt shall be required around any natural feature not preserved under the common open space areas. These areas will remain natural in nature, and the Planning Commission may approve trails, lookouts or other similar structures to provide community access. Access ways may also be required in the form of a foot trail, natural walkway, sidewalk or other similar access ways.

7. **Dedication of Open Space.**

a. The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Planning Commission, such as:

- (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) Land Trusts.
- (3) Dedication to State or Local Governments.
- (4) Site condominiums (Master Deed).
- (5) Deed restrictions or covenants which run with the land.

b. The above conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved site plan. The Planning Commission has the right to prohibit uses that are not consistent with the nature of the open space. 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.

c. The Township Attorney shall review the open space conveyance and assure the Township that such is totally irrevocable.

8. **Dimensional Standards.**

The following general standards shall be observed when developing an Open Space Community:

a. **Minimum Yard Setbacks per Lot:**

- (1) Front: Twenty-five (25) feet.
- (2) Side: Ten (10) feet, each side.
- (3) Rear: Twenty-five (25) feet.

b. **General Lot Character.**

Flag lots or panhandle lots shall not be permitted.

c. **Minimum Road Buffer.**

The developer shall preserve a minimum of a one hundred fifty (150') foot buffer from the proposed right-of-way along any County road or State highway servicing the site.

d. **Minimum Cropland Buffer.**

The Township may require a minimum fifty-foot (50') buffer from croplands or active pastures.

e. **Minimum Barn, Barnyard or Other Animal Housing Structure Buffer.**

The developer shall preserve a minimum of a three hundred (300') foot buffer from any area housing animals.

f. **Landscaped Entrance.**

The entrance to any open space community shall be landscaped in a decorative nature. The entrance is encouraged to be a boulevard, with landscaping.

9. **Architectural Requirements.**

The following architectural elements should be incorporated into any Open Space Community.

a. **Garages.**

A minimum of fifty (50%) percent of all dwelling units shall have side, rear, or alley entry garages, or other garage configurations not opening to the street.

Garages that face the roadway shall be recessed at least five (5') feet from the front plane of the house.

b. **Overall Architectural Character.**

A diversity of housing styles, colors and configurations are encouraged throughout the development.

c. **Development Layout.**

The development is encouraged to use 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.

d. **Maximum Loading.**

Each dead-end or cul-de-sac road shall carry no more than twenty-five (25) homes.

10. **Road Requirements.**

The following road standards should be incorporated into any Open Space Community.

a. **Roadway Standards.**

Roadway standards shall be determined by the Township.

b. **Roadway Width.**

The roadway width may be reduced to a minimum of twenty-four (24) feet, with a right-of-way easement of fifty (50) feet. Right-of-way easements may need to be expanded if utilities are to be provided adjacent to the roadway.

c. **Limited Residential Access.**

Roads servicing up to six (6) homes may be reduced to sixteen (16) feet, with a road right-of-way of twenty (20) feet.

d. **Street Trees.**

The entrance roadway shall be planted with street trees, no more than forty (40') feet on center, or landscaped to create an attractive vista into the community.

e. **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. "Nature trails" are encouraged within the development. Trails provided within the development shall be constructed of gravel, woodchip, or other similar material as approved by the Planning Commission.

Amended: 02-17-99 (161-27-99)

Section 2.49 PATHWAYS

For properties zoned RS Residential Suburban and R-1 Single Family Residential, an eight (8') foot asphalt pathway shall be required across the frontage of all properties abutting regional, major and secondary roadways. For properties within all other districts, a five (5') foot concrete pathway shall be required across the frontage of all properties abutting regional, major and secondary roadways. Pathways shall be constructed in the proposed right-of-way, generally one (1) foot from the outermost edge and shall meet the requirements of the Bruce Township Engineering Ordinance, Section V SIDEWALK AND BIKE PATH SPECIFICATIONS. The Planning Commission may waive the provision for pathways when an acceptable more imaginative interior solution is provided. The Commission may also outright waive the requirement for pathways upon the determination that pathways are not desirable based on a lack of connectivity, extreme topographic conditions or other environmental constraints.

Amended: 07-16-03 (161-40-03)

Section 2.50 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 deposition, 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 (25) foot undisturbed greenbelt shall be preserved around the boundary of any Federally or State regulated wetland and all other flagged wetlands which are intended to remain onsite and from the ordinary high water mark (or designated flood area) 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 Federal, State or County agency.

*Amended: 07-21-04 (161-50-04)
06-20-07 (161-73-07)*

Section 2.51 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.

Section 2.52 RETAINING WALLS

The construction of a retaining wall in any zoning district shall meet the requirements of the Township Engineering Ordinance as well as the requirements of this Section.

1. Walls that are greater than two (2) feet in height that retain an area such as a driveway or parking lot shall require engineered design calculations. Walls that are designed only to retain soil shall not require design calculations unless the height of the wall is four (4) feet or greater.
2. Retaining walls that maintain a height of between one (1) and four (4) feet may be located no closer than five (5) feet to any property. Matching grades shall be provided at the property line of adjacent properties. Retaining walls with a height exceeding four (4) feet shall be set back from the property line one (1) additional foot of setback in addition to the required five (5) foot for each one (1) foot of height beyond the initial four (4) feet of wall height.
3. Terracing shall be required for any area that would result in a retaining wall that is greater than four (4) feet in height. No single wall space shall exceed a maximum height of four (4) feet. No combination or terraced retaining walls shall exceed a maximum height of twelve (12) feet.
4. When terracing is required between retaining walls, the terraced area shall maintain a minimum width of three (3) feet and shall be landscaped. The maximum permitted slope of the terraced area shall be one foot of vertical for each six (6) feet of horizontal.

Amended: 06-20-07 (161-70-07)

Section 2.53 PRIVATE WASTEWATER TREATMENT UTILITIES

Private wastewater treatment utilities, as defined by the State, shall not be permitted in any location of the Township that is serviced, or is planned to be serviced by a public sanitary sewer system, as identified in the Bruce Township Master Plan. Private wastewater treatment utilities may be permitted as a special land use by the Planning Commission and Township Board in areas of the Township that are not planned for public sanitary sewer service upon a finding that the requirements of Section 27.00 have been met. Further, such utilities shall be subject to the regulations of the Bruce Township Engineering Ordinance.

*Amended: 07-21-04 (161-51-04)
06-20-07 (161-69-07)*

Section 2.54 SOIL REMOVAL AS A PART OF LAND DEVELOPMENT

If the removal of soil is required as a part of an approved site and engineering plan and is not subject to Section 27.25 of this Ordinance, the following conditions shall be met:

1. The amount of soil to be removed from the site shall be found to be acceptable to the Township in fulfilling the requirements of the approved site and engineering plan.
2. A financial surety, in a form and amount acceptable to the Township for the removal of such soil and/or to restore the site in an acceptable manner.
3. An acceptable timeframe for the removal of such soil.
4. An acceptable location and height of the material to be stored onsite being provided on the plans. Of particular importance is the location of such stockpile in relation to drainage, erosion, etc.
5. This provision shall not be applicable to soil removal for the construction of a single family home.

Amended 09-17-08 (161-100-08)

Section 2.55 MEDICAL MARIJUANA USES.

Section 2.55 Medical Marijuana Uses.

1. *Intent*
 - a. Voters in the State of Michigan, in 2008, approved the referendum authorizing the use of marijuana for certain medical conditions.
 - b. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate / grow, use and provide for the limited distribution of marijuana and to assist specifically registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstances.
 - c. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marijuana is still a controlled substance under Michigan law and the legalization of obtaining, possession, cultivation/growth, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities. **Further, the obtaining, possession, cultivation/growth, use and distribution of marijuana is federally prohibited.**
 - d. If not closely monitored or regulated, the presence of marijuana even for the purposes legally permitted by the legislation can present an increase of illegal conduct and / or activity and this threat affects the health, safety and welfare of the residents of Bruce Township.
 - e. It is the intention of Bruce Township that nothing in this Ordinance 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 activity relating to cultivation / growing, distribution or consumption of marijuana that is otherwise illegal.
2. *Medical Marijuana Dispensary, Compassion Centers or other similar operation for the use and/or consumption of medicinal marijuana.* It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marijuana dispensary, compassion center, grow facility or other similar operation, or to participate in such operation as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marijuana dispensary, compassion center, grow facility, or other similar operation in Bruce Township.

3. *Registered Primary Caregiver.* A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of this section, shall be permitted to grow marijuana as a home occupation as regulated by Section 2.21. 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 its General Rules. Also, since Federal Law is not affected by the Act or its General Rules, nothing in this section, or in any other regulatory provision of the Township, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal Law. The Michigan Medical Marijuana 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:
- a. The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
 - b. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school property (as measured from the property lines), including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements;
 - c. 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).
 - d. Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a single parcel or within an approved, livable unit;
 - e. 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, and shall be subject to inspection and approval by the Macomb County Sheriff's Department;
 - f. 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 cultivation, growing or harvesting of marijuana are located. Further, the residence shall meet the minimum requirements for livable space as required by Township Ordinance. The area dedicated for the cultivation and growing of medical marijuana shall be deducted from livable area calculations due to the requirements for the area be locked and secured;
 - g. That portion of the residential structure where energy usage or 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 Bruce Township Fire Department to insure compliance with the Michigan Fire Protection Code; and
 - h. 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.

Definitions

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 03-16-11 (161-111-11)

**ARTICLE 3
GENERAL EXCEPTIONS**

Section 3.00 ESSENTIAL SERVICES.

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

Section 3.01 DRIVEWAYS.

Driveways may be constructed within required front, side and rear yards.

Section 3.02 AT-GRADE PATIOS.

At-grade patios may be constructed within required side and rear yards.

Section 3.03 HEIGHT LIMIT.

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

Section 3.04 LOT AREA.

(See Section 28.11 Substandard Lots).

Section 3.05 YARD REGULATIONS.

When yard regulations cannot reasonably be complied with, as in the case of lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

Section 3.06 PORCHES AND TERRACES.

An unenclosed and uncovered porch (i.e., one which is not roofed over) or paved terrace may project into a required front or rear yard for a distance not exceeding eight (8) feet.

Section 3.07 PROJECTION INTO YARDS.

Architectural features such as, but not limited to: window sills, cornices, eaves, bay windows (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.

ARTICLE 4

SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

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 recreation or as 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.

Section 4.00 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).
 - b. For the construction, use, or establishment of a new or additional parking or storage area that is not to the standards of this Ordinance, the Township Engineering, and the Design Standards Ordinance.
 - c. For all special land uses.
 - d. For any change in use or class of use.
 - e. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities.

Amended: 10-17-01 (161-34-01)

Section 4.01A 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.

Amended: 10-17-01 (161-34-01)

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 Section 6.00.5.b.

Section 4.01B 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.

Amended: 10-17-01 (161-34-01)

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 one hundred (100') 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, or the National Wetlands Inventory conducted by the Department of the Interior), 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. A *level 3* wetlands assessment from the Michigan Department of Environmental Quality is required prior to final approval.

*Amended: 03-21-01 (161-30-01)
10-17-01 (161-34-01)*

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 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 be in question.
 - q. Surface drainage and drainage plan.
 - 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 Bruce Township Planning Commission.
 - t. For residential uses (Multiple-Family, Mobile Home Parks, PND, and cluster 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.

Amended: 10-17-01 (161-34-01)

- u. In the case of nonresidential uses (i.e., Commercial, Industrial, Special Land Use, Floodplain, and Office development), the following additional information shall be required:
 - (1) Loading and unloading area.
 - (2) Total and usable floor area.
 - (3) Designation of fire lanes.
 - (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. (See Article 6 for Sign Regulations.)
- 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.

Section 4.02 DEVELOPMENT IMPACT STATEMENT

1. Statement of Intent.

The purpose of the Development Impact Statement is to provide the Township with relevant information on the anticipated impact of a proposed development on public utilities, public services, traffic, the economy, environmental conditions, and adjacent land uses. This process recognizes that many development proposals have impacts on existing site conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the Township with information necessary to understand and address these impacts.

2. Submission Requirements.

Qualifications of Preparer: Name(s) and address(s) of person(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.

Amended: 10-17-01 (161-34-01)

A Development Impact Statement containing all the required information specified herein shall be required whenever one or more of the following conditions apply:

- a. For any request for a non-residential special approval land use having an area of five (5) acres or more.
- b. For any request for rezoning having an area of five (5) acres or more.
- c. For any request for rezoning of any size which is not consistent with the Master Plan.

3. **Information and Data Required.**

- a. The Development Impact Statement shall include all applicable information as normally required for special land use review or rezoning as specified in the Zoning Ordinance; and, in addition, the following supplemental information shall be required:
 - (1) Location map at 1" = 200', indicating the location of the subject property in relation to the Township's thoroughfare system.
 - (2) 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.
 - (3) 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.
 - (4) 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 or by the Southeast Michigan Council of Governments (SEMCOG).
 - (a) Location and size of existing natural features, such as streams, drains, bodies of water, floodplains (as defined on the official Township Floodplain Map), 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 wetlands assessment conducted by the Michigan Department of Environmental Quality shall be conducted.
 - (b) A woodlands map identifying the location, size and type of site vegetation.

Amended: 10-17-01 (161-34-01)

- (c) Location and size of existing facilities and utilities (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.) on the site or available to serve the site.
- (d) Improvements adjacent to and directly across the street, i.e., driveway approaches, passing lanes, curb-cuts, etc.
- (5) Conceptual Plan, showing how the proposed development relates to the above-referenced conditions.
- (6) Other information, as determined by the Planning Commission, which may be necessary to assess the impact of the proposed development.

b. Impact Assessment.

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

(1) Land Use Impacts.

- (a) Brief description of the proposed land use.
- (b) Hours of operation, if applicable.
- (c) Identify whether the proposed use will create dust, noise, odor or glare that may impact abutting property.
- (d) Project phasing plan or schedule.
- (e) Describe how existing natural features will be preserved.
- (f) Describe any impact on ground water quality or quantity.
- (g) Describe how storm water management will occur.

(2) Impact on Public Utilities.

- (a) Describe how the site will be provided with water and sanitary sewer facilities, including the adequacy of the existing public utility system to accommodate the proposed new development (if applicable).
- (b) General calculations for water flows and water demands and how they relate to available capacity (if applicable).

Amended: 10-17-01 (161-34-01)

- (c) For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the Macomb County Health Department or from the State Department of Environmental Quality shall be required. This shall include test wells and test percs across the property.
 - (d) 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.
- (3) **Impact on Public Services.**
- (a) Describe the number of expected residents, employees, visitors or patrons, and the anticipated impact on public schools, police, fire and other emergency services. Particular attention to the relationship of the proposed development to the municipal fire stations. Letters from the appropriate agencies shall be provided, as appropriate.
- (4) **Traffic Impacts.**
- (a) Description of Existing Traffic Conditions:
 - 1. 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 years.
 - 2. 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.
 - 3. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.

Amended: 10-17-01 (161-34-01)

4. 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.
5. Approved developments within the study area shall be part of all calculations for anticipated traffic.

(b) Trip Generation.

1. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.
2. For rezoning requests, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Planning Commission.
3. 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.
4. For projects intended to be developed in phases, the trip generation by phase shall be described.

(c) 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.

(d) Impact Analysis.

Level of service or “capacity” analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.

Amended: 10-17-01 (161-34-01)

(e) 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 Bruce Township and the Macomb County Road Commission (not required for rezoning application).

(f) Other Study Items.

The traffic impact study shall include:

1. Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency.
2. Changes which should be considered to the plat or site plan layout.
3. Description of any needed non-motorized facilities.
4. If the use involves a drive-thru facility, the adequacy of the (queuing and/or stacking) area should be evaluated.
5. If a median crossover is desired, separate analysis should be provided.
6. 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.
7. Description of site circulation and available sight distances at site driveways.
8. Conflicts with pedestrian traffic within the development and along all site boundaries which require sidewalk access.

Amended: 10-17-01 (161-34-01)

(g) 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.

(h) 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 years of recent experience in the preparation of traffic impact analyses and provide evidence of ongoing familiarity with the Highway Capacity Manual.

4. **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 surrounding 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.
- (3) The use is compatible with the existing development patterns of the area.

b. **Public Utilities.**

- (1) Public water and sanitary sewers with adequate capacity to serve the site are available, as determined by the Township Engineer (if applicable).
- (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 waste water disposal systems and well(s).

Amended: 10-17-01 (161-34-01)

- (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 water courses in the area.
- (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. **Public Services.**

- (1) The Township is capable of providing police and fire protection to the proposed development on the basis of existing equipment and personnel.
- (2) Adequate recreation facilities are available to serve the anticipated residents of the development (applicable to residential projects only).
- (3) Public schools are available to serve the anticipated number of children to be generated by the proposed development (residential projects only).

d. **Economic Impacts (for rezonings only).**

- (1) The project will have a beneficial impact on the local economy by increasing employment opportunities and increasing and diversifying the Township's tax base.
- (2) The applicant has demonstrated that a sufficient market demand exists to support the use based on a documented market study and that the use will not create vacancies for existing retail establishments within the trade area.
- (3) The applicant has sufficiently demonstrated that additional commercial zoned property is necessary in the Township.

e. **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 lower level of service on the abutting road or at intersections proximate to the site.
- (3) The number of driveways serving the site are the minimum necessary to accommodate anticipated traffic.

Amended: 10-17-01 (161-34-01)

- (4) The placement and design of driveways will accommodate safe movement of traffic into and out of the site.
- (5) Adequate provisions have been made to accommodate pedestrians.
- (6) Appropriate mitigation measures have been provided to address the anticipated traffic impacts of the development.

f. **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.

g. Any adverse impacts which are the direct result of mitigation strategies shall also be addressed.

5. **Processing Requirements.**

- a. A Development Impact Statement shall accompany applications for rezoning, and special land use requests, as provided in Section 4.01.
- b. The Development Impact Statement shall be considered, along with other applicable information required for the specific request, and shall be considered by the Planning Commission and/or Township Board, as required in this Ordinance.

Section 4.03 PROCESSING PROCEDURES.

- 1. The proposed site plan shall be submitted to the Township Clerk 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.
 - b. Macomb County Public Works Commissioner.
 - c. Macomb County Health Department.

Amended: 10-17-01 (161-34-01)

- 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.

Each department, agency or consultant shall acknowledge the date of its receipt of the site plan for its inspection and comments. The Township Clerk shall next 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 approval. 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.

Amended: 10-17-01 (161-34-01)

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, escrow or surety bond 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.

Amended: 10-21-09 (161-106-09)

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 under Article 29 of this Ordinance.

Amended: 10-17-01 (161-34-01)

ARTICLE 5

OFF-STREET PARKING AND LOADING REQUIREMENTS

PREAMBLE

The off-street parking and loading requirements of this Ordinance are established to prevent congestion on the public streets, remove the hazard to persons of emerging from between parked vehicles onto a public street, and to facilitate proper storm water run-off, prevent the generation of dust into the air and make clear the availability and arrangement of spaces to all users.

Section 5.00 OFF-STREET PARKING AND ACCESS.

It shall be the duty of both the owner and occupant of any premises to provide off-street parking space as required in this Article. Such off-street parking areas shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. Whenever a use or an activity requiring off-street parking is created by increased floor area, intensity of activity, or structural alteration, new construction or by adding to the cubic content of a building or the intensity of activity is increased in some other manner, the number of off-street parking spaces shall be provided and maintained as required in this Ordinance. Paved parking for existing uses may be waived by the Zoning Board of Appeals in remote areas of the Township.
2. When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) parking space.
3. All parking spaces shall be ten by twenty feet (10' by 20') or two hundred (200) square feet of space, exclusive of area required in subsection 12, and parallel parking spaces shall be a minimum of ten by twenty-three feet (10' x 23'). Handicapped spaces (12' x 20') to be furnished as required by State Law.
4. For the purpose of determining off-street parking requirements for all uses, floor area shall mean ninety (90%) percent of the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients, employees or tenants, including areas occupied for storage and fixtures and equipment used for the display or sale of merchandise, unless otherwise specified.

Amended: 06-10-91 (161-04-91)

5. Parking plans shall be submitted for review and approval of layout and point of access by the Planning Commission.
6. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a use which is so mentioned and which said use is similar as determined by the Planning Commission shall apply.
7. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately. Any such provisions or agreements for collective parking for two (2) or more buildings shall be set forth in a recordable instrument and recorded at the Office of the Register of Deeds, describing the lands affected by this agreement or easement.
8. The amount of required off-street parking space for new uses of buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with this Ordinance, and the space so required shall be stated in the application for a building permit and shown on the plot or site plan and shall be irrevocably reserved for such use.
9. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives paved shall be provided for all vehicles. All parking areas shall be provided with a safe entrance and exit from the abutting public thoroughfare. Such entrance and exit may be combined as one which shall in no event be less than twenty-eight (28') feet in width. Provided, however, in no case shall there be more than one (1) separate exit and one (1) separate entrance to and from a single street. The location of each such entrance and exit shall be submitted for approval of the Macomb County Road Commission or the Michigan Department of Transportation, as the case may be, and the Township Planning Commission. Tapers and bypass lanes shall be required as determined by the Planning Commission.
10. The off-street parking facilities required for all other uses shall be located on the lot or on property within three hundred (300') feet of the permitted use requiring such off-street parking within the Township, such distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served, provided that the said off-street parking facility shall not be separated from the building to be served by a major thoroughfare as designated in the Township Master Plan.

11. All parking areas required shall be paved with concrete or plant mixed bituminous material in accordance with plans approved by the Building Administrator. Such concrete pavement shall be of a minimum thickness of six (6") inches and any bituminous paving shall be of a minimum thickness of two (2") inches and shall be placed upon a base of cinders or gravel of a minimum thickness of six (6") inches. The Zoning Board of Appeals may grant a variance to this requirement for a demonstrated functional equivalent or where, upon recommendation of the Planning Commission, a more imaginative paving solution is presented that is more attractive while still providing for orderly parking, proper drainage, adequate load bearing and dust control.
12. All spaces shall be provided adequate access by means of maneuvering lanes.
13. Plans for the layout of the parking lot shall show a total dimension across two (2) tiers of spaces and one (1) aisle (maneuvering lane), of at least the following in the various patterns:
 - a. Ninety Degree Pattern - Sixty (60') feet for two (2) tiers of space and one (1) aisle (maneuvering lane), with the minimum aisle being twenty (20') feet in width.
 - b. Sixty Degree Pattern - Fifty-eight (58') feet for two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being fifteen (15') feet in width.
 - c. Forty-Five Degree Pattern - Fifty-two feet (52') for two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being twelve (12') feet in width.
14. The Planning Commission may require an access easement to provide for vehicle access to existing or contemplated adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic.

Section 5.01 OFF-STREET PARKING DEVELOPMENT REGULATIONS.

An approved off-street parking area, as permitted under this Section, shall be subject to the following regulations:

1. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted upon such premises.
2. All advertising signs shall conform to the requirements of this Ordinance.

3. All land between the lot boundaries of the lot on which is located a parking area and the barriers hereinafter referred to, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the general character of the district.
4. When lighting facilities are used, reflectors shall be installed to reflect the light away from roads, residential areas and uses.
5. Side yards shall be maintained for a space of not less than ten (10') feet between the side lot lines adjoining residential lots and the non-residential parking area. The depth of the front yard or setback line from the street as established for houses on any block in any given residential area shall be continued and made applicable to parking area if located adjacent to such residential area and it shall be unlawful to use the space between such setback line and the right-of-way for the parking of motor vehicles; provided, further, that the barrier specified in the next succeeding section shall be located at the setback line as herein required.
6. Whenever such parking area adjoins residential property and/or residential street or alley, a protective wall or greenbelt shall be erected and maintained between the required yard space and area to be used for parking. On such other locations where a protective barrier is required, the use of an ornamental masonry wall, cyclone fence, and/or dense shrubbery shall be determined by the Planning Commission (Article 6). All required walls, fences or other barriers shall be properly maintained, kept free of debris, signs or any advertising whatsoever. Bumper guards (comprising either a curb at least six (6") inches high or steel posts twenty-four (24") to thirty (30") inches high and not more than five (5') feet apart, set three (3') feet in concrete) shall be provided to prevent vehicles striking said wall or shrubbery.
7. Entrance to such area shall be only from adjoining principal use or adjoining alley or street.
8. Construction plans for the development of any parking lot must be submitted in triplicate to the Building Administrator and must be approved by the Building Administrator prior to the start of construction. The construction is to be in accordance with the requirements of the Engineering Ordinance and the Zoning Ordinance of the Township and such construction shall be completed and approved by the Building Administrator.
9. It shall be unlawful for any person to leave, park or store any motor vehicle, or to permit any motor vehicle to be left, parked, or stored in a parking lot as permitted in this subsection, for a period of longer than eighteen (18) hours, it being the purpose and intent of this provision that the requirement is to provide for keeping parked motor vehicles off the streets, but such requirement is not designed to permit the storage of wrecks or junked cars or vehicles.

10. No charge for parking shall be made in an off-street accessory parking area permitted under this Subsection.
11. The use of any loud noise-producing device or public address system shall be prohibited.
12. All parking serving other than one-family dwelling shall be side-by-side, and tandem parking shall be prohibited.

Section 5.02 TREE REQUIREMENTS.

All unpaved areas between a commercial or office building and a facing street shall be landscaped and maintained to include grass and/or placement of shrubbery. All off-street parking areas shall incorporate and provide curbed tree planting spaces to be laid out square and constructed to provide not less than fifty (50) square feet of land area for each tree planting. Trees shall be placed somewhat evenly either symmetrically or asymmetrically throughout the parking area. There shall be planted and maintained trees of a selected variety and varying in size as may be practical for planting and the developer's architectural effect, but which shall be of a minimum of two (2") inches caliper at the time of planting and shall be so provided and arranged so as to establish a ratio of one (1) tree for each six (6) parking spaces or fraction thereof. Small parking areas of less than eighteen (18) spaces may place the required trees next to the parking area rather than within the lot proper. The following trees or similar types are suitable for parking lot and urban conditions:

1. White Fir
2. Norway Maple
3. Plane Tree
4. Magnolia
5. Moraine and Skyline Locust
6. Red Oak

Section 5.03 OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES.

On the same premises with every building, structure or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window, washing bay, or similar arrangement, there shall be provided six (6) off-street waiting spaces for each service window or service bay unless regulated elsewhere in this Ordinance. A waiting space shall be twenty-three (23') feet long by ten (10') feet wide.

Section 5.04 MINIMUM NUMBER OF OFF-STREET PARKING SPACES.

The minimum number of off-street parking spaces by type of land use for the storage or parking of motor vehicles for the use of owners, occupants, employees, customers, or visitors of buildings or uses shall be permanently provided and maintained on the premises occupied by such structure or within three hundred (300') feet thereof, see Section 5.00.10 above, on the basis of the following schedule. If sufficient evidence is provided that the total number of parking spaces required in this ordinance is excessive, based on the specific needs of the use, the Planning Commission may reduce the total number of spaces required to be built, provided that the number of spaces which the total is reduced by is shown on the site plan as "reserve parking." If the Township or the owner determine that traffic patterns or a change in use constitutes a need for the reserve spaces to be constructed, such spaces shall be constructed as shown on the site plan.

1. Residential Uses.

- a. The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip or parking apron, carport, and/or garage on the basis of two (2) parking spaces for each dwelling unit. Off-street parking shall not be permitted in any of the required or non-required front yard space.
- b. **Multiple-family residential dwellings** shall have two (2) paved off-street parking spaces for each one-bedroom dwelling unit. For each additional bedroom over one (1) per unit one-half (1/2) additional parking space shall be provided.
- c. **Housing for the Elderly.** Two (2) for each three (3) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided and space shown on the site plan to accommodate such a requirement.
- d. **Mobile Home.** Two (2) for each mobile home plus one (1) for each employee of the mobile home park.

In Multiple-Family Residential and Mobile Home Parks, a secured storage area for recreation vehicles shall be provided screened from adjacent uses. In Mobile Home Parks no motorized recreation vehicles or boats shall be parked on individual home sites.

Amended: 03-21-01 (161-30-01)

| 2. | Institutional Uses | Number of Spaces |
|----|---|--|
| a. | Churches or Temples | One (1) space for each three (3) seats or six (6') feet of pews in the main unit of worship. |
| b. | Golf Courses open to the general public, except miniature or "par 3" courses. | Six (6) spaces for each one (1) golf hole and one (1) space for each one (1) employee. |
| c. | Hospitals | One (1) space for each one (1) bed. |
| d. | Homes for the aged and Convalescent Homes | Two (2) spaces for each three (3) beds or occupants and one (1) space for each staff member. |
| e. | Elementary and Junior High Schools | One (1) space for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium. |
| f. | Private Clubs or Lodge Halls | One (1) space for each three (3) persons allowed within the maximum occupancy load, as established by Township, County or State fire, building or health codes. |
| g. | Private Golf Clubs, Tennis Clubs or other similar uses | One (1) space for each five (5) member families or individuals. |
| h. | Private Parks | One (1) space for each two (2) individual members. |
| i. | Public Recreation | One (1) space for every two (2) users at maximum capacity, plus one (1) space for each employee. |
| j. | Senior High Schools | One (1) space for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium. |
| k. | Stadium, Sports Arena or similar places of outdoor assembly | One (1) space for each three (3) seats or sixty (60") inches of benches. |
| l. | Theaters and Auditoriums (includes commercial theaters and movie houses) | One (1) space for each three (3) seats, plus one (1) space for each two (2) employees. If no seats, one (1) space for each fifty (50) square feet of floor area. |

| 3. | Business and Commercial | |
|----|--|---|
| a. | Agricultural Sales, Greenhouses and Nurseries, Fish Farm Operations | One (1) space for each one (1) employee, plus one (1) space for each one hundred (100) square feet of actual, permanent or temporary area devoted primarily to sales. |
| b. | Airports, Runways and the like | One (1) space for every three (3) airplanes to be stored on the site, plus one (1) space for each employee. |
| c. | Automobile Repair | One (1) space for each 100 square feet of floor area. No wrecked vehicles to be stored outside. |
| d. | Automobile Service Stations | One (1) space for each 100 square feet of floor area. No wrecked vehicles to be stored outside. |
| e. | Auto Wash | |
| | (1) Self-Service | Four (4) spaces for each establishment, plus four (4) waiting spaces for each washing stall. |
| | (2) Other than Self-Service | Four (4) spaces for each establishment, plus twenty (20) waiting spaces for each washing stall or line. A properly drained drying lane fifty (50') feet long shall also be provided at the exit of each washing stall or line in order to prevent undue amount of water from collecting on the public street and thereby creating a traffic hazard. |
| f. | Beauty Parlor or Barber Shop | Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair. |
| g. | Bowling Alleys | Six (6) spaces for each one (1) bowling alley. |
| h. | Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Indoor Tennis Facilities, Exhibition Halls, and Assembly Halls without fixed seats | One (1) space for each two (2) persons allowed within the maximum occupancy load as established by the Township, County or State fire, building or health codes. |
| i. | Dry Cleaners | One (1) parking space for each two (2) employees, with a minimum of three (3) spaces. |
| j. | Establishments for sale and consumption on the premises of beverage, food or refreshments | One (1) space for each one hundred (100) square feet of floor area, or one (1) space for each two (2) persons allowed within maximum occupancy, whichever is greater. |

| | | |
|----|---|--|
| k. | Fast-Food and Drive-In Restaurants | One (1) space for each two (2) employees, plus one (1) parking space for each two (2) seats intended for patrons within the restaurant building, and one (1) space for each twenty (20) square feet of building floor area available in the order-waiting area. |
| l. | Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or similar trade, Shop Repair and other similar uses. | One (1) space for each five hundred (500) square feet of floor area. For that floor area used in processing or storage, one (1) additional space shall be provided for each two (2) persons employed therein or each one thousand (1,000) square feet, whichever is greater. |
| m. | Laundromats and Coin-operated Dry Cleaners | One (1) space for each two (2) machines. |
| n. | Miniature "Par-3" Golf Courses | Three (3) spaces for each one (1) hole, plus one (1) space for each one (1) employee. |
| o. | Mortuary Establishment | One (1) space for each fifty (50) square feet of assembly room floor space, parlors and slumber rooms. |
| p. | Motel, Hotel or other commercial lodging establishments | One (1) space for each one (1) occupancy unit, plus one (1) space for each one (1) employee. |
| q. | Motor Vehicle Sales and Service Establishments | One (1) space for each three hundred (300) square feet of floor space of sales room and one (1) space for each one (1) auto service stall in the service room. |
| r. | Museum or Art Gallery | One (1) space for each four hundred (400) square feet of floor space. |
| s. | Open Air Businesses | One (1) space for each five hundred (500) square feet of lot area for retail sales, uses and services. |
| t. | Planned Centers | One (1) space for each one hundred-fifty (150) square feet of floor space. |
| | (1) Office Buildings | One (1) space for each one hundred-fifty (150) square feet of floor space. |
| | (2) Community Business | One (1) space for each one hundred (100) square feet of floor space. |
| u. | Retail Stores, except as otherwise specified herein | One (1) space for each one hundred-fifty (150) square feet of floor space. |
| v. | Specialty Shops | One (1) space for each two hundred (200) square feet of floor space. |
| w. | Second Hand Stores | One (1) space for each three hundred and fifty square feet of floor space. |

| 4. | Offices. | |
|----|---|---|
| a. | Banks and Post Offices | One (1) space for each fifty (50) square feet of gross floor space, plus one (1) space for each two (2) employees. |
| b. | Business Offices or Administrative Offices, except as indicated below | One (1) space for each two hundred (200) square feet of floor space. |
| c. | Clinics, Medical, Dental, Veterinary | One (1) space for each employee, plus one (1) space for each one hundred- fifty (150) square feet of floor space. |
| d. | Professional Offices of Doctors, Dentists or similar professions | One (1) space for each one hundred (100) square feet of floor area, or one (1) space for each twenty-five (25) square feet in waiting rooms; and one (1) space for each examining room, dental chair or similar use area, whichever is greater. |

| 5. | Industrial. | |
|----|---|--|
| a. | Warehouse or storage buildings | One (1) space for each employee or one (1) space for every one thousand five hundred (1500) square feet of gross floor area whichever is greater. * |
| b. | Industrial or Wholesale establishments (except for 5.c. following). | Five (5) spaces, plus one (1) space for every one and one-half (1½) employees in the largest working shift, or one (1) space for every four hundred (400) square feet of floor space, whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction. |
| c. | Mini-Warehouses | Unobstructed parking area equal to one (1) space for every ten (10) door openings. |
| | | * To accommodate the conversion of a warehouse to another permitted industrial use, the site plan shall include an area capable of accommodating additional parking spaces based on the standard of one (1) parking space for every four hundred (400) square feet of floor area. |

Section 5.05 OFF-STREET LOADING REQUIREMENTS.

On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

| Gross Floor Area in Square Feet | Number of Required Loading Spaces |
|---------------------------------|---|
| | |
| 0 - 1,400 | None |
| 1,401 - 20,000 | One (1) space. |
| 20,001 - 100,000 | One (1) space, plus one (1) space for each 20,000 square feet in excess of 20,000 square feet. |
| 100,001 - 500,000 | Five (5) spaces, plus one (1) space for each 40,000 square feet in excess of 100,000 square feet. |
| over 500,000 | Fifteen (15) spaces, plus one (1) space for each 80,000 square feet in excess of 500,000 square feet. |

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10') feet by fifty (50') feet, with fifteen-foot (15') height clearance, and shall be provided according to the following schedule:

All loading spaces shall be located in the rear yard and designed to avoid creating traffic hazard to public use of all public rights-of-way, and shall not block any required parking space(s).

The loading area(s) layout and dimensional requirements shall be shown on the site plan and approved by the Building Administrator before the building permit for the structure for which the loading facility is required is issued.

Amended: 08-16-95 (161-21-95)

ARTICLE 6

ENVIRONMENTAL REQUIREMENTS

The environment is made up basically of two perceivable broad classes of creation: 1) natural and 2) man-made. This Ordinance is directed at managing the natural environment by regulating the man-made development and preserving the Township's natural resources, wherever possible. First, this Article seeks to improve the environment resulting from development by requiring or limiting certain constructed features; second, it seeks to improve or preserve the environment by requiring the replacement of destroyed natural resources and/or by preserving natural features already in place.

Section 6.00 GREENBELTS, BERMS AND WALLS.

The construction in any use district that abuts any other use district or an existing residentially used lot or parcel, except for adjoining single or two-family districts or dwellings, shall not be approved unless a greenbelt with fence, a protective wall, or a landscaped earthen berm has been properly located and meets Planning Commission requirements.

1. The Planning Commission shall determine the height of a protective faced brick or approved poured concrete decorative wall from four (4') to six (6') feet when not specifically determined by Ordinance, in a manner as to be in harmony with the general character of the neighborhood; and the color of brick or facing shall be compatible with brick used in the area. Such determination shall be made prior to the approval of a site plan. When it is determined that a masonry wall will not be desirable, a ten-foot (10') wide greenbelt buffer strip with a four-foot (4') to six-foot (6') chain-link fence with or without view-obscuring vertical pickets, or a landscaped earthen berm or other suitable screening may be substituted by the Planning Commission. All required greenbelts shall be constructed with the plant material cited in subsection 5, or according to the berm standards of subsection 6 below.
 - a. Required walls shall be located on the lot line except where underground utilities or drainage requirements interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential district that abuts a residential district when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration in reviewing such request.

2. 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.
3. All protective walls or greenbelts required by this Ordinance shall be completely installed prior to the issuance of an occupancy permit for the use of the premises, except as provided hereinafter.
4. 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, then, in that event the owner may obtain a temporary occupancy permit for a period not exceeding six (6) months from the Building Administrator upon written request therefor, provided said owner shall:
 - a. Deposit cash or an irrevocable bank letter of credit acceptable to the Township covering the estimated cost of said walls, greenbelts, and/or landscaping with the Clerk of the Township to insure the completion of said improvements. Said deposit shall be made at the time of the issuance of said temporary occupancy permit.
 - b. Complete the installation of the required screening in the time required by the terms of said temporary occupancy permit. Upon installation of said screening, the aforesaid cash deposit or irrevocable bank letter of credit shall be returned to the owner upon written demand, or canceled, as the case may be. A rebate of the cash deposit only may be made to the owner in reasonable proportion to the ratio of work completed on the required screening based upon the Building Administrator's certification of completion.
5. Wherever in this Ordinance a greenbelt, planting, or material in conjunction with an obscuring fence is required, it shall be planted and reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required may be accepted by the Planning Commission.
 - a. **Plant Material Spacing.**
 - (1) Plant materials shall not be placed closer than four (4') feet from the fence line or property line.
 - (2) Plant materials shall be planted in two or more rows, plantings shall be staggered in rows.
 - (3) Evergreen trees, as defined hereafter, shall be planted not more than thirty (30') feet on centers.
 - (4) Narrow evergreens, as defined hereafter, shall be planted not more than three (3') feet on centers.
 - (5) Deciduous trees shall be planted not more than thirty (30') feet on centers.
 - (6) Tree-like shrubs shall be planted not more than ten (10') feet on centers.
 - (7) Large deciduous shrubs shall be planted not more than four (4') feet on centers.

b. **Suggested Plant Materials.**

| | PLANT MATERIAL | MINIMUM SIZE |
|---|-------------------------------|-------------------------------------|
| 1 | EVERGREEN TREES | Minimum Five (5') Feet in Height |
| | Fir | |
| | Spruce | |
| | Pine | |
| | Douglas Fir | |
| | | |
| 2 | NARROW EVERGREENS | Minimum of Three (3) Feet in Height |
| | Blue Columnar Chinese Juniper | |
| | Pyramidal Red Cedar | |
| | Swiss Stone Pine | |
| | Pyramidal White Pine | |
| | | |
| 3 | TREE-LIKE SHRUBS | Minimum of Four (4) Feet in Height |
| | Flowering Crab | |
| | Mountain Ash | |
| | Redbud | |
| | Magnolia | |
| | Russian Olive | |
| | Rose of Sharon | |
| | Hawthorn | |
| | | |
| 4 | LARGE DECIDUOUS SHRUBS | Minimum of Six (6') Feet in Height |
| | Honeysuckle | |
| | Mock Orange | |
| | Lilac | |
| | Burning Bush | |
| | Viburnum | |
| | Forsythia | |
| | Spirea | |
| | Hazelnut | |
| | Privet | |
| | | |

| 5 | LARGE DECIDUOUS TREES | Minimum Eight (8') Feet in Height |
|---|-----------------------|-----------------------------------|
| | Oak | |
| | Sycamore | |
| | Norway Maple | |
| | Hard Maple | |
| | Birch | |
| | Beech | |
| | Honey Locust | |

c. **Trees Not Permitted.**

- (1) Box Elders
- (2) Soft Maple
- (3) Fruit Bearing Trees
- (4) Nut Trees
- (5) Willows
- (6) Elms
- (7) Poplars
- (8) Ailanthus (Chinese Tree of Heaven)
- (9) All thorned trees and shrubs
- (10) Ribes (Gooseberry)

6. Wherever required in this Ordinance, a berm shall be constructed in accordance with the following general standards at a height determined by the Planning Commission.

- a. Berms may be either rigidly architectural or smooth, flowing natural forms.
 - (1) Architectural berms shall be designed with straight lines, uniform slope and crisp angular changes in direction. When plantings are deemed desirable, they should be designed to preserve the architectural character of the berm.
 - (2) Naturalistic (free-flowing) berms are required where planting will enhance the free-flowing quality of the ground form, and shall not be permitted unless covered with appropriate plantings.
- b. Berms should not appear to be contrived because they are not large enough, therefore, the planting shall require sufficient size to actually accomplish the intended result.
- c. A 3:1 slope shall be used where only grass is the covering of the berm, and a 2:1 slope shall be used where shrubbery and ground cover is used.

7. Whenever required in this Ordinance, a chain-link fence shall be constructed in accordance with the following standards:
 - a. All posts shall be anchored in concrete.
 - b. All fence material shall be of at least 9-gauge galvanized or suitable aluminum.
 - c. Such fencing shall be six (6') feet in height unless the Planning Commission indicates otherwise on the plans.
 - d. In most instances, fencing shall be required with a greenbelt (see Section 600.1), and may or may not require vertical redwood pickets.

Section 6.01 SIGN REGULATIONS.

1. Application Process.

- a. **Review Authority.** No person shall erect, construct, alter or relocate a sign, except as otherwise specified herein, unless a permit for said sign has been issued by the Township Planning & Zoning Coordinator pursuant to the procedures hereinafter specified.
- b. **Application.** Written applications for sign permits shall be made on forms provided by the Township Planning & Zoning Coordinator. The application shall be accompanied by a drawing and site plan illustrating the location of the sign on the site. The following information shall be provided:
 - (1) A scaled plan showing the location of the sign and all structures located within one hundred (100') feet of the sign.
 - (2) The location of the sign in relation to all existing and proposed streets, parking areas and site entrances within one hundred (100') feet.
 - (3) A scaled drawing of the proposed sign, specifying the height of the sign above the ground, the surface area and material of the sign, the lettering as it will appear on the sign, method of illumination, and any other information as the Township Planning & Zoning Coordinator deems necessary to the application.

Amended: 06-08-92 (161-07-92)

- c. **Permit Approval.** The Township Planning & Zoning Administrator shall review the application for compliance with the requirements of the Bruce Township Zoning Ordinance and shall either approve or disapprove the application within ten (10) days. Approval may be conditioned upon reasonable regulations or limitations with respect to the character of the sign, the surroundings in which it is to be displayed, and the intent of this Section of the Ordinance. The permit shall also be reviewed for compliance with the Township Building Code. If the sign is determined to be in compliance with the Building Code, a building permit shall be issued.

2. **General Regulations.**

All signs erected in the Township shall comply with the following requirements:

- a. **Illumination.** Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons in adjacent streets or property. There shall be no bare bulb, flashing, oscillating or intermittent type of illuminated sign or display, nor shall there be movement of any nature in their lighting. Back-lit or awning signs shall be permitted, provided that the sign illumination shall not create a nuisance for drivers or neighboring property owners.
- b. **Windblown Devices.** Streamers, windblown devices, spinners, pennants or flags (other than the United States, State of Michigan or similar flags) are expressly prohibited, unless specifically approved by the Township Board for display.
- c. **Right-of-Way Encroachment.** No sign, except those established and maintained by the Township, County, State or Federal Government, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
- d. **Setbacks.** All signs shall be set back a minimum of seventy (70') feet from the centerline of any abutting public road. No sign shall be located within, project into, or overhang the triangular area formed at the intersection of street right-of-way lines and site driveways at a distance along each line of twenty-five (25') feet from their point of intersection.
- e. **Portable Signs.** Portable signs, as herein defined, necessary for the creation or relocation of a business, seasonal, anniversary, national or manufacturer's sale, or similar purpose, may be permitted by the Township Planning & Zoning Coordinator for periods not exceeding thirty (30) days. All portable signs shall be subject to the application procedures of Section 6.01 (1)(b).
- f. **Window Signs.** Temporary window signs may be permitted in non-residential zoning districts, provided such signs do not occupy more than twenty-five (25) percent of the total window area.

Amended: 06-08-92 (161-07-92)

- g. **Billboards/Off-Site Signs.** Billboards and off-site signs may be permitted as a Special Land Use in the C-3 General Commercial or M-1 Light Industrial District, subject to compliance with the General Review Standards of Section 27.00 and the following specific requirements:

- (1) All billboards shall be confined to locations along State-designated highways.
- (2) No billboard shall be located within one thousand (1,000') feet of another billboard abutting either side of the same street or highway.
- (3) No billboard shall be located within three hundred (300') feet from any adjoining residential zoning district or any adjoining residential use.
- (4) Billboards shall not be located closer than two hundred (200') feet from any abutting public road right-of-way or closer than one hundred (100') feet from any property line.
- (5) The surface of any billboard shall not exceed three hundred (300) square feet. Billboards with stacked or tandem faces shall be prohibited.
- (6) The height of the billboard shall not exceed twenty-four (24') feet above the grade of the ground on which the billboard sits or the grade of the abutting roadway, whichever is greater.
- (7) No billboard shall be located on top of, cantilevered, or otherwise suspended above the roof of any building.
- (8) A billboard may be illuminated, provided that any illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- (9) All billboards shall be constructed to withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.

Amended: 06-08-92 (161-07-92)

- h. **Electronic Message Centers (Digital signs)** shall be subject to special land use approval and to the following requirements:

- (1) Digital signs shall only be permitted in the Township's commercial and industrial districts. Digital signs may also be permitted for nonresidential uses (i.e. churches, schools, etc.) in the Township's residential districts.
- (2) No digital sign shall be permitted to scroll, oscillate or have full animation or video. 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 fifteen (15) 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 fifty (50) percent of the overall sign 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 a single color with a black background.
- (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) Digital signs shall not be constructed or placed on a property so as to directly abut or shine onto an abutting residential district. If the properties are separated by a roadway, this provision shall not apply.
- (10) 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.

| | Daytime | Nighttime |
|------------|----------|-----------|
| Brightness | 250 nits | 125 nits |

Definitions

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: 03-21-12(161-112-12)

3. Exceptions.

The following signs are exempt from the permit requirements of Section 6.01(1) and shall conform to the following standards:

- a. **Political Signs.** Not more than three (3) political signs which do not exceed a total aggregate area of sixteen (16) square feet on any one parcel, displayed no longer than ten (10) days after the election for which the sign was erected. All such signs shall be set back at least ten (10') feet from the public right-of-way.
- b. **Bulletin Boards.** Bulletin boards not over sixteen (16) square feet in area for public, charitable, educational or religious institutions, when the bulletin board is located on the premises of said institutions and at least twenty (20') feet from any property line.
- c. **Temporary Construction Signs.** A temporary sign denoting the business name of the building, architect, engineer, contractor involved in any building construction or renovation. Such signs shall not exceed sixteen (16) square feet in any residential district, or forty-eight (48) square feet in any non-residential district. All such signs shall be removed from the site within seven (7) days after the issuance of an occupancy permit.
- d. **Residential Real Estate Signs.** Temporary real estate for sale signs not exceeding six (6) square feet in area may be permitted on any residentially zoned parcel offered for sale. All such signs shall be removed within ten (10) days following the sale of the property. Residential real estate development signs may be permitted, subject to the same limitations specified for non-residential real estate signs.
- e. **Non-Residential Real Estate Signs.** Signs used for advertising non-residential land or buildings for rent, lease or sale shall be permitted when located on the land or buildings intended to be rented, leased or sold. Such signs shall be limited to thirty-two (32) square feet in total for any given lot or building. All such signs shall be placed no closer than ten (10') feet from the road right-of-way line and shall be removed within seven (7) days after the property has been sold, rented or leased. Under no circumstances shall a non-residential real estate sign exempt under this Section be allowed to occupy the property for more than one (1) year.

- f. **Directional Signs.** Directional signs not exceeding two (2) square feet in area may be permitted on any site for orientation purposes. Such signs shall not exceed two (2) square feet in area. No advertising or logo shall appear on such signs.
- g. **Agricultural Signs.** Signs not larger than thirty-two (32) square feet in area are permitted in any zoning district which advertise for sale agricultural products grown on the premises whereon such signs are placed.

Amended: 06-08-92 (161-07-92)

- h. **Real Estate Development Signs.** One (1) unlighted real estate development sign for projects under construction may be erected and maintained on the development site. No such sign shall exceed sixty-four (64) square feet in sign area. A real estate development sign allowed under this Section shall not occupy the property for more than one (1) year. All such signs shall be recorded with the Building Department prior to their erection on the site. Annual renewal of the sign may be permitted by the Zoning Administrator as long as the site remains substantially developed.

4. **Residential District Sign Requirements.**

- a. **Residential Nameplates.** One (1) nameplate on a dwelling for a permitted home occupation or for professional purposes may be permitted on any single-family dwelling unit, not exceeding four (4) square feet in total area and shall be non-illuminated.
- b. **Residential Development Identification Signs.** For each single-family subdivision, multiple-family development or mobile home park, not more than two (2) project identification signs may be permitted at the entrance of the site. No single sign shall exceed twenty-four (24) square feet in total area. The maximum total area permitted for two signs shall not exceed four (4') feet in height and shall observe the setback requirements contained herein.
- c. **Permitted Special Land Uses.** Permitted special land uses in any residential district may be allowed one (1) sign, not to exceed thirty-two (32) square feet in total area and eight (8') feet in height.

5. **Office, Commercial and Industrial District Requirements.**

- a. **Office Signs.** Property developed for office purposes in the O-1 District may be permitted not more than one (1) ground or wall sign, not exceeding more than twenty-four (24) square feet in total area, and not exceeding a maximum height of eight (8') feet.
- b. **Commercial Signs.** Each individual business occupying its own site is permitted to display not more than three (3) signs, unless otherwise permitted. One shall be a freestanding sign located along the street or highway to which the establishment has its principal access. The other permitted sign shall be a front wall sign. The size of these signs are regulated by zoning district as follows:
 - (1) **C-1, Local Commercial District:** In the C-1 District, an individual business or an individual lot or parcel shall have no more than two (2) wall signs, which shall not exceed a total area of one square foot of sign area for each one lineal foot of store front; however, in no case shall such sign exceed sixty (60) square feet in area regardless of building size. The maximum size of the permitted freestanding ground or pylon sign shall be forty-two (42) square feet. The maximum permitted sign height shall be ten (10') feet above ground.

*Amended: 06-08-92 (161-07-92)
11-17-93 (161-13-93)
04-20-05 (161-56-05)*

- (2) **C-2, Planned Shopping Center District:** In the C-2 District, each business may be permitted two (2) wall signs, which shall not exceed a total area of one square foot of sign area for each one lineal foot of store front; however, in no case shall such sign exceed one hundred (100) square feet in area regardless of building size. The maximum size of the permitted freestanding ground or pylon sign shall be sixty-four (64) square feet. The maximum permitted sign height shall be ten (10') feet above ground.
- (3) **C-3, General Commercial District:** In the C-3 District, an individual business or an individual lot or parcel shall have no more than two (2) wall signs, which shall not exceed a total area of one square foot of sign area for each one lineal foot of store front; however, in no case shall such sign exceed one hundred (100) square feet in area regardless of building size. The maximum size of the permitted freestanding ground or pylon sign shall be eighty (80) square feet. The maximum permitted sign height shall be ten (10') feet above ground.

Amended 4-20-05 (161-56-05)

- (4) **Wall Signs:** Wall-mounted signs shall not project more than twelve (12") inches horizontally beyond the wall of the building, nor shall any sign project above the roof line of the building on which it is mounted. No sign shall be painted directly onto the wall of the building.
- (5) **Directory Signs:** A directory sign of tenants may be permitted as part of a shopping center in any zoning district by the Planning Commission, provided that it observes the following standards:
- (a) It is designed as an integral feature of the freestanding sign.
 - (b) The directory portion of the sign shall have a uniform facing material in terms of appearance and color.
 - (c) Lettering shall be complementary to other tenants in size and style.
- (6) **Shopping Center Reader Board Sign**
- (a). Each shopping center within the C-2 Zoning District which contains multiple tenants may be permitted one(1) shopping center reader board sign. Such sign may include interchangeable text or messaging; however, such sign shall not be a scrolling electronic reader board sign. (Scrolling shall be defined as text changes occurring at intervals of less than thirty (30) seconds.)
 - (b) Such sign shall not exceed five (5) feet in total height (including architectural features) and shall not exceed twenty (20) square feet in sign area.
 - (c) Such sign shall be architecturally compatible with the remainder of the shopping center and other onsite signage.
 - (d) Ground landscaping shall be provided around the base of such sign. Such landscaping shall shield any ground mounted sign lighting from public view.
 - (e) Sites which have a shopping center reader board sign shall not be entitled to a temporary sign onsite.

Amended 7-16-03 (161-41-03)

- c. **Industrial Signs.** One (1) sign may be permitted on any industrially developed site. Such sign shall not exceed a maximum area of thirty-two (32) square feet, or eight (8') feet in height.
- d. **Obscene Content Prohibited.** Lewd, obscene, defamatory, indecent, suggesting or depicting nudity, profane and/or inflammatory language or pictures, (whether photographic, painted or otherwise) is prohibited on any sign.

Amended 04-20-05 (161-56-05)

6. **Directional Signs.**

Directional signs, other than those allowed under Section 6.01.3.f., may be approved by the Township Planning & Zoning Coordinator, based on compliance with the following standards:

- a. The applicant shall provide a statement demonstrating the need for the signs based on the location of the site in the Township in relation to existing transportation routes. The intent of this provision is to provide directions to sites located in remote locations not easily accessible from the Township's principal transportation routes. These signs are not intended to be used for advertising purposes. Providing clear and legible directions will also improve the flow of traffic and reduce the potential for accidents. In consideration of the need for off-site directional signs, the Township Planning & Zoning Coordinator shall consider the following factors:
 - (1) The accessibility of the site in relation to major thoroughfares.
 - (2) Signs shall be limited to uses which are seasonal, recreational or agricultural in nature.
 - (3) Anticipated traffic volumes to the site and the expected number of users should justify the need for the sign.
- b. Information contained on the sign shall be limited to the name of the business, address, direction arrow, or directions to the site. Advertising shall not be allowed on the sign.
- c. The area of the sign shall be limited to twelve (12) square feet, with a maximum height of six (6') feet.
- d. The location of the sign shall observe all applicable setback requirements of Section 6.01.
- e. The design and appearance of the sign shall conform to the standards for Recreational and Cultural Interest Area Signs, as specified in the **Michigan Manual of Uniform Traffic Control Devices**. Such signs shall have a brown background, with white lettering. The lettering and type of sign materials shall otherwise comply with the standards contained in this manual. Symbols and/or logos to distinguish a particular business may be permitted, subject to compliance with all other applicable criteria contained herein.

*Amended: 06-08-92 (161-07-92)
03-26-97 (161-24-97)
09-17-08 (161-80-08)*

Section 6.02 FLOODPLAIN RESERVATIONS.

Floodplain reservations shall be defined and restricted as follows:

1. All flood hazard data from Federal, State, or other local sources will be utilized to determine if floodplain is likely to exist on property proposed for development.
2. In a floodplain, no land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided for in this Ordinance.
 - a. The open yard space portion of any abutting use district providing that no structure, other than grade parking, be provided.
 - b. For residential districts, the floodplain may be used for computing density and may, therefore, be used for yard and open space areas (refer to Cluster Development, Section 27.15).
 - c. Gardening, general farming, horticulture, forestry, or any similar agricultural activity.
 - d. Public and private open recreation areas such as parks, playgrounds, playfields, golf courses, bridle paths and similar uses.
3. Floodplains shall be restricted so as to prohibit any structure wherein human habitation may be provided for either a place of residence or employment.
4. Any proposed development in the floodplain shall be submitted to the Township Engineer and Planning Commission for their review and recommendation and shall require approval of the Township Board prior to the issuance of a building permit. Approval shall be contingent on a finding that the proposed development is reasonable safe from flooding and to ensure compliance with all applicable floodplain management regulations.
5. The applicant shall provide such topographic data, engineering studies or other studies as needed to determine the effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by technically qualified persons. The applicant shall also have the approval of all applicable Federal, State and Local agencies.
6. No portion of any building, including basement, hereinafter permitted shall be less than two (2') feet above the high water mark elevation as established by engineering study except that structural members such as, but not limited to, columns supporting said building may be permitted.

*Amended: 03-26-97 (161-24-97)
06-20-07 (161-74-07)*

Section 6.03 PERFORMANCE STANDARDS.

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

1. **Smoke.**

It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions shall be permitted; Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart, air contaminants of such opacity as to obscure observers' view to a degree equal to or greater than described above, shall not be permitted except that essentially water vapor effluents in the range of white or cream may be excepted by the rule for a period or periods, aggregating four (4) minutes in any thirty (30) minutes. For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard.

Amended: 06-08-92 (161-07-92)

2. **Dust, Dirt and Fly Ash.**

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

3. **Odor.**

The emission of obnoxious odors shall be prohibited.

4. **Gases.**

S02 gas, as measured at the property line, shall not exceed an average of .3 p.p.m. over a twenty-four (24) hour period; provided, however, that a maximum concentration of .5 p.p.m. will be allowed for a one (1) hour period out of twenty-four (24) hour period; H2S shall not exceed .1 p.p.m.; nitrous fumes shall not exceed .1 p.p.m.; CO shall not exceed fifteen (15) p.p.m.

5. **Glare and Radioactive Materials.**

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

6. **Fire and Explosive Hazards.**

- a. In the M-1 and P-I Districts the storage, utilization or manufacture of materials or products ranging from noncombustible to moderate burning, as determined by the Fire Chief, is permitted subject to compliance with all other performance standards.
- b. The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, and determined by the Fire Chief, is permitted subject to compliance with all other yard requirements and performance standards and providing that the following conditions are met:
 - (1) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having noncombustible exterior walls which meet the requirements of the building code.
 - (2) All such buildings or structures shall be set back according to adopted NFPA Fire Ordinance.
 - (3) The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207, of 1941, as amended, or by the Fire Prevention Ordinance of Bruce Township and according to adopted NFPA Fire Ordinance whichever is more stringent.

7. **Air-Borne Matter General.**

In addition to subsections (l) through (4) above, there shall not be discharged from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment or nuisance to the public or which endanger the comfort, repose, health or safety of persons or which cause injury or damage to business or property.

8. **Open Storage.**

The open storage of any industrial equipment, vehicles, and all materials including wastes shall be screened from public view, from public street and from adjoining residential districts by an enclosure consisting of an approved wall not less than the height of the equipment, vehicles and all materials to be stored.

9. **Noise.**

The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property lines, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. In M-I and P-I Districts the following maximum noise levels may be permitted:

| Area | 6:00 A.M. to 11:00 P.M. | 11:00 P.M. to 6:00 A.M. |
|---------|-------------------------|-------------------------|
| M-1/P-I | 75 | 70 |

In addition, objectionable sounds of an intermittent nature or characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be controlled so as not to become a nuisance to adjacent uses.

10. **Manufacturing Equipment and Machine Limitations.**

- a. Automatic screw machines. Such machines must be equipped with noise silencers or other sound absorbing devices and must not be located closer than five hundred (500') feet to any residential zoned district.
- b. Stamping machines, punch presses, press breaks and hydraulic presses shall not be located closer than five hundred (500') feet to any district zoned for residential use, nor closer than five hundred (500') feet to any one-family, two-family, or multiple-family dwelling or mobile home park or other structure for permanent residential use, which structure is primarily and customarily used for such residential purposes.

("Primarily" used herein means the use of more than one-half ($\frac{1}{2}$) of the floor area of the structure for residential purposes. "Customarily" as used herein means the use of such structure for residential purposes for not less than six (6) months during a calendar year in consecutive years.)

All such machines shall be placed on shock absorbing mountings located on suitable reinforced concrete footings. No such machine shall be loaded beyond such capacity as may be prescribed by the manufacturer of the machine.

11. **Storage of Hazardous Substances.**

- a. **Definition of Hazardous Substances.** Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; hazardous materials are defined by the U.S. Department of Transportation; critical materials and polluting materials as defined by the Michigan Department of Natural Resources; and hazardous waste as defined by the Michigan Department of Natural Resources.
- b. **Applicability.** These provisions apply to all businesses and facilities which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons, or 220 pounds).
- c. **Above-Ground Storage.**
 - (1) Primary containment of hazardous substances shall be product-tight.
 - (2) Secondary containment of hazardous substances shall be provided for all facilities subject to site plan review. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - (3) Outdoor storage of hazardous substances is prohibited, except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of precipitation.
 - (4) At a minimum, State and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.
- d. **Below-Ground Storage.**
 - (1) At a minimum, regulations of the Michigan Department of Natural Resources, Michigan Fire Marshall Division, and Bruce Township for the installation, inspection, maintenance of a leak detection system, inventory and record keeping, emergency response and closure must be met.
 - (2) All underground storage tanks which have been out-of-service for nine (9) months or longer shall be removed from the site before a building permit is issued. This requirement may be adjusted by the Fire Chief in situations where a clear timetable for the safe use of the underground tank is established.
- e. **Plan Review and Approval.**
 - (1) Site plans for facilities with hazardous substances shall be reviewed by the Fire Chief, or his/her designee, prior to the approval by the Planning Commission.

Section 6.04 SCREENING OF ROOF-MOUNTED APPLIANCES.

In all zoning districts, except M-1 and P-I, roof mounted appliances including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, and any other such appliance or apparatus, shall be enclosed on all sides by opaque walls so as not to be visible from off the site. The design of the screening device shall be compatible with the architectural design of the building upon which it is located.

Section 6.05 LOCATION 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.

All trash receptacles shall be screened on three (3) sides by decorative masonry walls which are similar to, or compatible with, the exterior construction materials used elsewhere on site. Chain-link fencing with view obscuring slats or wooden fencing shall not be considered to be suitable screening materials. All trash receptacles shall be placed on a concrete pad having a minimum dimension of six (6") inches by ten (10') feet by ten (10') feet.

The height of the masonry screening shall be six (6') feet in height. The walls shall be maintained so as to remain structurally sound and neat and clean in appearance. Trash shall not be allowed to overflow from the receptacle. Trash receptacles shall be so located and arranged to minimize their visibility from adjacent streets and uses. No trash receptacle shall be placed any closer than forty (40') feet to any residential zoning district. All trash receptacles shall be located on site to be as accessible as possible without interfering with vehicular circulation patterns. Trash receptacles shall be located to minimize their impact on any adjoining residential zoning districts.

If usage patterns determine that the number of trash receptacles provided on-site are insufficient, additional receptacles may be required by the Building Administrator. Any additional trash receptacles so provided shall be located and constructed according to the standards contained herein.

Section 6.06 EXTERIOR LIGHTING REQUIREMENTS.

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.
5. Decorative street lighting may be utilized along roadways or within designated parking areas. Such lighting fixture shall be directed downward minimizing the visibility of the lighting source, shall contain internal shielding or refractors to minimize glare, and shall not exceed 100 watts. 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 footcandles.
7. Lighting at any nonresidential drive and street intersection may be required upon Planning Commission determination. Fixtures located at an intersection shall be full cut-off 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) footcandles.
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 footcandles) which demonstrates compliance with the standards of this ordinance shall be required for each site or development at the time of site plan submittal. Upon completion of the project, an as-built ground level illumination plan shall be provided to the Township and verified by the Township Engineer.
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 footcandles measured at the surface) | | |
|---|--|------------------|
| Use | Average Illumination Level Foot Candles | Uniformity Ratio |
| Residential, Church, School, and Child Care Facility | | |
| All parking, drive or maneuvering areas | 0.8 | 4:1 |
| Nonresidential | | |
| Small (5-15) spaces | 0.8 | 4:1 |
| Large (16-above) | 2.4 | 4:1 |

Amended: 3-21-01 (161-30-01)
4-20-05 (161-55-05)

Section 6.07 **PRESERVATION OF WOODED AND SHRUBBED AREAS.**

The intent of this Section is to preserve the wooded and shrubbed areas of Bruce Township, excluding all industrially zoned property, to the extent preservation is compatible with reasonableness and the following purposes cited in the adopted Bruce Township Master Plan.

- Slope stabilization and erosion control.
- Conserving water quality.
- Maintaining a microclimate.
- Filtering pollution from the atmosphere.
- Preserve visual character.
- Manage storm water runoff.

Recognizing the above-cited benefits of vegetation and woodlands, it is important to integrate these natural features into future development to improve the community's environmental qualities and to enhance the visual character of the constructed environment. Site plan review by the Planning Commission shall be consistent with this intent and the following provisions:

1. Any removal of trees by a developer or owner of an undeveloped property, which exceeds ten (10) acres of land and which also, exceeds the removal standards of number 3 below shall be considered excessive and require submission of a detailed description (see item 2. following) of the natural features and vegetation on the site if the subject property is to be altered in anticipation of sale or development. Alterations of the site, such as excessive tree removal, shrub and ground cover removal, regrading or filling, are prohibited prior to submission of an inventory and preservation plan to the Planning Commission. Any such site alteration shall be considered a violation of the Ordinance and may require substantial replacement as a condition of site plan approval by the Planning Commission.

If trees are removed from the site prior to a site plan being submitted to the Township or such site plan gaining approval, the Planning Commission shall review the Macomb County digital aerial photography from April 2004 in determining whether the requirements of this Ordinance have been met.

2. The site plan shall meet the requirements of Section 4.03. and further contain:
 - A. 1" = 100' aerial photographs and U.S.G.S. quadrant maps of the area to provide as a vegetation map source.
 - B. All groupings of existing trees containing trees that are five (5") inches or more in diameter as measured four (4') feet above the ground.
 - C. A preservation plan with specifications describing removal of all trees, individually or as groupings, that are five (5") inches or more in diameter, as measured four (4') feet above the ground, as well as shrubbed areas. If groupings are utilized, the anticipated number of trees meeting the above noted requirements shall be stipulated (for replacement purposes). The plan shall also describe the method to be employed for protection of trees and shrubbed areas designated to remain during construction. The plan and specifications shall include grade changes or other work adjacent to the remaining trees and shrubbed areas which might produce an adverse effect such as, but not limited to, surface drainage, aeration and piling of excavated soil.
3. Up to fifty (50%) percent of the total number of trees five (5) inches or more in diameter measured four (4) feet above the ground, on any lot or parcel may be removed from a site without a detailed tree description as required in number 1 above. If fifty (50%) percent or more of the total number of trees five (5) inches or more in diameter measured four (4) feet above the ground, are to be removed on any lot or parcel a tree preservation plan shall be provided which indicates the total number of trees, tree type, size, which trees will be preserved, those trees intended to be removed and where replacement trees will be replanted.

Special consideration in developing wooded areas may be requested; however, any grant of special consideration shall be based upon specific conditions applicable to the site, such as, but not limited to, the following: no prudent alternative building location is available; the location of quality or specimen trees; the diversity of the wood lot; and the condition of the trees (dead or diseased). If special consideration is not granted, the applicant will be required to maintain the percentage of wooded area as required herein.

If a tree preservation plan is required, replacement trees shall be provided as follows. Replacement trees shall be provided at a rate of one (1) tree for each one (1) tree removed in excess of the allowable percentage. Replacement trees shall meet the following minimum standards; three (3") inch diameter deciduous tree or six (6') foot high evergreen

4. The owner or person developing the site shall erect and maintain suitable barriers (such as snow fencing or cyclone fencing) to protect the trees to be preserved from damage caused by construction activities.
5. The Planning Commission shall be the exclusive reviewing authority of the detailed requirements of this Section, as well as the overall site plan. If the site plan is rejected pursuant to this Section, a written reason for rejection will be provided to the applicant by the Planning Commission.

Amended: 03-06-06 (161-63-06)

ARTICLE 7

PRIVATE ROADS

The construction and installation of private roads and development thereon shall be permitted after approval of the Township Planning Commission and compliance with the requirements of this Ordinance.

Section 7.00 DESIGN STANDARDS.

Private roads shall be designed and constructed by the applicant in accordance with the current Bruce Township Land Development and Engineering Standards Ordinance.

Section 7.01 SUBMISSION STANDARDS.

An application to the Township Planning Commission shall include all information required in Article 4 of this Ordinance.

A. In addition to the completed application, the following items shall be submitted:

1. A certified survey of the proposed road and all abutting parcels prepared by a land surveyor or civil engineer.
2. Such fees as determined necessary by the Township Board pursuant to Section 7.04(B).

B. After Planning Commission approval, the following additional information shall be provided:

1. A typical cross-section of the proposed road.
2. Construction plans prepared by a registered engineer showing elevations, drainage systems, building finish grades, location of utilities, and any other items as may be required by the Township Engineer. See Bruce Township Land Development and Engineering Standards Ordinance for further details.

Section 7.02 PLANNING CRITERIA.

A (1). A private road may be permitted to serve parcels within single family residential districts and having a lot size of 90,000 square feet and larger unless such road is developed as a part of an open space development. Within the Residential Zoning Districts, such roads shall not be located in any area served by public sewer and/or water facilities, or to be served in the foreseeable future, or in any area of the Township having poorly drained soil conditions, or where adequate storm drainage is not available as determined by the Township Engineer.

- A (2). Private roads may be permitted to serve any parcels within the IRO, M-1 and P-1 Industrial Districts. Within the IRO, M-1, and P-1 Districts private roads may be permitted within areas served or intended to be served by public sewer and/or water facilities or those areas serviced by individual or community septic systems.

Amended: 07-16-03 (161-42-03)

- B. A private road shall not be allowed where collector, major or secondary roads are required or planned, either by the Road Commission of Macomb County or the Bruce Township Master Plan.
- C. No dead-end private road shall be longer than one (1) mile in length.
- D. The placement of a private road shall allow for the development of building sites with a minimum depth of two hundred (200) feet, exclusive of the sixty (60) foot road easement, on both sides of the road.
- E. Enclosed storm drains may be required, although open ditches may be permitted where deemed practical and adequate by the Township Engineers.
- F. Private road developments shall be subject to the requirements of the Bruce Township Land Development Improvements, Engineering Design and Construction Standards Ordinance.
- G. All lots shall have a front-to-front relationship across all local streets. All lots and roads shall be arranged to maximize privacy and avoid creating nuisances for adjoining property.

Section 7.03 CONDITIONS.

- A. The owners of any lot or parcel of land fronting upon said private road, or using the same for ingress and egress, shall own an undivided property interest therein.
- B. 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. Road signs shall be in place prior to a residential building permit being issued.
- C. All persons holding an interest in said road shall dedicate an easement to the Township for utilization of the full width of said private road for the installation of public utilities. A grading easement, dedicated to the Township, may be required adjacent to the private road in order to maintain adequate roadside embankments. Backyard and side yard easements, as required to maintain or provide storm drainage or provide utilities to subject or adjacent parcels, shall be dedicated to the Township. The width and location of said easements shall be determined by the Township Engineer.

- D. 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 which shall appear as a deed restriction or covenant and be recorded with the Macomb County Clerk, Register of Deeds. A copy of the maintenance agreement shall be approved by the Planning Commission and include the following:
1. A method of initiating or financing whatever improvements and/or maintenance which may be needed from time-to-time in order to keep the road in good and usable condition.
 2. A workable method of apportioning the cost of maintenance and improvements.
 3. A prohibition against the owners of any lot, outlot, or parcel of land holding an interest in said road from prohibiting, 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.
- E. After approval of a private road by the Township Planning Commission, and before construction thereof is commenced, the applicant shall provide a financial guarantee assuring the proper and timely completion of said road within the Township. The financial guarantee shall be equal to the estimated costs of construction of said private road as determined by the Township Engineer. Such financial guarantee shall be provided in the form of cash, escrow, or a surety bond. The financial guarantee shall remain on deposit with the Township until all improvements have been installed in accordance with the approved plans and the Township Engineer has certified acceptance for the Township.
- F. Private road construction is to be completed within twelve (12) months of approval by the Township Planning Commission. Failure to complete private road construction within twelve (12) months shall render said approval null and void.
- G. The Developer may delay placement of the surface course of asphalt. Approval to delay placement shall be subject to submission of a binding agreement, in a form acceptable to the Township, which requires the paving contractor to perform the work at the price specified within the time frame outlined below. Additionally, the Developer shall establish an escrow account for 120% of the amount shown on the binding agreement. The escrow will be utilized to pay the contractor and to offset Township administrative costs. The surface course of asphalt must be placed within three (3) years or at 90% of build-out, whichever occurs first.
- H. The Developer shall provide a two-year maintenance bond from final approval of the surface course and all associated work.

*Amended: 06-20-01 (161-32-01)
06-20-07 (161-72-07)*

- I. All private roads shall be constructed in accordance with the specifications appearing in the Bruce Township Land Development and Engineering Standards Ordinance. All private road developments must be approved by the Township Engineer before the issuance of any building permit for erection of a structure on a lot, outlot or parcel of land fronting upon said private road or using the same for ingress or egress.
- J. No parking shall be permitted within the private road right-of-way.
- K. No construction shall commence on a private road until all of the following conditions have been met.
 - 1. The design plans have been approved by the Township Engineer.
 - 2. All required escrows, fees, and deposits have been paid.
 - 3. A pre-construction meeting has been held.
- L. The road shall be constructed and inspected in phases. The contractor shall arrange for subgrade, base, and paving inspections with the Township Engineer. Until such time as an approval is received on a phase, no work on subsequent phases shall begin.

Section 7.04 TOWNSHIP DISCRETION.

- A. The Township may assist the property owners in the maintenance and/or improvement of said private road upon:
 - 1. A petition signed by the owners of fifty-one (51%) percent of the total frontage upon said road requesting such assistance being delivered to the Township;
 - 2. Payment in full of all anticipated costs necessary to maintain said road for one (1) full calendar year after said petition is filed and each and every year thereafter; and
 - 3. Consent of the Road Commission of Macomb County to perform the requested maintenance.
- B. The Township may adopt by resolution a fee for private road reviews sufficient to cover costs incurred by the Township such as engineering reviews, planning reviews, inspection fees, legal fees and administration.

Amended: 06-20-01 (161-32-01)

ARTICLE 8

OFFICIAL MAP AND ZONING DISTRICTS

Section 8.00 THE OFFICIAL ZONING MAP OF BRUCE TOWNSHIP.

The Official Zoning Map of Bruce Township which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Supervisor, attested by the Township Clerk, and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 8.00 of Ordinance Number 161 of Bruce Township, Macomb County, Michigan" together with date of the adoption of this Ordinance.

If in accordance with the provisions of this Ordinance and Public Act 110 of 2006, as amended, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Board and has been published in a newspaper of general circulation in the Township. The changes in the district boundaries or other matters affecting the Official Zoning Map shall be clearly portrayed on the Map and reference made to the ordinance number and date of publication effecting the change shall be written on such portrayal, signed by the Supervisor and attested by the Township Clerk.

No change(s) of any nature shall be made in the Official Zoning Map on matter(s) shown thereon except in conformity with procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article 33.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Office of the Township Clerk shall be the final authority as to the current status of land areas, buildings and other structures in the Township.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Board, may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Supervisor, attested by the Township Clerk and bearing the seal of Bruce Township under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Bruce Township Zoning Ordinance dated August 23, 1990, of Bruce Township, Macomb County, Michigan."

Amended: 06-20-07 (161-67-07)

Unless the prior Official Zoning Map has been lost or has been totally destroyed the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption and amendment.

Section 8.01 ZONING DISTRICTS.

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

RS - Rural Suburban District
R-1 - Residential One-Family District
R-1-A - Residential One-Family District
R-1-B - Residential One-Family District
R-1-C - Residential One-Family District
MHP - Mobile Home Park District
RM-1 - Residential Multiple-Family District
RM-2 - Residential Multiple-Family District
RM-3 - Residential Apartment District
PND - Planned Neighborhood District
O-1 - Restricted Office District
C-1 - Local Commercial District
C-2 - Planned Shopping Center District
C-3 - Commercial - General District
I-R-O - Industrial Research Office District
M-1 - Light Industrial District
P-I - Planned Industrial District

Section 8.02 BOUNDARIES.

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

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits.

Amended: 02-18-98 (161-25-98)

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, drains, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of this Ordinance and the use of same is authorized thereon, and the other districts requirements applying to the least restricted portion of such lot under this Ordinance, shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within twenty-five (25') feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections 1 through 7 above, the Board of Zoning Appeals shall interpret the district boundaries, after recommendation from the Planning Commission, according to the rules and regulations which the Planning Commission may adopt.

Section 8.03 DISTRICT REGULATIONS.

All structures and land in any district set by this Ordinance shall be subject to the provisions of this Ordinance. The regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a. to exceed the height or bulk;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any manner contrary to the provision of this Ordinance.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5. All territory which may hereafter be annexed to the Township shall be considered to be in the R-1-A, Residential One-Family District, until otherwise classified.
6. Whenever any street, alley or other public way within the Township shall be vacated. Such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it is attached.

ARTICLE 9

RURAL SUBURBAN DISTRICT - R-S

PREAMBLE

The purpose of this district is to provide land for continued agricultural use and residential activities of a rural character and orderly low density development, in areas where public water and sewerage facilities are unlikely to be provided for an extended period of time; to protect the Township's natural resources and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for low density living. Other areas may also be so designated to protect open land from untimely and unplanned development and gradually, based upon the Township's adopted Master Plan, certain of these designated lands may be converted to their planned use.

Section 9.00 PRINCIPAL PERMITTED USES.

1. Agriculture.
2. Township Parks and Libraries.
3. Public Schools.
4. Township Buildings and Uses.
5. Home Occupations, as regulated in Section 2.21.
6. Single-Family Homes (excluding mobile homes).
7. Buildings and Uses clearly accessory to the above-permitted uses.
8. Single-Family Site Condominiums (Section 2.45).

*Amended: 06-08-92 (161-07-92)
08-16-95 (161-21-95)
02-18-98 (161-25-98)*

Section 9.01 AREA REQUIREMENTS.

1. **Minimum Size of Lot per Dwelling Unit** (may be reduced in accordance with the Township's adopted Subdivision Ordinance).
 - a. Area: Five (5) acres.
 - b. Width: Three-Hundred Thirty (330') feet. (The minimum lot width for lots located at the end of cul-de-sacs shall not be less than one hundred and fifty (150') feet. Not more than three (3) lots with this reduced frontage may be located at the end of any cul-de-sac. Further, in no case shall the radius of the cul-de-sac be increased above the standards of Section 7.00(3). To qualify for this reduction the applicant shall be required to demonstrate that the reduced frontage will not result in more lots than are allowed in the R-S District. The intent of this provision is to reduce the amount of pavement, not to increase density.

(Unplatted land divisions shall not result in parcels with a greater width-to-depth ratio than 1-to-4. The width-to-depth ratio for cul-de-sac lots shall not exceed 1-to-5.)
2. **Maximum Height of any Structure.**
 - a. In stories: Two (2).
 - b. In feet: Thirty (30'), except silos and storage barns.
3. **Minimum Yard Setback per Lot.**
 - a. Front: Seventy-five (75') feet.
 - b. Side: Thirty (30') feet each side.
 - c. Side (permitted non-residential use): Thirty (30') feet each side, with one (1) additional foot for each five (5') feet the non-residential structure exceeds forty (40') feet in length along the adjoining property line.
 - d. Rear: Fifty (50') feet.
4. Minimum floor area per dwelling unit: One Thousand Two Hundred (1,200) square feet
5. Maximum lot coverage of all buildings: Twenty-Five (25) Percent

*Amended: 07-20-94 (161-17-94)
08-16-95 (161-21-95)
02-18-98 (161-25-98)*

Section 9.02 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 27 of this Ordinance.

1. Airports (Section 27.10).
2. Cemeteries (Section 27.13).
3. Churches (Section 27.14).
4. Engineering Research (Section 27.18).
5. Group Day Care
6. Kennels (Section 27.33).
7. Large Scale Recreation (Section 27.24).
8. Nurseries selling ancillary products not grown on site.
9. Private and Parochial Schools.
10. Private and Public Colleges and Universities.
11. Public facilities owned and operated by other governmental units.
12. Public utility buildings (without storage yards) (Section 27.28).
13. Roadside stands, commercial activities on farms limited to the sale of the produce of such farm, and incidental convenience food products.
14. Soil, sand, clay, gravel, or similar removal operations, quarry excavating and filling of land (Section 27.25).
15. Terratecture homes (see Definition).
16. Fish Ponds (Section 27.20).
17. Residential Open Space Development (Section 27.35).
18. Bed and Breakfast lodging facilities (Section 27.36).

Amended 09-17-08 (161-82-08)

*Amended: 06-08-92 (161-07-92)
07-07-93 (161-14-93)*

19. Cluster and Open Space Developments (Section 27.15).
20. Communication towers, personal wireless services (cell towers), and similar towers and antennas, subject to the provisions of Section 27.38. Such towers may only be located in sections 16-21 of the Township. The Township recognizes that these six square miles offer a unique location for the siting of such towers, due to the natural elevation of the land, the limited impact on the adjoining parcels, and the existing "industrial" nature of the area.
21. Adult Foster Care
Amended 09-17-08 (161-81-08)
22. Dog Grooming and Training Facilities
Amended 09-17-08 (161-83-08)

*Amended: 07-07-93 (161-14-93)
09-21-94 (161-18-94)
02-18-98 (161-25-98)
09-20-00 (161-29-00)*

ARTICLE 10

RESIDENTIAL (ONE-FAMILY) DISTRICT - R-1

PREAMBLE

The R-1 Residential District is established as a district in which the principal use of land is for single-family dwellings on large lots. This district is established to permit development in areas where sewer and water facilities may not be available, and yet the nature of the land is such that the development of very low density individual residences is desired.

Section 10.00 **PRINCIPAL PERMITTED USES.**

1. All uses permitted in the R-S Rural-Suburban District, subject to the restrictions of Article 9.
2. Detached single-family dwellings.
3. Off-street parking, subject to provisions of Article 5.

Section 10.01 **AREA, HEIGHT AND PLACEMENT REQUIREMENTS.**

1. **Minimum Size of Lot per Dwelling Unit** (may be reduced in accordance with the Township's adopted Subdivision Ordinance).
 - a. Area: Ninety Thousand (90,000) square feet.
 - b. Width: One Hundred Fifty (150') feet.
2. **Maximum Height of any Structure.**
 - a. In stories: Two (2).
 - b. In feet: Thirty (30').
3. **Minimum Yard Setback per Lot.**
 - a. Front: Seventy-Five (75') feet.
 - b. Side: Fifteen (15') feet each side (see Section 2.35).
 - c. Rear: Fifty (50') feet.
 - d. Maximum lot coverage of all buildings: Fifteen (15%) percent.

Amended: 02-18-98 (161-25-98)

4. **Minimum Dwelling Unit Floor Area.**

- | | |
|----------------|---|
| 1 story: | 1,200 square feet - first floor area. |
| 1½ or 2 story: | 1,200 square feet - first floor area; |
| | 1,675 square feet aggregate all floors. |

Section 10.02 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission, if determined to be in accordance with the provisions of Article 27 of this Ordinance.

1. Cemeteries (Section 27.13).
2. Churches (Section 27.14).
3. Cluster and Open Space Developments (Section 27.15).
4. Group Day Care
5. Golf Courses and Parks, subject to the requirements of Section 27.24.
6. Private and Parochial Schools.
7. Private and Public Colleges and Universities (Section 27.16).
8. Public Utility Buildings (without storage yards) (Section 27.28).
9. Terratecture Homes on a minimum of ten (10) acres.
10. Residential Open Space Development (Section 27.35).
11. Bed and Breakfast Lodging Facilities (Section 27.36).
12. Large-Scale Recreation (Section 27.24).
13. Public facilities owned and operated by other governmental units.
14. Kennels (Section 27.33)
15. Adult Foster Care
16. Dog Grooming and Training Facilities

Amended 09-17-08 (161-84-08)

Amended 09-17-08 (161-85-08)

Amended 09-17-08 (161-86-08)

Amended 09-17-08 (161-87-08)

*Amended: 07-07-93 (161-14-93)
09-21-94 (161-18-94)
08-16-95 (161-21-95)
02-18-98 (161-25-98)
04-20-05 (161-57-05)*

ARTICLE 11

RESIDENTIAL (ONE-FAMILY) DISTRICT - R-1-A

PREAMBLE

The R-1-A Residential District is established as a district in which the principal use of land is for single-family dwellings on large lots. This district is established to permit development in areas where sewer and water facilities may not be available, and yet the nature of the land is such that the development of individual residences is imminent.

Section 11.00 PRINCIPAL PERMITTED USES.

1. All Uses Permitted in the R-1 District, subject to the restrictions of Article 10, except horses.
2. Detached Single-Family Dwellings.
3. Public, Intermediate Schools and/or High Schools.
4. Publicly-owned and operated Libraries, Parks, Parkways and Recreation Facilities.
5. Municipal Buildings and Uses.
6. Home Occupations, as regulated in Section 2.21.
7. Off-street Parking, subject to the requirements of Article 5.

Section 11.01 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

1. **Minimum Size of Lot per Dwelling Unit** (may be reduced in accordance with the Township's adopted Subdivision Ordinance).
 - a. Area: Forty Thousand (40,000) square feet.
 - b. Width: One Hundred Twenty-Five (125') feet.
2. **Maximum Height of Any Structure.**
 - a. In stories: Two (2).
 - b. In feet: Thirty (30').

3. **Minimum Yard Setback per Lot.**

- a. Front: Sixty (60') feet.
- b. Side: Fifteen (15') feet each side (see Section 2.36).
- c. Rear: Fifty (50') feet.

4. **Minimum Dwelling Unit Floor Area.**

- 1 story: 1,200 square feet - first floor area.
- 1½ or 2 story: 1,200 square feet - first floor area;
1,675 square feet aggregate all floors.

5. Maximum Lot Coverage of all Buildings: Twenty (20%) percent

Amended 02-18-98 (161-25-98)

Section 11.02 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission, if determined to be in accordance with the provisions of Article 27 of this Ordinance.

- 1. Cemeteries (Section 27.13).
- 2. Churches (Section 27.14).
- 3. Cluster and Open Space Developments (Section 27.15).
- 4. Group Day Care
- 5. Golf Courses and Parks, subject to the requirements of Section 27.24.
- 6. Private and Parochial Schools.
- 7. Private and Public Colleges and Universities (Section 27.16).
- 8. Public Utility Buildings (without storage yards) (Section 27.28).
- 9. Terratecture Homes on a minimum of ten (10) acres.
- 10. Residential Open Space Development (Section 27.35).
- 11. Adult Foster Care

Amended 09-17-08 (161-88-08)

Amended 09-17-08 (161-89-08)

*Amended: 07-07-93 (161-14-93)
02-18-98 (161-25-98)*

ARTICLE 12

RESIDENTIAL (ONE-FAMILY) DISTRICT - R-1-B

PREAMBLE

The R-1-B Residential One-Family District is established to provide principally for one-family dwellings. The specific interest of this Article is to encourage the construction and continued use of one-family dwellings and to prohibit business, commercial, industrial, or other use of the land which would substantially interfere with development or continuation of single-family dwellings in the district. To discourage any land use which would generate traffic on minor or local streets, other than normal traffic to service the residences on those streets. To discourage any land use which, because of its character and size, would create requirements and costs for public services such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

Section 12.00 **PRINCIPAL PERMITTED USES.**

1. One-Family Detached Dwellings.
2. Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than ten (10) acres, all subject to the health and sanitation provisions of the Macomb County Health Department.
3. Public, Elementary, Intermediate Schools and/or High Schools.
4. Publicly-owned and operated Libraries, Parks, Parkways and Recreation Facilities.
5. Municipal Buildings and Uses.
6. Home Occupations, as regulated in Section 2.21.
7. Off-Street Parking, subject to the requirements of Article 5.
8. Single-Family Site Condominiums (Section 2.45).

Amended: 02-18-98 (161-25-98)

Section 12.01 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

1. **Minimum Size of Lot per Dwelling Unit** (may be reduced in accordance with the Township's adopted Subdivision Ordinance).
 - a. Area: Twenty Thousand (20,000) square feet.
 - b. Width: One Hundred (100') feet.
2. **Maximum Height of Any Structure.**
 - a. In stories: Two (2).
 - b. In feet: Thirty (30').
3. **Minimum Yard Setback per Lot.**
 - a. Front: Forty (40') feet; provided that where a front yard of greater or less depth than forty (40') feet exists in front of more than fifty (50%) percent of the lots of record on one side of the street in the R-1-B District, the depth of the front yard for any building thereafter erected or placed on any lot in such block shall be not less than the average depth of front yards of such existing block, and may be less than forty (40') feet if approved under these conditions by the enforcement Officer.
 - b. Side: Twenty (20') feet; the least side shall have a minimum requirement of eight (8') feet, see Section 2.36.
 - c. Side (permitted non-residential uses): Thirty (30') feet each side, with one (1) additional foot for each five (5') feet the non-residential structure exceeds forty (40') feet in length along the adjoining property line.
 - d. Rear: Fifty (50') feet.
4. **Minimum Dwelling Unit Floor Area.**
 - 1 story: 1,200 square feet - first floor area.
 - 1½ or 2 story: 960 square feet - first floor area;
1,340 square feet aggregate all floors.
5. **Maximum Lot Coverage** (area of all buildings): Twenty-five (25%) percent.

Section 12.02 SPECIAL LAND USES.

The following special land uses, and any use similar to those uses set forth in this Article, may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 27 of this Ordinance.

1. Cemeteries (Section 27.13).
2. Churches (Section 27.14).
3. Cluster and Open Space Developments (Section 27.15).
4. Group Day Care
5. Golf Courses and Parks, subject to the requirements of Section 27.24.
6. Private and Parochial Schools.
7. Private and Public Colleges and Universities (Section 27.16).
8. Public Utility Buildings (without storage yards) (Section 27.28).
9. Terratecture Homes on a minimum of ten (10) acres.
10. Residential Open Space Development (Section 27.35).
11. Public facilities owned and operated by other governmental units.
12. Adult Foster Care

Amended 09-17-08 (161-90-08)

Amended 09-17-08 (161-91-08)

*Amended: 07-07-93 (161-14-93)
02-18-98 (161-25-98)*

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ARTICLE 13

RESIDENTIAL (ONE-FAMILY) DISTRICT - R-1-C

PREAMBLE

The R-1-C Residential Density One-Family District is established with the same objectives as the R-1-B Residential One-Family District, except that a greater density is permissible in this district, and two, three and more family dwellings may be permitted, subject to special conditions.

Section 13.00 **PRINCIPAL PERMITTED USES.**

1. One-Family Detached Dwellings.
2. Public, Elementary, Intermediate Schools and/or High Schools.
3. Publicly-owned and operated Libraries, Parks, Parkways and Recreation Facilities.
4. Municipal Buildings and Uses.
5. Home Occupations, as regulated in Section 2.21.
6. Off-Street Parking, subject to the requirements of Article 5.
7. Single-Family Site Condominiums (Section 2.45).

Section 13.01 **AREA, HEIGHT AND PLACEMENT REQUIREMENTS.**

1. **Minimum Size of Lot per Dwelling Unit** (may be reduced in accordance with the Township's adopted Subdivision Ordinance).
 - a. Area: Twelve Thousand (12,000) square feet.
 - b. Width: Eighty (80') feet.
2. **Maximum Height of Any Structure.**
 - a. In stories: Two (2).
 - b. In feet: Thirty (30').

*Amended: 06-08-92 (161-07-92)
02-18-98 (161-25-98)*

3. **Minimum Yard Setback per Lot.**

- a. Front: Thirty (30') feet; provided that where a front yard of greater depth than thirty (30') feet exists in front of more than fifty (50%) percent of the lots of record on one side of the street in the R-1-C District, the depth of the front yard of any building thereafter erected or placed on any lot in such block shall be not less than the average depth of the front yard of such existing block.
- b. Side: Twelve (12') feet; the least side shall have a minimum requirement of five (5') feet, see Section 2.36.
- c. Side (permitted nonresidential use): Thirty (30') feet each side, with one (1) additional foot for each five (5') feet the non-residential structure exceeds forty (40') feet in length along the adjoining property line.
- d. Rear: Forty (40') feet.

4. **Minimum Dwelling Unit Floor Area in Square Feet:**

| | First Floor | Aggregate |
|----------|-------------|-----------|
| 1 story | 960 | 960 |
| 1½ story | 800 | 1,200 |
| 2 story | 650 | 1,300 |

5. **Maximum Lot Coverage of All Buildings:** Thirty (30%) percent.

Section 13.02 SPECIAL LAND USES.

The following special land uses, and any use similar to those uses set forth in this Article, may be granted approval by the Planning Commission, if determined to be in accordance with the provisions of Article 27 of this Ordinance.

1. Churches (Section 27.14).
2. Cluster Housing Development (Section 27.15).
3. Private and Parochial Schools.

*Amended: 07-07-93 (161-14-93)
08-16-95 (161-21-95)*

4. Private and Public Colleges and Universities (Section 27.16).
5. Public Utility Buildings (without storage yard) (Section 27.28).
6. Two-Family Dwelling Units (Section 27.19).
7. Group Day Care

Amended 09-17-08 (161-92-08)

8. Residential Open Space Development (Section 27.35).
9. Adult Foster Care

Amended 09-17-08 (161-93-08)

*Amended: 10-14-92 (161-08-92)
07-07-93 (161-14-93)
08-16-95 (161-21-95)*

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ARTICLE 14

MOBILE HOME PARK DISTRICT - MHP

PREAMBLE

The Mobile Home Park District is a residential district. The rules are those set forth by the Mobile Home Commission, except for the following regulations designed to provide adequate space and land use separation in harmony with the Township's other zoning districts.

Section 14.00 PRINCIPAL PERMITTED USES.

1. All principal and special land uses permitted and as regulated in the RM-1 Multiple-Family Residential District.
2. Mobile Home Parks, as defined and subject to the requirements as established and regulated by Act 419 of the Public Acts of 1976, as amended, and all applicable codes and ordinances of Bruce Township.
3. Accessory commercial uses may be conducted in a Mobile Home Park in separate, permanent structures, and for such purposes as the office of the manager, laundry and dry cleaning facilities or other services for the residents of the park. Adequate parking for such services shall be provided. The park proprietor or management may display mobile homes and accessories for sale (accessories for sale may only be displayed in a mobile home or an approved permanent structure for this purpose), and individual homeowners or their agents may place "For Sale" signs (no larger than two (2) square feet in area) on their homes or lots.
4. **Signs.**

One (1) sign, identifying the premises and use, and containing not more than thirty-two (32) square feet in area for identification (without additional advertising), may be placed at the main entrance of the mobile home park. One (1) sign, no larger than ten (10) square feet limited to the same information as shown on the entrance sign may be erected at any secondary entrance to a mobile home park which adjoins a public road. The identification sign shall be part of a permanent decorative entranceway, which shall be compatible with the surrounding areas. All signs shall observe the setback and height limitations cited in Section 6.01 of this Ordinance.

Section 14.01 GENERAL SITE REGULATIONS.

1. Minimum Site Size.

Each mobile home park must have a site of not less than twenty (20) acres of land.

2. Lot Size.

The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. The 5,500 square feet for any one site may be reduced by twenty (20) percent, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under R 125.1046, Rule 946, and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

3. Setbacks.

No mobile home or any other building within a mobile home park shall be closer a public right-of-way or adjacent property owner's property line than specified for the same density of development in Section 15.01.10.

4. Maximum Heights.

The maximum height of service buildings and permitted office structures shall be two (2) stories or twenty-five (25') feet.

5. Access to Public Roads.

All mobile home parks shall have at least one (1) property line abutting an existing or planned thoroughfare, with a paved surface and a right-of-way width of at least one hundred twenty (120') feet. All access to the park shall be from such thoroughfares. Two access points shall be provided to the major thorough-fare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement.

6. Paving.

All internal roads and parking facilities shall be provided with a paved surface in compliance with the standards of the American Association of State Highway and Transportation Officials. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portions of any off-street parking area may be allowed to encroach into sidewalk areas.

7. **Sidewalks.**

Sidewalks meeting the Michigan Mobile Home Commission construction standards shall be installed along one side of all internal park roads. Sidewalks shall also be required along that portion of a site fronting along a major thoroughfare.

8. **Electrical and TV.**

All electric and telephone wiring shall be underground. Externally mounted antennas shall be prohibited, except that a master antenna shall be constructed and maintained with underground leads servicing each mobile home site.

9. **Floor Space.**

There shall be not less than eight hundred (800) square feet of floor space within each mobile home. The floor area of any porch, sun deck or other structure above the roof or outside the floor or walls of the mobile home shall not be counted as part of the eight hundred (800) square foot minimum.

10. **Screening and Greenbelt.**

When the mobile home park adjoins a site zoned R-S, R-1, R-1-A, R-1-B and R-1-C, or a site improved and used for single-family residential use, there shall be installed on the park site along the boundary line of such residential site a screening or a greenbelt as required under Section 6.00 of the Zoning Ordinance.

11. **Storage and Skirting.**

There shall be no storage of any kind under a mobile home. Each such home shall be skirted within ninety (90) days after being placed on the lot.

12. **Fences.**

All fences (other than the perimeter screening requirements) shall be uniform in height; shall be constructed and installed in such a manner as not to interfere with free access by firemen to all sides of a mobile home; and shall not exceed thirty-six (36") inches in height. Barbed wire shall not be used in any such fence.

13. **Fuel Tanks.**

Individual fuel oil, liquid petroleum and other fuel tanks shall not be permitted.

14. **Utility Cabinets.**

One (1) metal utility cabinet shall be permitted for each mobile home lot, and shall not exceed seven (7') feet (front to back) and eight (8') feet (side to side) and seven (7') feet in height and at least six (6') feet from any mobile home. When provided, a utility cabinet shall be located at the rear of a lot and adjoining the mobile home, and shall be mounted on and anchored to a slab of concrete four (4") inches thick. Such cabinets shall be maintained, kept neat and clean, and painted regularly, and shall not be used to accumulate garbage.

15. **Site Plan.**

Reference is hereby made to Sections 11, 12 and 13 of the Mobile Home Commission Act (No. 419, P.A. 1976) which requires, among other things, that a person who desires to develop a mobile home park shall submit a preliminary plan to the Bruce Township Planning Commission for approval. The preliminary plan shall include the location, layout, general description of the project (see Article 4 of this Ordinance for submission requirements and procedures). The preliminary plan may not include detailed construction plans.

16. **Parking.**

Vehicle parking shall comply with the requirements of Article 5 of this Ordinance. If boats, boat trailers, and utility trailers are permitted to be parked in the park, adequate parking spaces shall be provided in central or collective parking areas.

17. **Smoke Alarms.**

Smoke alarms shall be installed and maintained in workable condition in each mobile home.

18. **Water Supply and Sanitary System.**

Each mobile home occupied as a dwelling unit on a lot shall be connected with a water supply and sewage disposal system approved by the Macomb County Health Department and Bruce Township.

19. **Community Building Shelter.**

There shall also be provided a shelter building, sufficient in size to comfortably accommodate all of the residents of the mobile home park. Such shelter building shall meet Township standards for construction to withstand tornadoes and similar natural or man-made disasters.

ARTICLE 15

RESIDENTIAL (MULTIPLE-FAMILY) DISTRICT - RM-1

PREAMBLE

The RM-1 Residential Multiple-Family District is designed to permit a more intensive residential use of land with various types of multiple dwelling and related uses. Various types and sizes of residential accommodations for ownership or rental are thereby provided to meet the needs of the different age and family groups in the Township.

Section 15.00 PRINCIPAL PERMITTED USES.

1. All principal and special condition uses permitted and as regulated in the immediate abutting one-family district.
2. Apartments.
3. Two, three and more multiplexes.
4. Townhouses.

Only those uses specifically permitted in this Section shall be allowed in an RM-1 District. In order to clarify the type of permitted uses, the following uses, among others, are specifically prohibited:

1. Rental offices as accessory to a multiple dwelling, row or townhouse dwellings or efficiency unit project.
2. Tourist home, lodging house and boarding home.
3. Motel or hotel.

Section 15.01 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

1. All lots used for two, three or more multiplex or other multiple-family dwellings in this District must be provided with an approved water and sewage system, and every main building hereafter erected or structurally altered and so used shall provide a lot area of not less than six thousand (6,000) square feet for each dwelling unit with not more than two (2) bedrooms, and shall provide an additional five hundred (500) square feet for each additional bedroom over two (2), but in no case shall any lot be less than twelve thousand (12,000) square feet.

2. Efficiency units shall not be permitted.
3. Plans presented which include a den, library or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.
4. Yards abutting major thoroughfares in the RM-1 Multiple-Family District shall have a minimum depth of sixty (60') feet. For the purpose of yard regulations, each multiple-family structure shall be considered as one (1) building occupying one (1) lot. Front, side and rear yards relating to the spacing between buildings within multiple-family development shall have the following minimum overall dimensions:

| Buildings Relationship: (exclusion of parking area) | Overall Distance Between Buildings |
|--|------------------------------------|
| Front-to-Front | 100 feet * |
| Front-to-Rear | 80 feet * |
| Rear-to-Rear | 199 feet * |
| Rear-to-Side | 45 feet |
| Side-to-Side | 20 feet |
| Corner-to-Corner | 15 feet |

* Parking may be permitted in up to fifty percent (50%) of the required yard, provided that there shall be at least twenty-five (25') feet of yard space between said parking area and the building.

5. Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1') foot for each ten (10') feet or part thereof by which length the structure exceeds forty (40') feet in overall dimension along the adjoining lot line, provided that no multiple family building shall exceed one hundred eighty (180') feet in length along any one face of the building. Any court shall have a width equal to not less than fifty (50') feet for the front yard and sixty (60') feet for the rear yard. The depth of any court shall not be greater than three (3) times the width.
6. The front and rear of each building shall be considered to be the faces along the longest dimensions of said building. The front of the building shall be considered to be the direction indicated on the drawings by the designer, provided it is not inconsistent with floor plan of the individual unit; and the side of the building shall be considered to be the face along the narrowest dimension of said building.
7. Service drives shall have a width of at least twenty-two (22') feet and shall not be located in any required yard.

8. **Minimum Floor Areas for Multiple-Family** shall be as follows:

- a. **Efficiency Unit:** The term “Efficiency Unit” shall mean a dwelling unit containing a minimum of four hundred fifty (450) square feet of floor area, and consisting of not more than one (1) room, in addition to kitchen, dining, and necessary sanitary facilities.
- b. **One-Bedroom Unit:** The term “One-Bedroom Unit” shall mean a dwelling unit containing a minimum floor area of at least six hundred forty (640) square feet per unit, consisting of not more than two (2) rooms, in addition to kitchen, dining, and necessary sanitary facilities.
- c. **Two-Bedroom Unit:** The term “Two-Bedroom Unit” shall mean a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms, in addition to kitchen, dining, and necessary sanitary facilities.
- d. **Three or More Bedroom Unit:** The term “Three or More Bedroom Unit” shall mean a dwelling unit wherein for each room, in addition to the three (3) rooms permitted in a two (2) bedroom unit there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet.

9. **Maximum Height of each Building.**

- a. In stories: Two (2).
- b. In feet: Twenty-Five (25').

10. **Minimum Yard Setback from the Project Perimeter.**

- a. Front: Fifty (50') feet.
- b. Side: Twenty (20') feet.
- c. Rear: Fifty (50') feet.

Note: Yard setbacks are subject to the requirement of subsections 4. and 5. above.

Section 15.02 OFF-STREET PARKING.

(As set forth in Article 5).

Section 15.03 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 27 of this Ordinance.

1. Convalescent or Rest Home, home for the aged, indigent or physically handicapped, or orphanage (Section 27.17).
2. General Hospital (Section 27.22).
3. Veterans, Fraternal, Lodge or Private Organizations (Section 27.31).
4. Housing for the Elderly or Senior Citizens (Section 27.23).
5. Detached Single-Family Homes (Section 27.34).
6. Nursery Schools/Day-Care Facilities (Section 27.27).

*Amended: 10-14-92 (161-08-92)
07-07-93 (161-14-93)*

ARTICLE 16

RESIDENTIAL (MULTIPLE-FAMILY) DISTRICT - RM-2

PREAMBLE

The RM-2 Residential Multiple-Family District is designed to permit a more intensive residential use of land with various types of dwellings and related uses. Various types and sizes of residential accommodations for ownership or rental are thereby provided to meet the needs of the different age and family groups in the Township.

Section 16.00 PRINCIPAL PERMITTED AND SPECIAL LAND USES.

All principal permitted and special land uses in the RM-1 Residential Multiple-Family District as regulated by Article 15, except that the minimum land area per dwelling shall be five thousand (5,000) square feet instead of six thousand (6,000) square feet.

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ARTICLE 17

RESIDENTIAL (APARTMENT) DISTRICT - RM-3

PREAMBLE

The RM-3 Residential Apartment District is designed to permit a more intensive residential use of land with various types of apartment dwellings and related uses. Types and sizes of residential accommodations, for ownership or rental are hereby provided to meet the needs of the different age and family groups in the Township.

Section 17.00 PRINCIPAL PERMITTED USES.

1. All principal and special conditional uses permitted in the RM-2 Residential Apartment District as regulated by Article 15, except Apartments which may meet the requirements of this Article.

Section 17.01 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

1. All lots used for Apartment dwellings in this District must be provided with both an approved water and municipal sewage system, and every main building, hereafter erected or structurally altered and used as an apartment dwelling, shall provide a lot area of not less than four thousand (4,000) square feet for each dwelling unit, with not more than two (2) bedrooms and shall provide an additional bedroom, but in no case shall any lot be less than twelve thousand (12,000) square feet.
2. Each development shall be limited to a maximum of ten (10) percent efficiency units.
3. Plans presented which include a den, library, or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.
4. Yards abutting major thoroughfares in this district shall have a minimum depth of fifty (50') feet. For the purpose of yard regulations, each apartment structure shall be considered as one (1) building occupying one (1) lot. Front, side and rear yards relating to the spacing between buildings within apartment development shall have the following minimum overall dimensions:

| Buildings Relationship: (exclusion of parking area) | Overall Distance Between Buildings |
|--|------------------------------------|
| Front-to-Front | 80 feet * |
| Front-to-Rear | 60 feet * |
| Rear-to-Rear | 80 feet * |
| Rear-to-Side | 45 feet |
| Side-to-Side | 20 feet |
| Corner-to-Corner | 15 feet |

* Parking may be permitted in up to fifty percent (50%) of the required yard, provided that there shall be at least twenty-five (25') feet of yard space between said parking area and the apartment building.

5. Every lot on which an apartment dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1') foot for each ten (10') feet or part thereof by which length the multiple dwelling exceeds forty (40') feet in overall dimension along the adjoining plot line, provided that no apartment building shall exceed one hundred eighty (180') feet in length along any one face of the building. Any court shall have a width equal to not less than fifty (50') feet for the front yard and sixty (60') feet for the rear yard. The depth of any court shall not be greater than three (3) times the width.
6. The front and rear of the apartment building shall be considered to be the faces along the longest dimensions of said building. The front of the building shall be considered to be the direction indicated on the drawings by the designer, provided it is not inconsistent with floor plan of the individual unit; and the side of the apartment building shall be considered to be the face along the narrowest dimension of said building.
7. Service drives shall have a width of at least twenty-two (22') feet and shall not be located in any required front yard.
8. Minimum floor areas for apartments shall be the same as designated in Section 15.01.8.
9. Maximum height of each building.
 - a. In stories: Two and one-half (2½).
 - b. In feet: Thirty (30').

10. Minimum yard setback from the project perimeter.

- a. Front: Thirty-five (35') feet.
- b. Side: Twenty (20') feet.
- c. Rear: Forty (40') feet.

Note: Yard setbacks are subject to the requirement of subsections 4. and 5. above.

Section 17.02 OFF-STREET PARKING.

(as set forth in Article 5)

Section 17.03 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission, if determined to be in accordance with the provisions of Article 27 of this Ordinance: Same as Section 15.03.

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ARTICLE 18

PD PARK DISTRICT

Section 18.00 STATEMENT OF INTENT.

The PD Park District is intended to help preserve the natural rural areas owned by the Township and to provide for those uses devoted to public and private recreation activities, municipally oriented or other non-intrusive uses. The provisions of the District include those activities which will encourage utilization of the Township's open space recreational potential. This District is further established to protect the health, safety and general welfare of the inhabitants of Bruce Township by promoting land uses which will not reduce the existing rural and open space character of the Township.

Section 18.01 PRINCIPAL USES PERMITTED.

1. Agricultural uses.
2. Public playgrounds and picnic grounds, swimming areas, parks, and ice skating ponds.
3. Township owned and operated buildings, including Township Hall, fire stations, and the like.
4. Walking trails and interpretive classrooms

Section 18.02 SPECIAL APPROVAL LAND USES.

The following uses may be permitted by the Township Planning Commission subject to the general standards of Section 27.00 and the specific standards imposed for each use.

1. Large scale recreation uses (Section 27.24)
2. Veterans, Fraternal, Lodge or Private Organizations (27.31)
3. Wireless Communication Towers (Section 27.38)
4. Cemeteries (Section 27.13)
5. One-family detached dwellings, and/or accessory buildings provided that such are designed as an integral part of any existing or proposed park or recreation facility and subject to the provisions of the most restrictive abutting residential zoning district.

*Amended: 04-11-01 (161-31-01)
07-18-01 (161-33-01)*

Section 18.03 AREA, HEIGHT AND PLACEMENT REQUIREMENTS

1. Minimum Size of Lot

- a. Area: None
- b. Width: None

2. Minimum Yard Setback per Lot

- a. Front: Forty (40') feet, provided that the required front yard space be landscaped and no parking be allowed.
- b. Side: Twenty (20') feet, for all activities.
- c. Rear: Twenty (20') feet, for all activities.

3. Off Street Parking and Environmental Requirements

- a. Off-street parking and environmental improvements shall be provided as set forth in Articles 5 and 6.

*Amended: 04-11-01 (161-31-01)
07-18-01 (161-33-01)*

ARTICLE 19
(RESERVED FOR FUTURE USE)

Amended: 02-18-98 (161-25-98)

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ARTICLE 20

RESTRICTED OFFICE DISTRICT - O-1

PREAMBLE

The Restricted Office District is intended to be located adjacent to single-family residential neighborhoods and provide areas where convenient services may be obtained of a professional or personal nature and thereby also assist in the most desirable use of land. This District may also in some instances serve as a buffer zone between such residential districts and non-residential districts.

Section 20.00 PRINCIPAL PERMITTED USES.

1. Office buildings for the following service professions: attorneys-at-law, doctors of medicine, dentistry, optometry, osteopathy, physicians and surgeons, land surveyors, architects, landscape architects, professional engineers, and community planners, certified public accountants and similar professional occupations.
2. Office buildings for public utilities, real estate, clerical, drafting, executive, accounting, administrative, stenographic, insurance and similar occupations requiring no outside storage of vehicles or equipment on the premises.
3. Accessory uses customary and incidental to a principal use shall be permitted, provided such accessory uses are within the building. Accessory buildings shall not be permitted. The accessory use within the building shall not have an outside entrance for customers (users) separate from the entrances that serve the principal use.
4. Uses permitted under this Ordinance in the immediate abutting residential district.

Section 20.01 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

1. All business, servicing, processing, or storage of commodities except for off-street parking or loading shall be conducted within completely enclosed buildings.
2. **The Minimum Size of each Lot per Building.**
 - a. Area: 15,000 square feet.
 - b. Width: One hundred (100') feet.

3. **Maximum Height of any Structure.**

- a. In stories: One (1).
- b. In feet: Twenty (20').

4. **Minimum Yard Setback per Lot.**

- a. **Front:** Forty (40') feet, provided that the required front yard space be landscaped and no parking be allowed.
- b. **Side Yard:** No side yard is required along an interior side lot line, except as otherwise specified in the Building Code. If the exterior side yard borders a residential district, there shall be provided a side yard setback of not less than fifteen (15') feet. Where the wall of a structure faces interior side lot lines and contains windows or other openings, a side yard of not less than twenty (20') feet shall be provided. Corner lot side yards must equal the setback required for the front yards on the street which they side.
- c. **Rear:** Twenty (20') feet.

5. The architecture and exterior finish of any building shall be such as to present a uniform style and finish on all sides of its exterior when the site is adjacent to a residential district.

6. **Landscaping.**

All open areas, setbacks, and all other portions of the site not used for parking, driveways and buildings shall be covered with a lawn or according to a landscape plan approved by the Planning Commission.

7. **Lighting.**

During office hours after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences and to prevent glare therefrom into other nearby buildings. Illumination shall not exceed one-half (½') foot candle measured at the property line.

Section 20.02 OFF-STREET PARKING AND ENVIRONMENTAL REQUIREMENTS.

Off-street parking and environmental improvements shall be provided as set forth in Articles 5 and 6.

Section 20.03 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission, if determined to be in accordance with the provisions of Article 27 of this Ordinance.

1. Retail businesses normally associated with and complementary to office districts, i.e., stationary shops, office supplies, and office machine repair.
2. Banks, credit unions, and similar uses.
3. Accessory buildings and accessory uses customarily incidental to the above permitted uses (but not limited to such) are a pharmacy, optical store, a store for orthopedic appliances and corrective garments and a coffee and sandwich shop.
4. Nursery Schools/Day-Care Facilities (Section 27.27).
5. Bed and Breakfast Lodging Facilities (Section 27.36).
6. Funeral Homes (Section 27.37).

*Amended: 07-07-93 (161-14-93)
09-21-94 (161-18-94)
06-21-95 (161-20-95)
08-16-95 (161-21-95)*

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ARTICLE 21

LOCAL COMMERCIAL DISTRICT - C-1

PREAMBLE

The Local Commercial District is intended to be that district permitting retail business and service uses which are needed to serve the nearby residential areas and encourage the concentration of local business in shopping center areas, in accordance with the Bruce Township Master Plan, to the mutual advantage of both the consumer and merchant. It is intended that such district be located with access to paved major thoroughfares and in relation to emerging residential neighborhoods.

Section 21.00 **PRINCIPAL PERMITTED USES.**

1. All permitted uses in the O-1 Restricted Office District.
2. Bakery Shops which are predominantly retail.
3. Barber and Beauty Shops.
- 3a. Banks, credit unions, ATMs and similar uses (Specifically excluding drive thrus).
4. Cleaning and Dyeing Distribution Shops (no processing).
5. Clothes Pressing and Repair, catering to customers' tailoring and minor cleaning and pressing activities.
6. Dressmakers, custom.
7. Drugstores (Specifically excluded drive thrus).
8. Eating or Drinking Places in which there is no dancing or floor show or other live entertainment, specifically excluding fast-food restaurants.
9. Florists, retail sales.
10. Local Stores selling, at retail, fish, fruit, food, hardware, meats (no butchering) and vegetables, beer and wine under SDM license, and dairy products.
11. Newsstands.
12. Shoe Repairs.
13. Stationery Stores.
14. Accessory Structures, and uses customarily incidental to the above permitted uses.

*Amended: 02-18-98 (161-25-98)
04-20-05 (161-58-05)*

Section 21.01 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced. All business, servicing or processing, except for off-street parking or loading, shall be conducted totally within a completely enclosed building.
2. **The Minimum Size of each Lot per Building.**
 - a. Area (square feet): Twelve Thousand (12,000).
 - b. Width (linear feet): Eighty (80).
3. **Maximum Height of any Structure.**
 - a. In stories: One (1).
 - b. In feet: Twenty (20').
4. **Minimum Yard Setback per Lot.**
 - a. **Front:** Forty (40') feet, provided that no parking be allowed in the ten (10') feet adjacent to the proposed right-of-way, which shall be landscaped.
 - b. **Side Yard:** No side yard is required along one of the interior side lot lines, except as otherwise specified in the Building Code. If the exterior side yard borders a residential district, there shall be provided a side yard setback of not less than thirty (30') feet. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than twenty (20') feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side.
 - c. **Rear:** Twenty (20') feet.
5. **Landscaping.**

All open areas, setbacks, and all other portions of the site not used for parking, driveways and buildings shall be covered with a lawn or according to a landscape plan approved by the Planning Commission.
6. **Lighting.**

During office hours after sunset, the parking areas shall be adequately lighted for safety of users, and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences and to prevent glare therefrom into other nearby buildings.

Amended: 02-18-98 (161-25-98)

Section 21.02 ENVIRONMENTAL AND OFF-STREET PARKING.

Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 21.03 SPECIAL LAND USES.

The following special land uses, and uses similar to those uses set forth in this Article, may be granted approval by the Planning Commission, if determined to be in accordance with the provisions of Article 27 of this Ordinance.

1. Auto Wash. (Section 27.12)
2. Laundry agency or dry cleaning agency, hand laundry and laundry operated by customers, such as launderette, laundromat and the like, not to include dry cleaning plants.
3. Stores and shops for the sale of art supplies, beverages including liquor outlets, confections, delicatessen, dry goods, gifts, household appliances, jewelry, leather goods, music, notions, paint, radio, television and the like, sewing machines for households only, sports goods, stamps or coins, sundry small household articles, tobacco, or wearing apparel.
4. Nursery Schools/Day-Care Facilities (Section 27.27).
5. Funeral Homes (Section 27.37).
6. Banks, credit unions, drugstores and the like with drive thru facilities

Amended: 07-07-93 (161-14-93)

Amended: 08-16-95 (161-21-95)

Amended: 04-20-05 (161-59-05)

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ARTICLE 22

PLANNED SHOPPING CENTER DISTRICT - C-2

PREAMBLE

The purpose of this district is to provide for the development of Planned Shopping Centers designed to provide a range of retail goods and services on one site, with adequate provision for off-street parking. It is intended that such districts will be located at the intersection of paved major thoroughfares and accessible from various areas of this community.

Section 22.00 PRINCIPAL PERMITTED USES.

1. All permitted uses listed for the C-1 Local Commercial District and the O-1 Restricted Office District.
 - 1a. Banks, credit unions, ATMs, and similar uses (Specifically excluding drive thrus).
2. Beverage shops, including liquor stores.
3. Clothing stores.
4. Department stores or variety stores.
5. Dress shops.
6. Eating & drinking places in which there is no dancing or floor show or other live entertainment, specifically excluding fast-food restaurants.
7. Floor covering and wallpaper stores.
8. Furniture stores and/or appliance stores.
9. Interior decorating.
10. Millinery stores.
11. Pet shops.
12. Photographers.
13. Public utility offices and publicly owned buildings or offices.

*Amended: 02-18-98 (161-25-98)
04-20-05 (161-60-05)*

14. Supermarkets or food stores.
15. Theaters (indoor).
16. Accessory structures and uses customarily incidental to the above permitted uses. Accessory structures shall not involve significant storage and, where garages are permitted, they shall be used only for commercial vehicles used in connection with the permitted C-2 business.

Section 22.01 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

1. All business establishments in this district shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
2. **Minimum Lot Size Requirements.**
 - a. Lot Area (acres): Five (5).
 - b. Lot Width (linear feet): Three Hundred (300).
3. **Maximum Building Requirements.**
 - a. Maximum Height:
 - (1) In stories: Two (2).
 - (2) In feet: Forty (40').
 - b. Maximum lot coverage is equal to the remainder of the site after all right-of-way, parking and yard space requirements are deducted from the gross site area.
4. **Minimum Yard Spaces.**
 - a. Front Yard (linear feet): Seventy-Five (75) lineal feet, provided that no parking be allowed in the ten (10') feet adjacent to the proposed right-of-way, which shall be landscaped.
 - b. Side Yard (linear feet): Forty (40) each side.
 - c. Rear Yard (linear feet): Sixty (60).

Amended: 02-18-98 (161-25-98)

5. The distance, at the closest point, between any two (2) buildings or groups of units of attached buildings shall not be less than thirty (30') feet.
6. All buildings shall be arranged in a group or groups.

7. **Landscaping.**

All open areas, setbacks, and all other portions of the site not used for parking, driveways and buildings shall be landscaped according to a landscape plan approved by the Planning Commission.

8. **Lighting.**

During business hours after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences.

9. The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural unit with appropriate landscaping.
10. No part of any loading or unloading area may be located closer than one hundred (100') feet from any property line adjacent to a residential district.
11. Once a building line has been established by the construction of a principal building upon an approved site, no other principal building or use shall be located between the established building line and the front lot line (or side lot line abutting a side street) without first obtaining approval of the Planning Commission. The Planning Commission shall review the building and/or use proposed to be located in front of the established building to determine whether the building or use is of such location, size and character to be in harmony with the appropriate and orderly development of the balance of the site, is not detrimental to the development of adjacent uses, does not create any vehicular or pedestrian hazards, and is aesthetically compatible with the buildings and uses located upon the site. Landscaping plans, site plans (including signs and the location of dumpsters), and elevations of all sides of any building to be constructed shall be submitted to enable the Planning Commission to determine whether the proposed additional building and/or use conforms with the requirements of this Section. All dumpsters shall be screened from visibility from any area visible to the public by use of a wall or fence constructed of the same material as the building walls to ensure aesthetic compatibility. In reviewing this request, the Planning Commission shall apply the standards contained herein and in Section 27.00 (Special Land Use Approval) and may impose reasonable conditions as authorized by Section 27.01 to ensure that the standards are satisfied.

Amended: 02-18-98 (161-25-98)

Section 22.02 ENVIRONMENTAL AND OFF-STREET PARKING.

Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 22.03 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission, if determined to be in accordance with the provisions of Article 27 of this Ordinance.

1. Outdoor retail sales of plant material not grown on the site, lawn furniture, playground equipment and garden supplies when the outdoor sales operation is clearly secondary to retail sales taking place within a building.
2. Automobile service center, when developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center, and provided further that a building permit shall not be issued separately for the construction of the automobile service center or gas and service station within the C-2 District.
3. Nursery Schools/Day-Care Facilities (Section 27.27).
4. Funeral Homes (Section 27.37).
5. Wedding chapels, banquet halls and catering facilities, providing that such are in freestanding buildings and not an integral part of the shopping center.
6. Banks, credit unions, drug stores and the like with drive thru facilities.

*Amended: 07-07-93 (161-14-93)
08-16-95 (161-21-95)
02-18-98 (161-25-98)
04-20-05 (161-61-05)*

ARTICLE 23

GENERAL COMMERCIAL DISTRICT - C-3

PREAMBLE

The General Commercial District is intended to be that district permitting a wider range of business and entertainment activities than those permitted in the Local Business District. The permitted uses would serve not only nearby residential areas, but also people further away with major types of business, offices, services and automotive service activities, including open air sales and uses requiring location on a major highway or street. It is intended that these districts be located adjacent and have direct access to major paved thoroughfares. These uses would 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. This district accommodates concentrations of commercial development and those proposed on the Master Plan which are needed to adequately serve the foreseeable future population of the community and motoring public.

Section 23.00 PRINCIPAL PERMITTED USES.

1. All permitted uses listed for the C-1 Local Commercial District.
2. Auction or second-hand stores.
3. Automobile, motorcycle, mobile home or boat showrooms.
4. Auto wash, as regulated in Section 27.12.
5. Gas and service stations, as regulated by Section 27.21.
6. Bake shops, providing that at least seventy-five (75) percent of all baked goods produced on the premises are sold on said premises at retail.
- 6a. Banks, credit unions, ATMs, and similar facilities.
7. Bicycle sales, rental or repair shops.
8. Bowling alleys.
9. Blueprinting or photostating.
10. Broadcasting or recording studios, radio or television.
11. Bus, passenger stations.
12. Business schools or colleges, or private schools operated for a profit.
13. Cafes, restaurants or tea rooms.
14. Carpet, rug, linoleum or other floor covering or wallpaper stores.
15. Casket sales.
16. Catering establishments.
17. Clothing stores.
18. Dress shops.
19. Eating or drinking establishments with entertainment, except drive-ins, fast-food restaurants, and Group "D" Cabarets.

Amended: 02-18-98 (161-25-98)

20. Electrical, glazing, heating, painting, paper hanging, plumbing, roofing, or ventilation contractors' establishments, excluding outside storage yards.
21. Exterminators.
22. Furniture stores.
23. Interior decorating stores.
24. Medical or dental laboratories for research or testing, not involving any danger of fire or explosion, nor offensive noise, vibration, smoke, odorous matter, heat, humidity, glare, or other objectionable effects.
25. Millinery stores.
26. Mortuary establishments.
27. Moving or storage offices, with storage limited to items for retail sale and to 1,500 square feet of floor area per establishment.
28. Medical instrument repair shops.
29. Nurseries or greenhouses.
30. Office or business machine stores, sales or rentals.
31. Pet shops, bird stores or taxidermists.
32. Photographic developing or printing establishments or studios.
33. Physical culture or health establishments, including gymnasiums, reducing salons, masseuses or steam baths.
34. Printing establishments.
35. Public auction rooms.
36. Sign painting shops, limited to 2,500 square feet of floor area per establishment.
37. Studios for music, dancing or theatrical instruction.
38. Theaters, assembly halls, or similar places of assembly.
39. Upholstering shops dealing directly with consumers.
40. Venetian blind, window shade or awning shops, custom shops, including repairs, limited to 2,500 square feet of floor area per establishment.
41. Weaving, custom.
42. Wedding chapels or banquet halls.
43. Any service establishments, in the nature of office-showrooms or workshops, of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or establishments doing radio, television or home appliance repair, photographic reproduction, or a similar establishments that would require a retail adjunct and of no more objectionable character than the aforementioned subject to the provision that no more than ten (10) persons shall be employed at any one time in the fabrication, repair and other processing of goods.
44. Public utility sub-stations or transformer stations without service yards.
45. Accessory structures and uses customarily incidental to the above permitted uses. Accessory structures shall not involve significant storage and, where garages are permitted, they shall be used for commercial vehicles used in connection with the permitted C-3 business.

Amended: 09-20-00 (161-29-00)

Section 23.01 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

All development in this district shall require site plan approval by the Planning Commission prior to issuance of a building permit. Approval will be based upon the Articles of this Ordinance, the following requirements, and such other conditions as may be imposed upon the use to carry out the intent of this Ordinance by further Planning Commission study.

1. All of the above business and commercial activities shall be conducted within an enclosed building only.
2. **Minimum Lot Size Requirements.**
 - a. Lot Area (square feet): Fifteen Thousand (15,000).
 - b. Lot Width (linear feet): Eighty (80).
3. **Maximum Building Requirements.**
 - a. Maximum Height:
 - (1) In stories: Two (2).
 - (2) In feet: Thirty (30').
 - b. Maximum lot coverage is equal to the remainder of the site after all right-of-way, parking, and yard space requirements are deducted from the gross site area.
4. **Minimum Yard Spaces.**
 - a. Front Yard (lineal feet): Forty-five (45) lineal feet, provided that no parking be allowed in the first ten (10') feet adjacent to the proposed right-of-way, which shall be landscaped. Such setback may be varied, with permission of the Planning Commission upon site plan review, where it is found that the change in setback serves to promote more uniform access, interconnection of adjacent parking facilities, or the aesthetic quality of the block front.
 - b. Side Yard: No side yard is required along an interior side lot line, except as otherwise specified in the Building Code. If the exterior side yard borders a residential district there shall be provided a side yard setback of not less than forty (40') feet. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than forty (40') feet. Corner lots' side yards must equal the setback required for the front yards on the street to which they side.

Amended: 2-18-98 (161-25-98)

- c. Rear Yard (linear feet): Forty (40). A suitable twenty-foot (20') wide access drive shall be provided to the loading and unloading space to be provided only in the rear yard.

5. **Landscaping.**

All open areas, setbacks, and all other portions of the site not used for parking, driveways, and buildings shall be landscaped according to a landscape plan approved by the Planning Commission.

6. **Lighting.**

During business hours after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent illumination therefrom from being cast upon neighboring residences.

Section 23.02 ENVIRONMENTAL AND OFF-STREET PARKING.

Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 23.03 SPECIAL LAND USES.

The following special land uses and uses similar to those uses set forth in this Article may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 27 of this Ordinance:

1. Amusement parks, including fad-type facilities such as: trampoline centers, slides, miniature golf-putting courses, etc.
2. Amusement device centers or arcades (Section 27.11).
3. Animal hospitals.
4. Auditoriums.
5. Automobile bumping, painting, rustproofing, welding, upholstering, and general repair garages.
6. Ballrooms.
7. Cabinet maker and sales, provided most of the cabinets made on the premises are sold at retail from the same building or retail outlet.
8. Carnival or circus, or amusement enterprises of a similar type, provided the nearest point of such location is not less than five hundred (500') feet from a major road, nor less than five hundred (500') feet from any lot of record upon which a dwelling is located or permitted.
9. Cleaning or wash establishments using not more than ten (10) cleaning units, none of which shall be rated more than one thousand (1,000) pounds capacity and using cleaning fluid of non-explosive and non-flammable nature at temperatures below 138.2 degrees Fahrenheit, and which meet requirements for Class IV Cleaning Establishments as stated in National Fire Code.
10. Clubs or lodges (fraternal or religious association).
11. Community auction sales areas.

12. Dance halls (not including taxi dancing).
13. Drive-through businesses of retail or service nature, including fast-food restaurants.
14. Fairgrounds.
15. Golf driving ranges and commercial activities incidental thereto.
16. Ice-skating or roller-skating rinks.
17. Ice storage.
18. Indoor theaters.
19. Medical or dental laboratories.
20. Monument sales.
21. Express offices and/or terminals.
22. Parking, public, for which a charge is made.
23. Rescue missions or revival churches.
24. Stadiums, baseball, football, or any other type.
25. Tennis clubs.
26. Adult book stores, adult motion picture theaters, adult mini-motion picture theaters, Group D Cabarets, hotels or motels, pawnshops, pool or billiard halls, public lodging houses, second-hand stores, shoe-shine parlors and taxi dance halls. (Section 27.32).
27. Businesses with outdoor storage, including agricultural implements, equipment and machinery, automobiles, automotive parts, supplies and minor mechanical repairs, bicycles, boats and marine supplies, business machines, feed, fuel, hardware, ice, industrial and residential machinery and tools (gross weight not to exceed 1,000 pounds), motorcycles and mopeds, office equipment, plumbing and heating, radio and television, and trailers, provided:
 - a. That the storage portion of the site for such uses shall be in an area enclosed by an approved masonry wall or an obscuring fence;
 - b. Only when such areas have been treated or surfaced so as to facilitate proper drainage and to prevent dust or dirt from blowing; and
 - c. Only when such areas are protected by posts, curbs or similar construction to prevent damage to the enclosure and encroachment upon adjacent properties.

Open air business uses shall be subject to the following regulations:

There shall be provided around all sides of the site, except in the required front yard, exits and along the sides of the premises, enclosed by buildings, a fence or wall at least five (5') feet in height as approved by the Planning Commission in order to intercept windblown trash and other debris.

Outdoor sales space shall be exclusively for sales and not for storage, and shall be paved, properly drained, and items placed in such space shall be subject to the same setback as required for any structure within the district.

28. Tattoo Parlors, shops conducting body piercing, and other similar commercial enterprises.

Amended: 07-16-03 (161-43-03)

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ARTICLE 24

INDUSTRIAL RESEARCH OFFICE DISTRICT - I-R-O

PREAMBLE

The Industrial Research Office District is designed to primarily accommodate office, scientific, business, technological research operations, related testing operations, and other related uses where office, technology and scientific research activities are mutually dependent or developmental in nature; and to permit other uses which are complementary in nature, including some light industrial uses, provided that they do not detract from the character of this District. It is further the intent of this District that these uses be developed in a spacious, campus-like environment devoid of nuisance factors commonly present in non-residential developments, with all site features developed in a planned and coordinated manner according to an approved site plan.

Section 24.00 PRINCIPAL PERMITTED USES.

All uses permitted in this District shall be constructed and conducted wholly within a building in accordance with the standards of this Article and limited to those listed on the approved site plan; and no other uses shall be permitted unless the appropriate plans are amended in accordance with this Ordinance.

1. Corporate headquarter offices, administrative, professional and/or business offices of permitted principal uses, legal engineering, surveying, accounting, architectural and similar professional offices.
2. Research, development and testing facilities for technological, scientific and business establishments, including the development of prototypes.
3. Educational and design facilities whose principal function is the research and development of new products and processes and technical training.
4. Technological, medical and dental clinics; medical, optical, pharmaceutical and dental laboratories.
5. Data processing and computer centers, including incidental service and maintenance of electronic data processing equipment.
6. Pilot plants established to demonstrate creative technologies that can serve as a basis for enlarged facilities elsewhere.

Section 24.01 SPECIAL APPROVAL LAND USES.

The following uses, and others similar to those cited in this Article, may be permitted by the Planning Commission, subject to the General Standards of Section 27.00 and the specific standards imposed for each use.

1. Utility and public service facilities and uses needed to service the immediate vicinity, but excluding any outside storage.
2. The development of professional, scientific instruments, electrical or electronic prototypes, which meet the performance standards specified in Section 6.03.
3. Production facilities and operations with a high degree of technological input, reasonably determined by the Planning Commission to be an integral part of, or essential to, a permitted operation.
4. Manufacturing processes or treatment of products using light machinery, such as tool and die shops and metal fabricating. Assembled or sub-assembled products, in their finished state, shall be easily portable.
5. Trade or technical schools.
6. Governmental buildings and uses.

Section 24.02 ACCESSORY USES PERMITTED.

Accessory buildings and uses customarily incidental to the principal permitted uses enumerated in Sections 24.01 and 24.02 are permitted. Accessory uses, other than parking and trash receptacles, shall be contained within an enclosed structure.

Section 24.03 AREA, HEIGHT AND BULK REQUIREMENTS.

All development in this District shall require site plan approval by the Planning Commission prior to the issuance of a building permit. Approval will be based on the Articles of this Ordinance, the following requirements, and such other conditions as may be imposed to carry out the intent of this District.

1. **The Minimum Size of each Lot per Building.**
 - a. Area: Thirty Thousand (30,000) square feet.
 - b. Width: One Hundred Fifty (150') feet.

2. **Maximum Height of any Structure.**

- a. In stories: Two (2).
- b. In feet: Thirty (30').

3. **Minimum Yard Spaces.**

- a. **Front:** Seventy-five (75') feet. The front yard shall be landscaped, with no parking permitted within the required setback.
- b. **Side:** Twenty-five (25') feet one side; one hundred (100') feet total. No building shall be located closer than seventy-five (75') feet to the outer perimeter (property line) of such district when such property line abuts any residential district.
- c. **Rear:** Seventy-five (75') feet. No building shall be located closer than one hundred (100') feet to the outer perimeter (property line) of this district when such property line abuts any residential district.

4. **Maximum Lot Coverage.**

The maximum lot coverage shall be governed by meeting all requirements for yard space, landscaping, screening, off-street parking and loading. The location of buildings and uses and distances between buildings shall be as shown on the site plan. Distances between buildings shall be sufficient to meet fire regulations and to provide for natural light, air circulation and solar access.

Section 24.04 STRUCTURE AND SITE REQUIREMENTS.

- 1. The exterior of all buildings hereafter erected shall be constructed of brick and/or stone building materials or other similar durable, decorative building materials as may be approved by the Planning Commission. The architecture and exterior finish of any building shall be complementary and compatible in style and be of uniform finish on all sides of its exterior.
- 2. Outdoor storage of vehicles, equipment, supplies or products; outdoor processing, repair or other operations; or outdoor display of goods, materials, products, equipment or processes is prohibited. No display shall be permitted in a window or in any other location visible from a street or an adjacent lot. Trash and other waste materials shall be stored within a principal or accessory building or shall be totally screened from view from a street and adjacent lot and shall not be located in a required yard. Utility meters and control devices shall also be so located and screened.

3. Loading and unloading areas, as specified in Section 5.05, are not required in the I-R-O Industrial Research Office District. All loading and unloading activities shall be confined to inside the building. No exterior loading docks are permitted. Loading areas shall be confined to rear yard areas, with all such activities screened from view off site. Side yard loading areas may be permitted by the Planning Commission when such space and loading facilities do not interfere with parking and circulation, either vehicular or pedestrian, and/or where a residential district abuts the rear property line. Loading activities shall be limited in duration to a period of time not to exceed twenty-four (24) hours.
4. Roof-mounted appliances and fixtures shall be effectively screened on all sides by an approved architectural detail so as not to be visible from off the site.

Section 24.05 ENVIRONMENTAL AND OFF-STREET PARKING.

Off-street parking and environmental requirements shall be met in accordance with Articles 5 and 6 of this Ordinance.

ARTICLE 25

LIGHT MANUFACTURING DISTRICT - M-1

PREAMBLE

The Light Manufacturing District is designed to primarily accommodate wholesale activities, warehouses and industrial operations conducted wholly within a building and whose external, physical effects are restricted to the area of the District and in no manner affect, in a detrimental way, any of the surrounding districts.

Section 25.00 PRINCIPAL PERMITTED USES.

All uses in this District shall be conducted wholly within a building, with a landscaped front yard and with the side or rear yard used for loading and customer and employee parking.

1. Any one or more of the permitted uses in the I-R-O, and as regulated in Section 24.01 of this Ordinance.
2. Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use) and mini-warehouses.
3. The compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
4. The manufacturing, compounding, assembling or improving of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood and yarns.
5. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
6. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products.
7. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stampings).

8. Laboratories -- experimental, film or testing.
9. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
10. Building material sales.
11. Automobile heavy repair garage.
12. Existing single-family.
13. Accessory uses and accessory outside storage customarily incidental to any of the above uses. Outside storage shall be limited to currently licensed cars, trucks and recreation vehicles, and equipment necessary as an accessory to the principal use, finished and semi-finished manufactured materials produced on the premises, provided the following conditions are complied with:
 - a. All storage shall begin behind the minimum yard setback requirements.
 - b. A chain-link fence or masonry wall, not less than four (4') feet high nor more than eight (8') feet high, shall enclose the storage area. The height and choice of fence or wall and the requirement of obscuring slats to be used with the fence to most appropriately screen the stored materials from view shall be determined by the Planning Commission.
 - c. It is mutually understood by the property owner and the Planning Commission that whenever a different material is to be stored than that agreed upon in the original request, a new approval shall be required from the Planning Commission.
 - d. The Planning Commission shall also find, before granting this approval, it will not tend to further:
 - (1) Impair the adequate supply of light and air to adjacent property.
 - (2) Increase the hazard from fire, flood and other dangers to said property.
 - (3) Diminish the market value of adjacent land and buildings.
 - (4) Increase the congestion on the public streets.
 - (5) Otherwise impair the public health, safety, comfort and general welfare.

14. Landscape and Contractors Yards with Retail Sales and Outdoor Storage of Goods and Materials.
 - a. Any outdoor storage areas shall be fully screened from public view regardless of surrounding Zoning District.
 - b. Such storage shall not occur within any required yard setback.
 - c. The storage of loose materials or their enclosures shall not exceed an overall height of ten (10) feet.
 - d. Loading and unloading shall only occur at the rear of the building/site and shall be fully screened per the requirements of Section 6.00.
 - e. Vehicle storage shall be clearly defined on the site plan and shall be fully screened from public view per the requirements of Section 6.00.
 - f. Landscape stock shall not be applied to meeting screening or landscaping requirements for the site.
15. Uses expressly prohibited under this Article include the following:
 - a. Junk yards, including the storage of wrecked motor vehicles or mobile equipment.
 - b. Used auto parts and used building materials.
 - c. Storage of loose minerals, including soil, stone, sand, gravel, coal, cinders and similar materials.
 - d. Storage of combustible or odoriferous materials.
 - e. Incubation, raising, killing or storage of poultry and animals.

Section 25.01 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

1. Minimum Lot Size Requirements.

- a. Lot Area (square feet): Twenty Thousand (20,000).
- b. Lot Width (linear feet): One Hundred (100).

2. Maximum Building Requirements.

- a. Maximum Height:
 1. In stories: Two (2).
 2. In feet: Thirty (30').
- b. Maximum lot coverage is equal to the remainder of the site after all right-of-way, parking and yard space requirements are deducted from the gross site area.

Amended: 06-20-07 (161-66-07)

3. **Minimum Yard Spaces.**

- a. Front Yard (linear feet): Thirty five (35). The front yard area shall be landscaped, with no parking permitted within the required setback.
- b. Side Yard: No side yard is required along an interior side lot line, except as otherwise specified in the Building Code. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than ten (10') feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side. If an exterior yard borders other than a manufacturing district, there shall be provided a yard setback of not less than fifty (50') feet.
- c. Rear Yard (linear feet): Thirty (30).
- d. The distance, at the closest point between any two (2) buildings, shall not be less than thirty (30') feet, unless otherwise specified in this section.

Amended: 07-16-03 (161-44-03)

Amended: 07-21-04 (161-46-04)

4. **Landscaping.**

All open area, setbacks, and all other portions of the site not used for parking, driveways, permitted storage and buildings shall be landscaped according to a landscape plan approved by the Planning Commission.

5. **Lighting.**

During business hours after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences.

6. No part of any building, parking access and/or service area may be located closer than fifty (50) feet from any property line adjacent to a residential district.
7. The exterior of all buildings hereafter erected shall be constructed of masonry or other approved fire resistant materials. The front, and instances where the side of such buildings is adjacent to a street visible to public view or visible to parking, shall be constructed of brick and/or stone building materials or other similar durable decorative building materials as may be approved by the Planning Commission. The architecture and exterior finish of any building shall be complementary and compatible in style and be of uniform finish on all sides of its exterior when the site is adjacent to a residential district.

Amended: 07-16-03 (161-44-03)

Section 25.02. ENVIRONMENTAL AND OFF-STREET PARKING.

Off-street parking and environmental requirements shall be met in accordance with Articles 5 and 6 of this Ordinance.

Section 25.03. SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 27 of this Ordinance:

1. Rustproofing shops.
2. Lumber and planing mills.
3. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
4. Retail uses which have a warehouse or which have an industrial character by reason of enclosed outdoor storage requirements or activities such as, but not limited to, lumber yards, new building materials, upholsterers, cabinet makers, outdoor boats, house trailers, automobile or agricultural implement sales; or uses serving the convenience needs of the manufacturing districts, such as, but not limited to, eating and drinking establishments, banks, saving and loan associations, credit unions, automobile service stations, motels, bowling alleys, trade or industrial schools, medical or other offices serving such district, including an industrial medical clinic and similar uses, as determined by the Planning Commission.
5. Public utility transmission lines (Section 27.29).
6. All Rural Suburban permitted and special land uses (except single-family homes and mobile homes), as regulated in Article 27 of this Ordinance.
7. Government buildings and facilities.
8. Wireless Communication towers, personal wireless services (cell towers) and similar towers and antennas, subject to the provisions of Section 27.38
9. Household recycling facilities.
10. Self-storage buildings and facilities.

Amended: 09-20-00 (161-29-00)

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ARTICLE 26

PLANNED INDUSTRIAL DISTRICT - P-I

PREAMBLE

The Planned Industrial District is intended to provide opportunities for the development of unified or integrated facilities for a number of individual industrial uses. Specific uses allowed within this type of setting should be highly compatible with each other and should be characterized by external impacts which are minimal and not detrimental to surrounding zoning districts. Special attention should be directed toward vehicular circulation, parking, setbacks, landscaping and building appearance.

Section 26.00 PRINCIPAL PERMITTED USES.

1. Corporate headquarter offices, administrative, professional and/or business offices of permitted principal uses, legal, engineering, surveying, accounting, architectural, and similar professional offices.
2. Research, development and testing facilities for technological, scientific and business establishments, including the development of prototypes.
3. Educational and design facilities whose principal function is the research and development of new products and processes and technical training.
4. Technological, medical and dental clinics; medical, optical, pharmaceutical and dental laboratories.
5. Data processing and computer centers, including incidental service and maintenance of electronic data processing equipment.
6. Pilot plants established to demonstrate creative technologies that can serve as a basis for enlarged facilities elsewhere.
7. Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use) and mini-warehouses.
8. The compounding, processing, packaging, or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
9. The manufacturing, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood and yarns.

10. The manufacturing of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
11. Manufacturing of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products.
12. Manufacturing or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stampings).
13. Laboratories -- experimental, film or testing.
14. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
15. Accessory buildings and uses customarily incidental to the principal permitted uses may be permitted. Accessory uses other than parking and trash receptacles shall be contained within an enclosed structure. No outside storage shall be permitted.

Section 26.01 SPECIAL APPROVAL LAND USES.

The following uses, and others similar to those cited in this Article, may be permitted by the Planning Commission, subject to the General Standards of Section 27.00 and the specific standards imposed for each use.

1. Rustproofing shops.
2. Lumber and planing mills.
3. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
4. Retail uses which have a warehouse or which have an industrial character by reason of enclosed outdoor storage requirements or activities such as, but not limited to, lumber yards, new building materials, upholsterers, cabinet makers, outdoor boats, house trailers, automobile or agricultural implement sales; or uses serving the convenience needs of the manufacturing districts such as, but not limited to, eating and drinking establishments, banks, saving and loan associations, credit unions, automobile service stations, motels, bowling alleys, trade or industrial schools, medical or other offices serving such district, including an industrial medical clinic and similar uses as determined by the Planning Commission.
5. Automobile heavy repair garages.
6. Household recycling facilities.
7. Wireless Communication towers, personal wireless services (cell towers) and similar towers and antennas, subject to the provisions of Section 27.38.

Section 26.02 ENVIRONMENTAL AND OFF-STREET PARKING.

Off-street parking and environmental requirements shall be met in accordance with Articles 5 and 6 of this Ordinance.

Section 26.03 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

1. Minimum Area Requirements.

- a. The minimum area of land for initial designation in this district shall be twenty (20) acres. The minimum area of individual lots or parcels shall be two (2) acres.
- b. The district, if comprised of a number of individual lots or parcels, shall lend itself to proper land assembly and use for industrial purposes. No odd lot or parcel should result that cannot be absorbed into a homogeneous development scheme.

2. Minimum Yard Spaces.

- a. **Front:** Seventy-five (75') feet. The front yard shall be landscaped with no parking permitted within the required setback.
- b. **Side:** Twenty-five (25') feet one side/one hundred (100') feet total. No building shall be located closer than seventy-five (75') feet to the outer perimeter (property line) of such district when such property line abuts any residential district.
- c. **Rear:** Seventy-five (75') feet. No building shall be located closer than one hundred (100') feet to the outer perimeter (property line) of this district when such property line abuts any residential district.
- d. The distance at the closest point between any two (2) buildings shall not be less than thirty (30') feet.

3. Maximum Lot Coverage.

The maximum lot coverage shall be governed by meeting all requirements for yard space, landscaping, screening, off-street parking and loading. The location of buildings and uses and distances between buildings shall be as shown on the site plan. Distances between buildings shall be sufficient to meet fire regulations and to provide for natural light, air circulation and solar access.

Amended: 09-20-00 (161-29-00)

4. **Maximum Height of Any Structure:**

- a. In stories: Two (2).
- b. In feet: Thirty (30').

Section 26.04 STRUCTURE AND SITE REQUIREMENTS.

1. A Project Development Plan for the total acreage embraced by the proposal shall be submitted to the Planning Commission for its review and approval before any site plan may be undertaken. The Project Development Plan shall include the following:
 - a. A plan drawn to appropriate scale, showing the arrangement of the proposed development on the site, including building locations, driveways, walkways, parking areas, natural areas (streams, drains, woodlands) and open areas, among other features.
 - b. A narrative which provides evidence that the project satisfies the requirements of this Ordinance and describes existing site characteristics, the proposed character of the development, and a discussion of the means of serving the development.
 - c. Statement of covenants, grants of easements, and other restrictions to be imposed upon the uses of land and structures.
 - d. A legal description of the property.
 - e. A schedule indicating the proposed timing of the development, including phasing and parcelization, if appropriate.
 - f. Any other data, plans, or drawings considered by the Planning Commission to be necessary for the consideration of the proposal.
2. **Landscaping.**

All open area, setbacks, and all other portions of the site not used for parking, driveways, permitted storage and buildings shall be landscaped according to a landscape plan approved by the Planning Commission.
3. **Lighting.**

During business hours after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences.

4. No part of any building, parking access and/or service area may be located closer than one hundred (100') feet from any property line adjacent to a residential district.
5. The exterior of all buildings hereafter erected shall be constructed of masonry or other approved fire resistant materials. The front, and instances where the side of such buildings is adjacent to a street visible to public view or visible to parking, shall be constructed of brick and/or stone building materials or other similar durable decorative building materials as may be approved by the Planning Commission. The architecture and exterior finish of any building shall be complementary and compatible in style and be of uniform finish on all sides of its exterior when the site is adjacent to a residential district.

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ARTICLE 27

SPECIAL LAND USE REVIEW PROCEDURES AND REQUIREMENTS FOR SELECTED SPECIAL LAND USES

PREAMBLE

For all special land uses, a site plan shall be submitted to the Bruce Township Board and conform to the requirements and procedures for site plan review as described in Article 4. If the plans meet the required standards of this Ordinance, Article and applicable sections, and indicate no adverse effects which, in the opinion of the Township Board, cause injury to the residents, users, adjoining property, or the Township as a whole, the Township Board shall approve the use. The Township Board, after a public hearing and recommendation by the Planning Commission, shall have sole power to approve or disapprove all special land uses. In consideration of all applications for special land use, the Township Board shall review each case individually as to its appropriateness and must find affirmatively to each of the following standards of the proposed land use if it is to be approved. Such uses shall be subject to conditions, restrictions, and safeguards deemed necessary to the interest of public health, safety and welfare.

Section 27.00 REVIEW STANDARDS.

1. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relations to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

4. The proposed use shall 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 shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. The proposed use is necessary for the public convenience at the proposed location.
7. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
8. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and shall be in harmony with the general purpose and intent of the Zoning Ordinance.

Section 27.01 PROCEDURES.

An application for the approval of a special land use shall be made by a person having an interest in the land on which the special land use is to be located to the Township Clerk, accompanied by the necessary fees and site plans, submitted in compliance with the requirements of Article 4.

1. Approval.

If the Township Board determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which have been allowed. Further, the Board shall also set forth in writing any conditions imposed upon such use(s), the reasons for granting such approval and all pertinent facts of the application. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special 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 (1) year thereafter, or such approval shall automatically be revoked, provided, however, 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 one year as it shall determine to be necessary and appropriate.

Amended: 06-20-07 (161-68-07)

Amended: 10-21-09 (161-107-09)

2. Denial.

If the Township Board shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial in its minutes.

3. **Record.**

The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The statement shall specify the basis for the decision and any conditions imposed.

4. **Hearings.**

The Township Board shall investigate the circumstances of each such case and give notice of the time and place of any hearing, meeting or review which may be held relative thereto, as required by State Law and/or its rules of procedure.

5. **Conditions.**

The Township Board 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. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure 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 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 use 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 ensure compliance with those standards.

Amended: 08-19-09 (161-103-08)

Section 27.10 AIRPORTS.

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. All aircraft approach lanes, as established by appropriate aeronautical authorities, shall be so developed as to not endanger the permitted land use. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies in considering an airport use.
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. **Performance Requirements.**

All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non-airport uses.
4. **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 thirty (30) days from the date of the accident.
5. **Off-Street Parking and Environmental Requirements.**

Off-street parking and environmental requirements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 27.11 AMUSEMENT DEVICE CENTERS AND ARCADES.

1. **Site Requirements.**
 - a. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare.
 - b. That such uses shall be permitted only in retail areas with the gross floor area in excess of five thousand (5,000) square feet.
 - c. The use shall be located at least one thousand (1,000') feet from any school, playground, or public park.
 - d. All patron entrances shall be at least one hundred (100') feet from any residential district.

- e. There shall be adequate provision for the parking of bicycles such that entry to the premises is not obstructed.
- f. The building or part of the building devoted to the use shall be designed and constructed such that no audible sound may be heard by adjoining tenants or at the lot line.
- g. Such use shall be conducted in accordance with all applicable regulatory ordinances of the Township of Bruce.
- h. Responsible adult supervision shall be provided in each establishment at all times.

2. Area, Height and Placement Requirements.

Same as for the district in which this use is requested.

3. Buffer and Sign Requirements.

Same as for the district in which this use is requested.

4. Off-Street Parking and Environmental Improvements.

Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 27.12 AUTO WASHES.

1. Site Requirements.

- a. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare, except that it may be permissible to allow vehicles to exit from the facility onto a public alley.
- b. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space, and no vehicle shall be permitted to wait on the public right-of-way as part of the traffic approach.

2. Area, Height and Placement Requirements.

Same as for the district in which this use is requested.

3. Buffer and Sign Requirements.

Same as for the district in which this use is requested.

4. **Off-Street Parking and Environmental Improvements.**

Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 27.13 CEMETERIES.

1. The continuity of all roads present or planned for adjacent areas shall be satisfactorily resolved to provide safe and prompt access and egress to and from such areas.
2. 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.
3. All sides of the cemetery shall be enclosed with a decorative fence or wall. Such enclosure shall be a minimum of four (4) feet and shall not exceed eight (8) feet in height. The height shall be determined as a part of the special land use review. The decorative fence shall be of a simulated wrought iron nature or similar as determined by the Planning Commission.

Amended 09-17-08 (161-94-08)

4. Approval shall be given contingent on a satisfactory drainage plan approved by the Township Engineer and Macomb County Public Works Commissioner and Health Department.

Section 27.14 CHURCHES, SYNAGOGUES AND TEMPLES.

1. **Site Requirements.**

- a. Minimum site shall be two (2) acres on a continuous parcel.
- 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 Thoroughfare Plan.

2. **Yard and Placement Requirements.**

- a. **Front and Rear Yard.** Same as those listed for the district in which the special land use is requested.
 - b. **Side Yard.** Same as those listed in the requested district for permitted non-residential uses.
 - c. **Maximum Lot Coverage.** Same as for the district in which the special land use is requested.
3. Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance. No off-street parking shall be permitted in the required front yard space.

Section 27.15 CLUSTER DEVELOPMENTS AND CLUSTER LOT SUBDIVISIONS WITH PLANNED OPEN SPACE.

Cluster Developments

Single-family cluster housing and cluster lots may be permitted as a Special Approval Land Use in the R-1-A, R-1-B and R-1-C Residential One-Family Districts, subject to the provisions of this chapter and the following conditions. A public hearing shall be held, as required by State law.

1. The intent of this section is to provide an alternative means of development within the single-family zoning districts noted above, with properties which possess certain physical and functional characteristics. These alternatives may permit modification(s) to the development standards as established for these districts. Utilization of this concept shall involve properties which front a major or secondary thoroughfare and shall not serve to preclude a normal continuity of interior local residential streets and/or utility arrangements. In approving an area for cluster housing, the Planning Commission shall find that the site also possesses at least one of the following characteristics:
 - a. The site basically parallels the thoroughfare and has a relatively shallow depth which would result in an excessive number of curb cuts to such thoroughfare if developed in a conventional plat.
 - b. The site is basically perpendicular to the thoroughfare but is relatively narrow, which makes conventional platting inefficient and undesirable.
 - c. The site contains unusual angles forming its boundaries, which makes conventional platting undesirable and impractical.
 - d. The site has a substantial proportion of its perimeter bordering nonresidential zoning districts, high density residential uses, and/or land uses of a nature which would result in a more desirable development through use of the cluster option.
 - e. The site contains vegetation, floodplain, poor soils, wetlands, and/or topographic conditions which could be integrated into a cluster housing development plan more effectively and desirably than through development utilizing a conventional platting procedure.

2. The Planning Commission, in its evaluation process, shall consider existing and potential development in the area and the reasonableness of the request from the standpoint of established and acceptable principals of land use planning. Developers who plat or divide secondary thoroughfares with the intent of seeking cluster housing shall submit such plats and/or divisions to the Planning Commission for review and discussion prior to completing any such land division. The cluster housing special land use shall not apply to those parcels of land which could have been reasonably and desirably developed through use of a conventional platting procedure.
3. All calculations of density shall be predicated upon the maximum number of dwelling units per net (minus roads) acre, as normally allowed for each district.
4. Utilization of cluster housing provides greater flexibility in grouping dwelling units and achieving more optimum development of problem site areas. However, it is also necessary to provide some variation between dwelling units and also provide some visual and functional open space adjacent to each of the dwelling units. It is, therefore, required that each dwelling unit shall:
 - a. Have no more than seventy-five (75) percent of the length of any exterior wall of a living unit in common with a garage or any portion of an adjacent dwelling unit.
 - b. Not have common walls with a garage or any portion of an adjacent dwelling unit on more than two (2) exterior walls of any one dwelling unit.
 - c. Provide at least a six-foot (6') variation in building setback between two adjoining dwellings along any common building facade. This variation in setback may be provided between a dwelling unit and its attached garage when the attachment of dwellings occurs through the attachment of garages sharing a common facade line or through a variation in setback of attached garages.
 - d. Provide each cluster of dwelling with the same architectural appearance through the utilization of the same style, roof lines and shapes, and brick facing materials and trim.

The Planning Commission, in reviewing the site plan, may deviate slightly from these standards, provided the proposed site plan complies with the basic spirit and intent of providing individuality, together with visual and functional open space, for each of the dwelling units.

5. **Yard, Height and Floor Area Requirements.**

- a. A front yard setback of at least twenty-five (25') feet shall be provided between any structure, building, and required parking space of the cluster development and any public street right-of-way line.

- b. Minimum building setback requirements to any exterior property lines, other than those abutting a public street, shall be at least twenty-five (25') feet. Accessory buildings, parking, and drives shall not be placed closer than twenty (20') feet to any such exterior property line.
- c. A setback of at least twenty-five (25') feet shall be provided between any portion of the dwelling unit containing interior living space and any portion of a drive (driveway) serving more than the abutting dwelling unit. A minimum setback of at least twenty (20') feet shall be provided between any garage and/or required parking spaces and the edge of the private street or drive accessing the required parking area.
- d. A separation of at least twenty-five (25') feet shall be provided between the ends of building groups. A separation of at least forty (40') feet between the front or rear of any dwelling unit and the nearest point of any adjacent living unit in the development.
- e. A minimum required floor area for a dwelling unit in each district shall be as is normally required in the applicable zoning district as specified for each applicable zoning district.
- f. A maximum building height of thirty (30') feet shall be permitted for dwelling units.

6. **Review and Approval Procedures.**

- a. In order to achieve greater understanding between the Township and the developer, it is suggested that a preliminary discussion of a potential project be requested prior to the preparation of a detailed site plan. Such a review should include a statement of how the developer feels the project qualifies under the preceding requirements and an explanation of the development concepts being proposed.
- b. Based upon the review and discussion of these items, the Planning Commission will be able to provide a preliminary indication as to whether they feel the project will qualify. A preliminary indication by the Planning Commission that the project may qualify does not assure final approval of the site plan. It does, however, provide the applicant with an indication of the Planning Commission's initial position in the matter.

7. **Project and Site Plan Submission** of an application for a cluster project shall require the following:

- a. Submission and consideration of all data as required in Article 4, Site Plan Review Requirements and Procedures.

- b. A statement and explanation by the applicant as to how the proposed project complies with the qualification requirements for a cluster project.
- c. The site plan shall be keyed to permit identification of the specific location(s) of dwelling units with reference to their floor plans and building elevations.
- d. Off-street parking requirements are those for one-family dwellings. The stacking of required parking spaces, one behind another, shall not be permitted.
- e. Any common trash receptacles shall be screened from view by a decorative masonry enclosure; said enclosure shall be constructed of materials similar to those used elsewhere on the
- f. The site plan shall be arranged to provide consideration of physical and visual relationships between the proposed dwellings, their outside living space, and to adjacent uses. Consideration shall be given to the retention and enhancement of natural features which afford transitional features.
- g. At least two (2) deciduous or evergreen trees, having a caliper of at least two and one-half (2½") inches, shall be provided for each dwelling unit. Existing trees may be considered as meeting this requirement, or portions thereof, when it is found they are distributed about the site in a manner which will complement the site appearance and complement each of the dwellings.
- h. Points of vehicular ingress and egress to adjacent public streets shall be kept to the minimum. The location of such access points shall be considered with respect to other street and drive locations in the area and proper sight distances. Internal circulation patterns shall be arranged to permit reasonable and proper access by emergency vehicles. Separation of vehicular and pedestrian traffic will be related to traffic flows.
- i. Approval of a site plan shall be effective as provided in Article 4.

Cluster Lot Subdivisions with Planned Open Space.

1. The intent of this section is to permit one-family residential subdivisions to be planned as a comprehensive unit with an allowance for residential open space. Certain modifications to standards outlined in the "Area, Height and Placement Requirements" section of the R-1 District; when located along Van Dyke, the R-1-A, R-1-B and R-1-C Districts are, therefore, permitted when the conditions of this section are met. In approving an area for cluster lots, the Planning Commission shall find that the site plan fulfills the cluster objectives to the Commission's satisfaction before approving such a proposed development.

- a. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, wetlands, topography and similar natural assets.
 - b. To encourage developers to use a more creative approach in the development of residential areas.
 - c. To encourage a more efficient, aesthetic and desirable use of open area, while recognizing a reduction in development costs, and by allowing the developer to bypass natural obstacles in the site.
2. The Planning Commission, in its evaluation process, shall consider existing and potential development in the area and the reasonableness of the request from the standpoint of established and acceptable principles of land use planning. Developers who plat or divide parcels of land and leave parcels of vacant land adjacent to major and secondary thoroughfares with the intent of seeking cluster lots shall submit such plats and/or divisions to the Planning Commission for review and discussion prior to completing any such land division.

The cluster lots special land use shall not apply to those parcels of land which could have been reasonably and desirably developed through use of a conventional platting procedure.

3. Lot dimensions in applicable one-family residential districts may be reduced in accordance with the following schedule, provided that the number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each district:
 - a. All calculations of density shall be predicated upon the maximum number of dwelling units per net (minus roads) acre, as normally allowed for each district.
 - b. Lot width and overall area reductions shall not be more than twenty (20%) percent.
 - c. Rear yards may be reduced to twenty-five (25') feet when bordering on land dedicated to the common use of the subdivision.
4. Utilization of this concept shall not serve to preclude a normal continuity of interior local residential streets and/or utility arrangements.
5. For each square foot of land gained under the provision of subsection 3.above within a residential subdivision, through the reduction of lot size below the normal minimum requirements, equal amounts of land shall be dedicated to the common use of the lot owners in the subdivision in a manner approved by the Township.

6. Lands used for enclosed drains owned as part of lands proposed to be subdivided may be credited as open space under this section, provided such dedication does not exceed fifty (50) percent of open space credit and the requirements of this Section are met.
7. The area to be dedicated for either public park or subdivision recreation purposes only shall be in a location and shape approved by the Planning Commission in reviewing the proposed subdivision plat. Said land shall be so graded and developed as to have proper natural drainage.
8. Under this cluster approach, the developer or subdivider shall reserve the total park or open space area at the time of filing the final plat on all or any portion of the plat, unless otherwise agreed to by the Township. Provisions for the maintenance of said park or open space areas by the landowners or their representatives shall be provided for prior to final plat approval. In the event of a default in maintenance, the lots in the subdivision shall be assessed equally as a tax lien to provide necessary maintenance.
9. Preliminary Plat Submission for a cluster project shall require the following:
 - a. Submission and consideration of all data as required in the Bruce Township Subdivision Regulations.
 - b. A statement and explanation by the applicant as to how the proposed project complies with the qualification requirements for a cluster project.
10. Review and Approval Procedures.
 - a. In order to achieve greater understanding between the Township and the developer, it is suggested that a preliminary discussion of a potential project be requested prior to the preparation of a preliminary plat. Such a review should include a statement of how the developer feels the project qualifies under the preceding requirements and an explanation of the development concepts being proposed.
 - b. Based upon the review and discussion of these items, the Planning Commission will be able to provide a preliminary indication as to whether they feel the project will qualify. A preliminary indication by the Planning Commission that the project may qualify does not assure approval of a proposed plat. It does, however, provide the applicant with an indication of the Planning Commission's position in the matter.

Section 27.16 COLLEGES AND UNIVERSITIES.

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 major thoroughfare, one hundred twenty (120') feet on the Township's Master Plan.

2. Yard and Placement Requirements.

- a. No building other than a structure for residential purposes shall be closer than seventy-five (75') feet to any property line.
- b. Height of buildings in excess of the minimum residential 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 maximum height requirements of the zone.
- c. 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 and Environmental Requirements. See Articles 5 and 6.

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

Section 27.17 CONVALESCENT OR REST HOMES.

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 Master Plan.
- b. The maximum extent of development shall not exceed forty-five (45) children, patients, or occupants per acre.

2. Yard and Placement Requirements.

- a. No building shall be closer than seventy-five (75') feet to any property line.

3. **Off-Street Parking and Environmental Improvements.**

Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 27.18 ENGINEERING RESEARCH.

1. **Site Requirements.**

- a. The proposed use is a bona fide research use.
- b. Minimum site size: Five (5) acres.
- c. The site shall abut a public road having a right-of-way of major thoroughfare (120 feet).
- d. Adequate parking shall be provided.
- e. The Performance Standards of Section 6.03 shall be observed.
- f. All outside testing and use of the property shall be at least five hundred (500') feet from any property line.

Section 27.19 TWO-FAMILY DWELLING UNITS.

1. **Site Requirements.**

- a. Minimum lot size: Thirteen Thousand (13,000) square feet.
- b. Frontage: One hundred (100') feet.

2. **Setbacks.**

- a. Front, side and rear yard setbacks of the R-1-C District shall apply.

3. **Other Development Standards.**

- a. The units shall be located on either a major or secondary thoroughfare, on a corner lot, or on the exterior of a platted subdivision.
- b. The character and quality of construction shall be such to blend in with existing single-family homes in the district.
- c. Off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, for each dwelling unit. Such parking spaces 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. No tandem parking shall be permitted on the site. Whenever possible, access to the parking area shall be from a single drive serving both dwelling units.

Section 27.20 FISH PONDS.

1. Site Requirements.

- a. All approved ponds shall be on a contiguous parcel of at least ten (10) acres.
- b. Soils removed to create the pond must remain on the site. In the event the owner wishes to sell or transport the excavated materials off of the site, he shall conform with the requirements of Section 27.25 of this Ordinance and the Township Soil Removal Ordinance.
- c. All ponds shall be provided with adequate protection by the construction of a fence or other means approved by the Planning Commission.
- d. 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 circular 378-A of the Soil Conservation Service).
- e. No commercial, retail or service activities other than those of a clearly incidental nature shall be permitted on the site. Where public (paid or unpaid) fishing shall be allowed in conjunction with a fish pond use, the development shall also be made part of a request for large scale recreational use under Section 27.24 of this Ordinance.

2. Yard and Placement Requirements.

- a. A setback of at least sixty (60') feet to the nearest edge of the pond from the right-of-way of any existing or proposed street or road shall be required. In the event the pond is greater than one hundred twenty (120') feet long, the setback distance from the road shall be equal to one-half ($\frac{1}{2}$) the length.
- b. All buildings shall minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of one hundred (100') feet to the property line of abutting lands and/or public right-of-way. Where topography conditions are such that the building would be screened from view, this requirement may be modified by the Planning Commission.
- c. No activity shall take place within fifty (50') feet of the perimeter of the site. All non-farm activities shall be adequately screened from abutting residentially zoned property.

3. Off-Street Parking.

See Article 5. There shall be one (1) parking space for each employee of a fish farm operation.

Section 27.21 GAS AND SERVICE STATIONS(AUTOMOBILE).

1. Site Requirements.

- a. Shall be located at 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 a secondary thoroughfare on the Thoroughfare Plan.
- b. One hundred fifty (150') feet of street frontage on the lot proposed for the service station shall be provided on the principal street serving the station. The lot shall contain no less than twenty-two thousand five hundred (22,500) square feet of lot area.
- c. All buildings shall be set back not less than forty (40') feet from all street right-of-way lines.
- d. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than twenty-five (25') feet from all proposed rights-of-way line.
- e. Driveway widths entering the service station and curb openings for such driveways shall be in accordance with specifications as set forth by the Macomb County Road Commission, Michigan State Highway Department, Federal Government, and Township Engineer.
- f. Curb cuts shall be no closer than ten (10') feet to any adjoining non-residential district and shall be no closer than twenty-five (25') feet to any corner of two (2) intersecting street right-of-way lines or abutting residential district.
- g. The angle of intersection of any driveway along the principal street(s) shall not be more than sixty (60) degrees.
- h. Curbs in accord with approved specification shall be constructed on all streets adjacent to the gas and service station site.
- i. Prohibited activities include the following: outdoor storage or parking of disabled vehicles, vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, auto dismantling, internal transmission repair, upholstery work, auto glass work, and such other activities whose external physical effects could adversely extend beyond the property line.

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

Same as the C-1 District.

3. **Screening and Sign Requirements.**

Same as in the C-1 District, plus no large, view-obstructing billboard type signs shall be permitted.

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

See Article 5.

Section 27.22 GENERAL HOSPITALS.

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 proposed major thoroughfare as designated on the Township Master Plan.
- b. The site plan shall show that a proper relationship exists between the abutting thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.
- c. All such hospitals shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) beds or less, plus one (1) acre for each additional twenty-five (25) beds.
- d. Hospitals shall be limited to no more than three (3) stories with a building height not to exceed 45 feet to the roofline. Building height shall be measured as provide for in Section 31.00 (Definitions) of this Ordinance. This sections shall take precedent over any conflicting language regarding building height for hospitals found elsewhere in this ordinance.

Amended 02-17-16 (161-120-16)

2. **Yard and Placement Requirements.**

- a. All the development features including the principal building and any accessory buildings, open spaces, and all service roads, driveways and parking area are so located and related to minimize the possibility of any adverse effects upon adjacent property.

3. **Off-Street Parking and Environmental Improvements.**

Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 27.23 HOUSING FOR THE ELDERLY OR SENIOR CITIZENS.

1. Site Requirements.

- a. All ingress and egress shall be directly to a paved public road.
- b. The site plan shall show that a proper relationship exists between the abutting thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.
- c. All such housing shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) occupants or less, plus one (1) acre for each additional fifty (50) occupants, and consist of the following housing types and facilities:
 - (1) Cottage-type dwellings and/or apartment-type dwelling units.
 - (2) Common service facilities include, but are not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
- d. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
- e. Maximum building height shall be the same as the district in which it is located.

2. Yard and Placement Requirements.

- a. All the development features, including the principal building and any accessory buildings, open spaces, and all service roads, driveways and parking areas, are so located and related to minimize the possibility of any adverse effects upon adjacent property.
- b. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site exclusive of any dedicated public right-of-way.

3. Off-Street Parking and Environmental Improvements.

Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 27.24 LARGE-SCALE RECREATION USES.

Large-scale recreation uses, operated either privately or for profit, include golf courses, driving ranges, riding stables, gun clubs, parks, camper and/or tent parks (subject to the State law governing travel trailer parks), hay rides, snowmobile and mini-bike trails, picnic grounds, swimming facilities, kiddie-type rides and the like, (but not including circuses, outdoor drive-in theaters, motorcycle, auto or snowmobile race tracks, and horse or dog tracks). Approval shall be for a specific designated use or uses such as camping, snowmobiles, or the like, and approval under this provision shall be subject to approval of the uses and site plan. The addition of other land use(s) must again be approved through the submission of an amended site plan.

1. Site Requirements.

- a. All approved uses shall be on a continuous parcel of twenty (20) acres or more in area.
- b. All vehicular ingress and egress from the site shall be directly onto a major thoroughfare having a designated right-of-way of one hundred twenty (120') feet or a secondary thoroughfare, with an existing right-of-way of eighty-six (86') feet.
- c. 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.

2. Yard and Placement Requirements.

- a. All development features, including the principal building, related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of two hundred (200') feet to the property line of abutting residentially zoned lands and public right-of-way, provided where topography conditions are such that the building would be screened from view, this requirement may be modified.
- b. No activity shall take place within thirty (30') feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting property by means of a protective wall or greenbelt.
- 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.
- d. Permitted accessory uses which are generally of a commercial nature, shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreation use itself, such as a maintenance garage, may be located in a separate building.

3. **Other Requirements.**

- a. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6') feet in height, and entry shall be by means of a controlled gate or turn-style.
- b. When a gun club is proposed, it shall be clearly established that the activities shall in no way endanger the health, safety, or welfare of any persons and will not become a nuisance in any manner whatsoever.
- c. Days and hours of operation shall be agreed to as a condition of any approval.

4. **Off-Street Parking and Environmental Improvements.**

Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 27.25 MINING AND EXTRACTION

Sand and gravel mining or extraction, similar removal operations, quarry excavating and land stripping may be permitted as a special land use only in the RS Rural Suburban District, unless such operation is necessary for the development of an approved site and engineering plan and has been approved by the Township. If such operation is necessary for the development of such a plan, the operation may be considered a permitted use in any Zoning District subject to the requirements of Section 2.54. When passing upon the application for the location of a mining and/or extractive operation, the Planning Commission must be satisfied that sufficient material to be mined or extracted exists on the site in question to justify such operation, and that such use would not be detrimental to other permitted land uses in the R-S and adjoining Zoning Districts, as provided by the standards set forth in this Article. This Ordinance concerns only the location of mining and extraction industry operations, licensing and operational regulations being controlled by the Bruce Township Soil Removal Ordinance.

Amended 09-17-08 (161-98-08)

Section 27.26 NON-COMMERCIAL RECREATION.

Private non-commercial recreation areas, institutional or community recreation centers, non-profit swimming pools are all included under this Section.

1. **Site Requirements.**

- a. The proposed site for any of the community-servicing uses permitted herein (i.e., those which would attract persons from beyond the immediate neighborhood) shall have one property line abutting a major thoroughfare, and the site shall be so planned as to provide vehicular ingress and egress directly onto said major thoroughfare.

2. **Yard and Placement Requirements.**

- a. No building shall be located nor activity take place within fifty (50') feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting residentially zoned property by means of a protective wall or greenbelt as described in Article 6 of this Ordinance.

3. **Other Requirements.**

- a. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6') feet in height and entry shall be by means of a controlled gate or turn-style.

4. **Off-Street Parking and Environmental Improvements.**

Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 27.27 NURSERY SCHOOLS AND DAY-CARE FACILITIES.

Nursery Schools and Day-Care Facilities are regulated under this Section as follows:

1. The site shall contain a minimum of one hundred fifty (150) square feet of outdoor play area per child, and not less than five thousand (5,000) square feet in total.
2. Access for centers with a capacity exceeding twelve (12) children shall be directly from a road classified as a major or secondary road on the Bruce Township Master Plan.
3. All outdoor play areas shall be fenced and screened from any abutting residentially developed sites, as per the requirements of Section 6.00.
4. Parking shall be provided on the basis of one (1) space per employee, and one (1) space for each ten (10) children housed at the center.
5. Designated child drop-off areas shall be shown on the site plan. All such drop-off areas shall be arranged to minimize pedestrian and vehicular conflicts or vehicle stacking into any abutting road.
6. No playground equipment or fencing shall be allowed in any front yard.

Section 27.28 PUBLIC UTILITY BUILDINGS.

Public utility buildings, including telephone exchange buildings and repeater stations, electric transformer substations and stations and gas regulator stations (all without storage yards), when operation requirements necessitate their location within the district in order to serve the immediate area, may be permitted in Agriculture and all Residential Districts.

1. Site Requirements.

- a. Minimum Site Size: Two (2) acres. This requirement may be reduced to a lesser area by the Zoning Board of Appeals upon a finding that the intent of this Ordinance is met through isolation or the scale of the site in relation to the proposed improvement.
- 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 a proposed right-of-way of a major thoroughfare.

Amended: 07-07-93 (161-14-93)

2. Yard and Placement Requirements.

- a. All development features shall be enclosed within a building. The Planning Commission may permit substitutions of dense or opaque screening for the building requirement in cases of large site size and/or isolated locations.
- b. The maximum height of any building or structure shall not exceed twenty-five (25') feet.
- c. Minimum Yard Requirements:
 - (1) Front: Fifty (50') feet.
 - (2) Thirty (30') feet each side, with one (1) additional foot for each five (5') feet the non-residential structure exceeds forty (40') feet in length along the adjoining property line.
 - (3) Rear: Fifty (50') feet.
- d. Maximum Lot Coverage of all buildings: Ten (10%) percent.

3. Off-Street Parking and Environmental Requirements.

Off-street parking and environmental requirements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 27.29 PUBLIC UTILITY TRANSMISSION LINE APPROVAL.

Except as provided elsewhere in this Ordinance, the erection, construction, alteration, addition, expansion, reconstruction, abandonment, or replacement of underground, surface or overhead transmission of gas, electricity, communications, steam or water, including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, and any other similar equipment and accessories in connection therewith, except for ordinary local service lines and emergency repairs, by a person, partnership, corporation or public utility, may be permitted uses only in the industrial districts and shall require submittal of an application for review and approval by the Township Planning Commission after a duly constituted public hearing and recommendation to the Township Board for approval.

Amended: 07-07-93 (161-14-93)

1. Transmission Line Standards.

- a. All utility lines shall follow existing utility line corridors or within existing easements where possible and reasonable.
- b. The loss of prime and significant agricultural soil, particularly those under cultivation, shall be held to a minimum. No utility shall be designed, arranged or constructed in such a way that will prevent a farm operator from cultivating the land.
- c. Utility line easements or corridors shall, wherever possible, follow interior property lines. In no instance shall an easement or corridor be aligned in such a way that it denies any parcel of land clear and perpetual access to a public street or road.
- d. No utility line easement or corridor, by its location, extension or alignment across a parcel of land, shall subdivide that parcel into two (2) or more parcels of land in violation of the State Subdivision Control Act 288 of 1967, as amended.
- e. Selective clearing techniques shall be administered throughout the length and width of any utility easement or corridor. Existing vegetation shall be maintained, when and wherever possible, throughout the remainder of the easement or corridor not affected by the actual physical installation of any approved physical plant.
- f. Prior to commencement of construction, any approvals granted hereunder shall not be transferable to another party or to any successors in interest, without first applying for approval of a transference by the Township Board.
- g. Any applicant granted approval by the Township as herein set forth, shall make available to the Township Clerk the name, address, and telephone number of its representative responsible for receiving and acting upon inquiries or complaints received from the Township.

2. **Extra High Voltage Transmission Lines.**

Extra High Voltage (EHV) Transmission Lines, in addition to meeting the conditions set forth in the Section above, shall equal or exceed the applicable requirements of the National Electrical Code, and shall further meet the following requirements:

- a. The EHV transmission lines rules, regulations, and supplements as amended.
- b. When application is made for a transmission line, the conductors which are to be energized to 345 Kv or greater, the Township Planning Commission shall evaluate all areas within one (1) mile of the proposed electric transmission line easement or corridor and make its recommendation to the Township Board. The Planning Commission shall require the utility to investigate with respect to the proposed transmission line's potential impact on existing conditions within the designated area. In evaluating potential impact study, the Planning Commission and the Township Board shall consider at least the following:
 - (1) The impact on existing land use operations such as farms, nurseries, or other crop or plant growing operations. Livestock raising, including dairy farms and poultry farms.
 - (2) The impact on residential dwelling units and all developed land uses existing within the designated area.
 - (3) The impact on any areas of environmental significance including but not limited to wildlife preserves or areas containing a significant number of wildlife.
- c. The electric field strength for all voltage levels shall not exceed 1.0 Kv per meter, as measured from the edge of the electric transmission line easement or corridor.
- d. Safety criteria for human exposure to induced currents shall not exceed 5.0 mA.
- e. No electric transmission lines or system of lines shall create or otherwise cause radio, television, microwave or other communication interference with the receivers or residents outside of an electric transmission line easement or corridor. Detectable interference therefrom shall be considered a public nuisance and shall be abated.
- f. Noise levels (i.e., the pressure level of sound at the easement or corridor edge) shall not exceed the following day-night average sound levels in dB (decibels) when adjacent to the following land use types, measured from the common property line:

| <u>Sound Level</u> <u>dB-Ldn</u> | <u>Land Use Type</u> |
|-------------------------------------|-----------------------|
| 52 | Agricultural |
| 52 | Residential |
| 52 | Open Space/Recreation |
| 60 | Commercial |
| 70 | Light Industrial |
| 75 | Heavy Industrial |

Where noise levels exceed the above standards, a wider easement or corridor width shall be provided. The width of the easement or corridor shall be the width necessary to comply with the above standards.

3. **Construction and Repair.**

During the construction or repair of any approved facility as permitted herein, the following conditions shall apply:

- a. All internal roads used during construction shall be maintained with dust retardant agents.
- b. Any damage to public or private streets or roads, fences, landscaping, windows, structures or other facilities shall be repaired within thirty (30) days from date of notification of damage.
- c. No wastes or spoils, such as tree stumps, dirt mounds, construction wastes or trash of any kind, shall be left after construction or repair operations are completed.

Section 27.30 GROUP DAY CARE, ADULT FOSTER CARE, AND THE LIKE.

Amended 09-17-08 (161-95-08)

1. May be allowed in the Residential Districts, subject only to the standards contained in this Section.
2. **Location.**

The proposed use shall not be located closer than one thousand five hundred (1,500') feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley:

- a. Another licensed group day-care home.
- b. Another adult foster care small group home or large group home, licensed by the State of Michigan.
- c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, whether or not it is licensed by the State of Michigan.
- d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population, under the jurisdiction of the Department of Corrections or a similar governmental authority.

3. **Yard and Placement Requirements.**

- a. Front, Rear and Side Yard minimums shall be the same as the residential district in which it is requested.
- b. Maximum Lot Coverage. Same as for the district in which the use is requested.

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

- a. On-site parking shall be provided for all employees in addition to the required off-street parking for the residence. No off-street parking shall be permitted in the required front yard space.
- b. Fencing shall be required next to residential uses or districts in accordance with Section 2.18 and enclose all outdoor play areas.

5. **Character of Development.**

The requested site and building shall be consistent with the visible characteristics of the neighborhood. The group day-care home shall not require the modification of the exterior of the dwelling, nor the location of any equipment in the front yard.

6. **Signage.**

The proposed use, if approved, may have one (1) non-illuminated sign that complies with Section 6.01, and shall display only the name and address of the family day-care home.

7. **Hours of Operation.**

Operating hours shall be limited from 7:00 a.m. to 11:00 p.m. daily.

8. **Inspection.**

The proposed use, if approved, shall be inspected for compliance with these standards prior to occupancy and at least once each year thereafter within ten (10) days of the anniversary of the Certificate of Occupancy.

Section 27.31 VETERANS, FRATERNAL, LODGE OR PRIVATE ORGANIZATIONS.

1. Site Requirements.

- a. Minimum site shall be two (2) acres on a continuous parcel.
- b. The site shall abut a paved 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.

2. Yard and Placement Requirements.

- a. Front and Rear Yard: Same as those listed for the district in which the conditional use is requested.
- b. Side Yard: Same as those listed in the requested district for permitted uses.

3. Buffer and Sign Requirements.

Same as in the RM-1 Residential (Multiple) District, plus no lighted type signs shall be permitted.

4. Off-Street Parking and Environmental Improvements.

Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 27.32 ADULT BOOK STORES, ADULT MOTION PICTURE THEATERS, ADULT MINI-MOTION PICTURE THEATERS, GROUP CABARETS, HOTELS OR MOTELS, PAWN SHOPS, POOL OR BILLIARD HALLS, PUBLIC LODGING HOUSES, SECOND-HAND STORES, SHOE-SHINE PARLORS, AND TAXI DANCE HALLS.

- 1. In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In addition to the review standards contained in this Article, additional special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e. not more than two such uses within one thousand (1,000') feet of each other) which would create such adverse effects. The uses subject to these controls are adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, group "D" cabarets, hotels or motels, pawnshops, pool or billiard halls, public lodging houses, second-hand stores, shoe-shine parlors or taxi dance halls.

2. The Planning Commission may waive the locational requirement established in Section 1 herein for adult book stores, adult motion picture theaters, adult mini-motion picture theaters, group “D” cabarets, hotels or motels, pawnshops, pool or billiard halls, public lodging houses, second-hand stores, shoe-shine parlors or taxi dance halls, if the following findings are made:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed.
 - b. That the proposed use will not enlarge or encourage the development of a “skid row” area.
 - c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
 - d. That all applicable regulations of this Ordinance will be observed.
3. For establishments for the sale of beer or intoxicating liquor for consumption on the premises, the Township Board may waive the locational requirements if the findings required in Section 2 can be made and after receiving a report and recommendation from the Planning Commission.
4.
 - a. It shall be unlawful to hereafter establish any adult book store, adult motion picture theater, adult mini-theater or class “D” cabaret within five hundred (500’) feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file with the Township Planning Commission a petition which indicates approval of the proposed regulated use by fifty-one (51%) percent of the persons owning, residing or doing business within a radius of five hundred (500’) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses at which no contact was made.
 - b. The Township Clerk shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this Section of the Ordinance. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Township Clerk and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.
 - c. The Township Planning Commission shall not consider the waiver of locational requirements set forth in Sections 1 and 3 until the above-described petition shall have been filed and verified.
5. Off-street parking and environmental improvements shall be provided in accordance with Articles 5 and 6 of this Ordinance.

Section 27.33 KENNELS.

The raising or keeping of fur-bearing animals, including commercial and private dog kennels, may be permitted as a special land use, subject to the following requirements. These requirements shall apply in all cases where four (4) or more animals, six (6) months old or older, are used, kept, stored or maintained for any purpose.

1. A minimum lot area of 5 acres shall be provided.

Amended 09-17-08 (161-96-08)
2. The site shall provide access to a major or secondary thoroughfare, as identified on the Bruce Township Master Plan.
3. There shall be provided an area of at least one hundred (100) square feet for each animal, including the area devoted to interior kennel space and runs.
4. All interior building areas used for the keeping of animals shall be soundproofed.
5. All animals shall be kept in soundproofed buildings between 8:00 p.m. and 8:00 a.m.
6. Exterior dog runs and non-soundproofed interior buildings shall not be located closer than two hundred (200') feet to any lot line.
7. Soundproofed interior buildings shall be located at least one hundred (100') feet from any property line.
8. Exterior areas for the keeping of dogs shall be provided with fencing capable of confining the animals.
9. All exterior dog runs shall be screened from view by adjoining parcels and the public road.
10. The design and appearance of buildings used as animal boarding places shall be consistent with surrounding uses.
11. One (1) parking space shall be provided for every five (5) kennel runs.
12. All kennel runs and interior building areas shall have concrete floors or a suitable equivalent that can be easily cleaned.

Amended: 06-08-92 (161-07-92)

Section 27.34 DETACHED SINGLE-FAMILY HOMES.

Detached single-family homes are regulated under this Section as follows:

1. All dwelling units shall observe the following minimum internal yard setbacks:
 - a. Front: Twenty-five (25') feet to the edge of any internal road.
 - b. Side: Fifteen (15') feet between units.
 - c. Rear: Sixty-five (65') feet (measured from the rear of each building).
2. All dwelling units shall observe the following minimum perimeter yard setbacks (measured from all the property lines):
 - a. Front: Fifty (50') feet.
 - b. All other perimeter yards: Thirty-five (35') feet.
3. Building Height:
 - a. In stories: Two (2).
 - b. In feet: Thirty (30').
4. Building floor plans and elevations for typical units shall be provided. A block- front streetscape plan shall also be provided, illustrating the front building elevation for a typical block.
5. A landscaping plan shall be provided, illustrating proposed landscaping improvements for all common areas and typicals for each individual building site.
6. Each unit shall include an attached two-car garage. Side-entry garages shall be provided for at least twenty-five (25) percent of the total units.
7. Well-defined and improved recreation areas shall be provided to meet the anticipated needs of the residents of the development. At a minimum, four hundred (400) square feet of open space shall be provided for each dwelling unit.
8. Sidewalks shall be provided along the frontage of any abutting public road. An internal pedestrian circulation plan, acceptable to the Township, shall also be provided.
9. Detached accessory buildings and perimeter yard fencing are prohibited.
10. All applications for special land use approval under this Section shall be accompanied by either a preliminary condominium subdivision plan, meeting the requirements of Section 2.45 of the Bruce Township Zoning Ordinance, or a tentative preliminary plat, meeting the requirements of the Bruce Township Subdivision Ordinance.

Amended: 10-14-92 (161-08-92)

Amended: 07-16-03 (161-45-03)

Section 27.36 BED AND BREAKFAST LODGING FACILITIES.

1. The site shall have a direct access to a major or secondary thoroughfare as designated by the Bruce Township Zoning Ordinance.
2. The site shall have a minimum lot sizes of five (5) acres in the R-S or R-1 Districts. The Township Board may allow a reduction of this requirement for sites with sufficient area for parking, light, air space, and provided that the proposed use is compatible with surrounding development.
3. Not more than twenty-five (25%) percent of the total floor area of the dwelling unit shall be used for Bed and Breakfast sleeping room.
4. The rooms utilized for lodging purposes shall be part of the primary residential use and shall not have been specifically constructed for rental purposes.
5. There shall be no separate cooking facilities used for the Bed and Breakfast stay.
6. The residence is owner-occupied at all times.
7. Sufficient off-street parking has been provided to meet the requirements of the existing single-family structure as specified in Section 5.04, as well as one (1) parking space per double-occupied room.

*Amended: 07-07-93 (161-14-93)
09-21-94 (161-18-94)*

8. No retail or other sales shall be permitted, unless they are clearly incidental and directly related to the conduct of the Bed and Breakfast establishment.
9. Signage shall be limited to one (1) non-illuminated nameplate, not more than two (2) square feet in area, containing only the name of the establishment.
10. The use will not alter the basic single-family residential characteristics of the surrounding area through the creation of nuisances, such as noise, odor, smoke, electrical disturbances, night lighting, excessive traffic or high public utility loads.
11. A Bed and Breakfast establishment shall not be permitted within an existing residential subdivision.
12. Adequate lavatory and bathing facilities for the lodging rooms shall be provided as per the requirements of the Macomb Health Department or other appropriate regulatory agency.

Section 27.37 FUNERAL HOMES.

1. Sufficient off-street automobile parking and assembly area is provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to any required off-street parking area. A circulation plan identifying the arrangement of the vehicular assembly area shall be provided as part of the required site plan.
2. The site shall be located so as to have one property line abutting a major thoroughfare of at least one hundred twenty (120') feet of right-of-way, existing or proposed.
3. Adequate ingress and egress shall be provided to said major thoroughfare.
4. No building shall be located closer than fifty (50') feet to the outer perimeter (property line) of the district when said property line abuts any single-family residential district.
5. Loading and unloading area used by ambulances, hearses or other such service vehicles shall be obscured from any residential view. No outside loading shall be permitted.

*Amended: 09-21-94 (161-18-94)
08-16-95 (161-21-95)*

Section 27.38 WIRELESS COMMUNICATION TOWERS.

1. Purpose and Intent.

It is the general purpose and intent of Bruce 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.

Amended: 09-20-00 (161-29-00)

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

In furtherance of these goals, Bruce 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 within limited sections of the R-S Rural Suburban District and the entire M-1 Industrial District and P-I Planned Industrial District, when found to be needed or desirable to the public convenience or welfare and in conformance with the following requirements. Cellular towers are a permitted use on any property owned by Bruce Township and for any co-location on an existing structure. In fact, the Township locations are the preferred areas. It is noted that communication towers do not fall under the classification of essential services, public utilities or local utilities and may in no way be regulated as such.

- a. The submission shall contain 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 which 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. The applicant shall demonstrate the need for the facility. If a new tower is proposed, the application shall include a map showing existing and known proposed wireless communication facilities and other structures which are suitable of co-location within the Township and, further, showing existing and known proposed wireless communication facilities and other structures suitable for co-location 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 Bruce 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, fiber optic, or similar system cannot or should not be used in lieu of a wireless communication tower.

Amended: 09-20-00 (161-29-00)

- 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. An applicant shall furnish written documentation as to why a co-location at another site is not feasible and whether they have, in fact, contacted the owners of existing facilities to determine if co-location is possible. This documentation should also show that co-location was economically infeasible. 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.

Further, if the application involves co-location, on an existing tower or structure, the application shall be reviewed by the Township Building Inspector, to ensure that all applicable Zoning Ordinance requirements have been met, and by the Township Engineer to ensure that the host structure is structurally capable of housing the proposed antennae. Approval by the Township Planning Commission is not necessary, unless deemed necessary by those reviewing the plan. The reasons for requesting review by the Planning Commission shall be submitted to the Planning Commission along with the plans. Written documentation from the owner(s) of the host structure shall also be submitted stating that their permission for co-location has been granted. Co-locations on existing towers and structures are permissible in all Zoning Districts.

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

- (1) The Township strongly encourages the development of towers on suitable Township-owned property. Towers one hundred seventy-five (175) feet or less in height, may be located as a permitted use on any property owned by Bruce Township. Towers between one hundred seventy-six (176) feet and two hundred (200) feet in height require special land use approval on any property owned by Bruce Township.

Amended: 09-20-00 (161-29-00)

- (2) Towers not exceeding two hundred (200) feet in height shall be a special land use approval within the limited sections (16-21) of the R-S Rural Suburban District and the entire M-1 Industrial District and P-I Planned Industrial District, 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 unless otherwise provided for in this ordinance. Towers exceeding two hundred (200) feet in height shall be prohibited unless a height variance is granted by the Zoning Board of Appeals.

Amended: 05-05-10 (161-110-10)

- (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 base of 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 unless located within the R-S District.
 - (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.

Amended: 09-20-00 (161-29-00)

- (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 Inspector.
- (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 ninety (90) days of any one hundred twenty (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 Land 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 to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

3. **Procedures.**

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 finding 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 to 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.

Amended: 02-19-14 (161-116-14)

Section 27.39 PLANNED RESIDENTIAL COMMUNITY

1. **Intent.** The intent of the Planned Residential Community Option (PRC) is to permit the development of a creative planned residential community that provides a logical extension of the existing development pattern, usable recreation and open space, natural buffering from incompatible features, and a diversity of housing types. These developments shall be considered to be self-supporting and self-contained residential communities.

The Planned Residential Community Option (PRC) allows flexibility in the design and layout of lot sizes, road configuration and open spaces, subject to the approval of an overall development plan by the Township Planning Commission and the Township Board. In reviewing any application for a PRC, the Township shall consider existing and potential development in the area and the reasonableness of the request from the standpoint of established and acceptable principals of land use planning.

2. **Location.** PRC's may be located in the R-1-A, R-1-B, R-1-C, RM-1, RM-2 and RM-3 Districts, which are included within the sewer district.
3. **Permitted Density.** The overall density for any PRC shall be determined by the submittal of a yield or parallel plan based on the underlying zoning district(s). The Planning Commission must determine that the yield or parallel plan submitted is a feasible development which could be built if the PRC plan was denied or never constructed.

Determination of the total number of single-family dwelling units shall be based upon a yield or parallel plan meeting all requirements of the Bruce Township Subdivision Regulations. Determination of the total number of multiple-family dwellings units shall be based upon a yield or parallel plan meeting all requirements of the appropriate multiple-family section of the Township Zoning Ordinance.

Amended: 04-11-01 (161-31-01)

4. **Conceptual Review.** The conceptual review process is not required, but is intended to provide an opportunity for the applicant and the Planning Commission to informally discuss a proposed Planned Residential Community project. The purpose of this step is to provide the Planning Commission with a general understanding of the scope of the project and its impact on the Township in general. It also gives the applicant some understanding of the Township's requirements and concerns. The concept review should consider the following:
 1. The Planning Commission shall review the Plan with the applicant; offer comments on said plan as it relates to the Township's development policies, Master Plan, Zoning Ordinance, Sewer Study, Drainage Plan, and overall road network; and make appropriate comments or suggestions concerning the proposed development scheme.
 2. The Planning Commission shall make a determination as to whether the location and general concept of the PRC appears to be appropriate and recommend either conceptual approval and submittal of the Preliminary Plans or conceptual disapproval.
5. **Procedure For Submittal And Approval.** A person or persons owning or controlling a minimum of fifty (50) acres of contiguous land zoned for residential purposes may make application to the Township for consideration under this District. The person or persons applying shall be required to make a preliminary and final submittal of the following materials to the Township.
 1. **Submission of Preliminary Plans.** A presentation shall be made to the Planning Commission for review and recommendation to the Township Board of the following:
 - a. A boundary survey of the exact acreage being requested, to be performed by a registered land surveyor or civil engineer.
 - b. A topography map, drawn at contours with an interval of at least 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.
 - c. A recent aerial photograph of the area shall be provided.
 - d. A preliminary community plan for the entire development area, carried out in such detail as to indicate the functional use areas, lot sizes and layout, and dwelling unit types being requested; the densities being proposed; a generalized major thoroughfare and traffic circulation plan; the public utility plan; and sites being reserved for playgrounds, recreation areas and other open spaces. The site plan shall also show existing conditions within 200 feet of the proposed site. Careful consideration shall be made to ensure that conflicts between proposed uses and surrounding uses are avoided. The site plan shall meet all applicable provisions of ARTICLE 4, SITE PLAN REVIEW.

Amended: 04-11-01 (161-31-01)

- e. A preliminary estimate of the contemplated total storm water flow, overall water usage, and sanitary sewage. The preliminary plan shall show each utility as a one-line diagram, with flow direction drawn on the proposed street layout. These features shall be shown on the topographic map, as provided in subsection 1.b. above.
- f. A written statement explaining, in detail, the type and number of dwelling units contemplated; supporting documentation, such as soil surveys showing the area to be suitable for the proposed development; and the intended scheduling or phasing of the development.
- g. Where necessary, the provision of public roads shall be made so as to cause continuity of public access between any abutting thoroughfare and ingress and egress to all development within the plan.

2. **Preliminary Review.** Upon receipt of an application as a preliminary submittal, the Planning Commission shall hold a public hearing on the application. Proper notice, as required by the State Enabling Act for special land uses, shall be carried out at this time. The Planning Commission shall make a recommendation on the preliminary plans to the Township Board. This recommendation shall be accompanied by any and all reports, correspondence and findings.

Following the public hearing and receipt of the Planning Commission's report and recommendation, the Township Board may approve said application and accompanying plan only upon finding that:

- a. All applicable provisions of this Section and this Ordinance have been met. Insofar as any provision of this Section shall be in conflict with the provisions of any other Section of this Ordinance, the provisions of this Section shall apply to the lands included within a Planned Residential Community area.
- b. 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.
- c. The plan provides for an efficient and desirable use of the open areas and the plan is in keeping with the physical character of the Township and the area surrounding the development.
- d. The applicant has made provisions, satisfactory to the Board, to assure that those areas shown on the plan for use by the public or occupants of the development will be, or have been, irrevocably committed for that purpose. The Board may require that conveyances or other documents be placed in escrow to accomplish this.

Amended: 04-11-01 (161-31-01)

- e. The applicant shall also satisfy the Board that provisions have been made to finance all improvements shown on the plan for open space areas and common use areas which are to be included within the development, and that maintenance of such open space is assured by a satisfactory means.
- f. The plan meets or exceeds the planning standards set forth in Section 27.00.

3. **Approval of Preliminary Submittal by Board.**

- a. Once an area has been included within a general plan for a Planned Residential Community and such plans have been approved by the Board, no development may take place in such area, nor may any use thereof be made, except in accordance with the preliminary community plan approved or in accordance with a Board approved amendment thereto.
- b. With the granting of preliminary approval, the Township grants approval of the lot configuration, density, open space arrangement, road layout, etc. Once the plans are approved, any significant change to any of the above-referenced items or other significant change in the application will require reexamination of the preliminary plans by the Township Planning Commission.

4. **Submission of Final Plans.**

- a. Before any building permits shall be issued for buildings and structures within the area of the PRC, a final detailed site plan for the project area shall be submitted to the Township for review and recommendation by the Planning Commission of the following:
 - (1) A detailed site plan, fully dimensioned, showing the final lot configuration, building orientation, open spaces, all public road rights-of-way and private streets, utilities, etc.
 - (2) The proposed topography, contour interval of at least two (2') feet, shall be superimposed on all site plans.
 - (3) Typical floor plans and architectural elevations for all principal buildings and structures, along with a schedule and number of building types.

5. **Approval of Final Submittal by Township Board.**

- a. In reviewing and approving the final site plans, the following conditions shall be set forth.
 - (1) Approval shall only be granted by the Township Board after review and recommendation by the Planning Commission. Public hearings shall not be required for this stage.

Amended: 04-11-01 (161-31-01)

- (2) Before approving of any final detailed site plan, the Board shall determine:
 - (a) That all areas shown upon the comprehensive plan for the entire Planned Residential Community for use by the public or the residents of land within the Planned Residential Community have been irrevocably committed to such uses by dedication, restrictive covenants, or in some other manner satisfactory to the Board.
 - (b) That the final detailed site plan is in conformity with the original preliminary plan previously approved.
- (3) Provisions satisfactory to the Township Board shall be made to provide for the financing of any improvements shown on the site plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured by a means satisfactory to the Township Board.

6. Design Standards

1. A minimum of fifty (50%) percent of the total land area included within the development shall be dedicated as permanent open space. Open space requirements shall not be met by exclusionary recreational uses. No more than fifty (50%) percent of the total open space area may be met by land deemed as unbuildable.
2. Setbacks from exterior roadways shall be equal to the average of the residences on either side of the proposed development, or, if no residences exist, it shall be the same as set forth in the underlying zoning district.
3. Setbacks for living areas of single-family homes shall be as follows:

Front: Twenty-five (25) feet from the curb of the street.
Side: Five (5) feet from each lot line, total of ten (10) feet.
Rear: Thirty (30) feet from the rear property line*.

* *garages and accessory structures may be located a minimum of twenty-five (25) feet from the curb or edge of a lane or alley provided such is in the rear yard.*
4. Spacing requirements for multiple-family structures shall be the same as those set forth in Article 15, RM-1 Residential (Multiple-Family) District.
5. Parking for each type of development shall be provided based on the minimum requirements set forth in this Ordinance.

Amended: 04-11-01 (161-31-01)

6. Alley ways servicing up to six (6) homes may be reduced to sixteen (16) feet, with a road right-of-way of twenty (20) feet. Alley ways and road ways servicing over six homes shall provide a road width of twenty-four (24) feet with a right-of-way of fifty (50) feet.
7. Street trees shall be provided throughout the development. Trees shall be planted not more than thirty (30) feet on center on both sides of all public and private streets, roads, and alleys.
8. The use of fencing around the building sites is prohibited, unless such fence is decorative in nature. Picket fences, wrought iron fences, or split rail fences are permitted, provided such are not more than three feet six inches (3' 6") tall from the established grade.

Privacy fencing up to six feet in height may be permitted, provided that the fencing is not located within the front yard. Further, privacy fencing may be solid up to a height of four (4) feet, the remaining two feet must consist of an open design such as slats, lattice, or other acceptable design. Such privacy fence shall be accented with landscaping between the fence and the roadway.

7. **Duration of Approvals.** Only applications properly prepared and submitted with all required fees, deposits and/or bonds paid in full will be processed. Review and processing of the application shall be subject to the requirements and procedures contained within this Ordinance and as administered and finally approved by the Township. Initial approval shall be valid for a period of two years, with one-year extensions possible with the approval of the Planning Commission upon proper application. If development of the site has lapsed for a period exceeding one year, the owner/applicant or his successors, shall be required to return to the Township for reconsideration of the plan, following the procedure outlined for original approval in this Section.

Amended: 04-11-01 (161-31-01)

Section 27.41 USES CONSISTING PRIMARILY OF OUTDOOR STORAGE OF CURRENTLY OPERATING AND LICENSED EQUIPMENT AND VEHICLES

Uses which consist primarily of the outdoor storage of currently operating and licensed equipment and vehicles are regulated under this Section as follows:

1. The site shall have direct access to a major or secondary thoroughfare as designated by the Bruce Township Master Plan and as designated by the Road Commission of Macomb County.
2. The site shall have a minimum area of 10 acres.
3. No storage, parking or sales of stored vehicles and/or equipment shall occur in front of the established building line.
4. No storage or parking of stored vehicles shall occur within 100 feet of residentially zoned property.
5. All areas dedicated for outdoor storage shall be enclosed with a six foot chain link fence (barb wire or electric fencing shall not be permitted). Fences located along the side and rear of the property shall be constructed twenty feet from the property line unless otherwise approved. Further, the fence which fronts upon and/or is visible from the roadway shall be of a decorative nature (i.e. simulated wrought iron) or decorative poured concrete.
6. A twenty foot wide greenbelt is required along the entire exterior of the fence/wall line (front, sides and rear). The greenbelt along the sides and rear shall be planted with a staggered row of evergreen trees (spruce or pines), no less than five feet in height and trees within each row planted no more than 15 feet on center. The greenbelt along the front wall may incorporate up to fifty (50) percent deciduous trees. The use of existing trees and/or vegetation in meeting the greenbelt requirements may be permitted by the Planning Commission. The extent of such vegetation must be documented on the site plan, listings of trees, and photography.
7. All areas designated for storage shall be paved. Areas dedicated for the storage of tracked vehicles may be constructed of gravel. The construction of such area shall meet the standards set forth in the Township's Engineering Ordinance. Such area shall be clearly defined on the site plan.
8. The total impervious surface of the site shall be limited to sixty (60%) percent. The impervious surface shall include all building, and all gravel, concrete or asphalt parking, maneuvering and storage areas.
9. All repairs to vehicles and machinery shall be conducted within an enclosed building.
10. All buildings shall conform to the required setbacks of the underlying zoning district.
11. Nothing in this section shall be deemed as granting the right to construct or operate any use which is specifically prohibited in the M-1 Zoning District.

Amended: 08-16-95 (161-21-95)

Amended: 10-17-01 (161-34-01)

27.42 AGRI-BUSINESS (VALUE ADDED FARMING OPERATION)

1) Intent.

The Township wishes to preserve and promote the orchard, farming, dairy, livestock, equestrian, agricultural and horticultural land uses that help to define Bruce Township's character and allow their ancillary uses to evolve as the broader market and economic conditions of farming evolve. Further that, to maintain the remaining farms within the Township, it may be necessary to allow ancillary uses connected with the typical farm and farm operations. This section of the Ordinance is intended to provide a mechanism to allow value added farming while protecting the long-term interests of the Township. This section however, shall only apply to those farming operations that desire to provide ancillary sales and activities above and beyond those of a traditional farming operation that are permitted under the Bruce Township Zoning Ordinance.

As part of the approval process, a farm must produce some form of recognition from the State of Michigan that the subject site is a bona fide farm. These methods may include tax records, enrollment in state or federal programs, or other acceptable means. However, should activity areas be provided, they shall be subject to the site plan review process and/or public hearing requirements for special land use approval as provided below.

2) Permitted Uses.

General and specialized farming and agricultural activities, including the production of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities for the storage and handling of said crops or animals, products and foodstuffs until consumed on the premises or until moved to an off-premise place of collection, distribution, or processing, and for the incidental sale of the crops, products and foodstuffs raised or grown on said parcel or on parcels under the same farming operation.

- A. At least 50% of the agricultural products, including products produced for consumption and for ornament must be grown on site or on parcels under the same farm ownership or lease agreement. As part of the agri-business approval process, a farmer must produce some form of Federal or State identification or lease agreement showing that the subject sites are included as part of their farming operation.
- B. The following uses listed below shall be considered permitted uses in every single family Zoning District.
 - (a) Cider mills or wineries derived from produce grown primarily onsite (a minimum of 50% grown onsite).

- (b) Bakeries selling baked goods containing produce grown primarily onsite (a minimum of 50% grown onsite).
- (c) Children play areas (not including motorized vehicles or rides).
- (d) Petting zoos (limited to farm animals) and pony rides.
- (e) Gift shops for the sale of crafts, antiques or non-farm items limited to twenty-five (25%) percent of gross sales.
- (f) Small scale entertainment on a minimum of twenty (20) acres (not including permanent seating area).
- (g) Hayrides on a minimum of 20 contiguous acres.
- (h) Other similar uses as approved by the township. A value added agriculture applicant may request consideration of other activities or uses that are not specifically mentioned on the above list. However, the Township Planning Commission must determine that the proposed activities or uses are similar in nature to items listed above prior to any potential approval. If any questions arise as to whether a use is a permitted use or a use permitted after special land use, the use shall be considered a special land use.

3) Uses Permitted After Special Land Use Approval.

Other additional agri-business uses may be determined acceptable as part of a bona fide farming operation after special land use approval.

A. Minimum Site Requirement.

- (a) More than ten (10) acres.
- (b) These ancillary uses may only be considered on farms or orchards as recognized by the Township.
- (c) Setbacks:
 - 1) Front yard: The minimum requirements for that district.
 - 2) Side yard: A minimum of fifty (50) feet.
 - 3) Rear yard: A minimum of fifty (50) feet.

The Township in the case of an existing structure or use may alter these requirements.

B. Pedestrian Circulation.

Dedicated pedestrian walkways or pathways shall be provided from all parking areas to the designated activity or shopping area. Walkways shall incorporate some form or combination of fencing, curbing, landscaping, etc., as a method of separation.

C. Parking and Access.

- (a) Permanent parking area shall be provided for farm stands. Parking shall be provided at a rate of one (1) space for each seventy-five (75) square feet of farm stand area. Such parking areas shall be paved or gravel.
- (b) The applicant shall provide estimates for seasonal parking. Overflow parking areas shall be provided which can accommodate season parking peak. Such parking areas are not required to be paved or gravel.
- (c) Parking for other types of ancillary uses as described above shall be provided as required by this Ordinance.
- (d) Parking shall be properly screened from adjacent residential uses. Screening shall consist of a landscaped greenbelt consistent with the standards of this Ordinance.
- (e) No parking shall occur within the required side or rear yard setbacks.
- (f) Proper access shall be provided for all parking and maneuvering areas servicing the farm stand or farm use.

D. Conditions.

- (a) As a part of the special land use approval the applicant shall provide an emergency reaction plan if the uses being proposed call for such.
- (b) All proper permitting and licensing records (as required), including those from the Macomb County Health Department, shall be submitted to the Township.
- (c) Noise emanating from such use shall meet the acceptable decibel requirements set forth in this Ordinance.
- (d) Lighting shall meet the requirements set forth in Section 6.06.
- (e) Signs shall meet the requirements set forth in this Ordinance.
- (f) No outdoor storage that is ancillary to value added operations should be permitted. All such storage shall occur within existing building.

Amended: 08-16-06 (161-44-06)

Section 27.43 WIRELESS INTERNET TOWERS OR TOWERS REQUIRED FOR SIMILAR TECHNOLOGY AND WIND TURBINES, WINDMILLS AND OTHER SIMILAR DEVICES.

1. Intent

The intent of this section is to regulate the location, height, and use of wireless internet towers as well as wind turbines or other similar windmill type devices within the Township. It is noted that there is a desire to provide Township residents with the ability to be serviced with high speed internet connections for the purposes of recreation, education and commerce. It is further noted that wind turbines and other similar devices have substantial benefits in generating additional electricity or other sources of power for individual as well as multiple property owners. However, both types of towers have the ability to impact views, negatively affect adjacent property values, and have the potential for causing physical harm or other injury. The provisions of this section shall not apply to cellular communication towers. Such towers shall be regulated by Section 27.38 of this Ordinance.

2. General Regulations

a. A proposed tower or structure regulated under this section shall not exceed one-hundred-seventy-five feet in height, unless otherwise permitted herein. The construction of all towers and structures regulated under this section on a single piece of property within any single or multiple family zoning district which has a total land area less than two (2) acres or if the tower or structure is to be located in a nonresidential zoning district and will exceed the maximum height allowed in that district, such tower or structure shall require special land use approval regardless of height. If the tower or structure does not exceed the height permitted in any underlying nonresidential zoning district or the property exceeds two (2) acres in size and is located within a single or multiple family district, the construction of a tower or structure shall be deemed a permitted use and no Planning Commission review shall be necessary. In the case a proposed tower or structure exceeds one hundred seventy-five (175) feet but is under two hundred (200) feet, the tower shall require special land use approval. Towers exceeding two hundred (200) feet in height, shall not be permitted unless granted a height variance by the Zoning Board of Appeals. In no case shall the height of such structure exceed one hundred and seventy five (175) feet.

b. The setbacks for any such device within a nonresidential district (not adjacent to a residence or residential district) shall be at a minimum, the overall height of the structure. If the structure is to be located in a nonresidential district but is adjacent to an existing residence or a residentially zoned property, the setback identified below shall be applicable.

The setbacks for any such device within a residential district shall be at a minimum, one and one-half times the overall height of the structure.

Such structure shall not be located within the front yard. If no front yard exists, such structure shall not be located within the required front yard.

c. All applicable FAA regulations shall be adhered to and copies of all necessary reviews and permits shall be provided to the Township for their review.

d. Documentation as to how the tower or structure is designed to collapse upon itself shall be provided by a structural design engineer or other acceptable professional. If such structure is not collapsible upon itself, the Commission upon review of adjacent properties, uses and zoning classifications may increase the required setback from adjoining property lines.

e. Any ground mounted appliances, shelters or the like shall be screened from public thoroughfares and adjacent properties.

- f. The lighting of any such tower shall be prohibited unless required by the FAA or deemed necessary by the Township due to the proximity of the Romeo State Airport and its designated flight paths.
- g. As a part of the review process, the applicant shall show that the device produces no audible noise pollution, above the present condition, at the property line.

Amended: 02-19-14 (161-116-14)

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ARTICLE 28

NONCONFORMING USES AND NONCONFORMING BUILDINGS

PREAMBLE

Any lawful use of land or buildings existing at the date of passage of this Ordinance or amendment thereto and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance is hereby declared to be a “nonconforming use”; and any building which does not meet the provisions of this Ordinance as to setbacks, height, or other requirement is hereby declared to be a “nonconforming building”; and such uses and buildings shall not be considered in violation of this Ordinance, provided, however, that all nonconforming uses and buildings shall not constitute a nuisance and shall be subject to and the owner shall comply with the following regulations:

Section 28.00 NONCONFORMING USE OF LAND, CONTINUATION OF USE.

The nonconforming use of land where no building or structure is involved, which exists when this Ordinance becomes effective or amendments thereto, may be continued provided that:

1. No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
2. No such nonconforming use of land shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use.
3. If such nonconforming use of land or any portion thereof is abandoned, discontinued or changed for a period of more than sixty (60) days, any future use of such land shall be in conformity with the provisions of this Ordinance. This shall not apply to a seasonal nonconforming use of land; however, discontinuation for a full season shall be considered abandonment and any future use shall conform to this Ordinance.

Section 28.01 CHANGE OF NONCONFORMING USE.

A nonconforming use may be changed to another nonconforming use of the same or greater restriction, provided no structural changes are made in the building and provided that the Zoning Board of Appeals shall determine that the proposed new use is equally appropriate or more appropriate to the particular district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restriction, it shall not thereafter be changed back to a nonconforming use. For the purpose of this Ordinance, the R-1-A District shall be considered the most restrictive district, followed in turn by the order of districts as listed in Section 8.01 of this Ordinance.

Section 28.02 EXPANSION OR EXTENSION OF A NONCONFORMING USE IN A BUILDING.

A nonconforming use may not be expanded or extended throughout other portions of a building unless such building was actually existing at the time of enactment or subsequent amendment of this Ordinance. If such nonconforming use in all or part of the building is discontinued (see Section 28.00) or changed to a conforming use (see Section 28.01), any future use of such building or portion thereof shall be in conformity to the regulations of the district in which such building is located.

Section 28.03 MOVING.

No building in which a nonconforming use exists may be moved to any other part of a parcel of land upon which same was located at the time of the adoption of this Ordinance. No nonconforming building shall be moved for any reason unless it shall then conform to the regulations for the zoning district in which it is located after said move.

Section 28.04 MODIFICATIONS.

1. Structure: Alterations, Improvements, and Rehabilitation.

Nothing in this Ordinance shall prohibit the alteration, improvement, or rehabilitation of a nonconforming building or structure existing at the effective date of this Ordinance, provided: (a) such alteration, improvement or rehabilitation does not involve an increase in height, area or bulk; and (b) that such alteration, improvement, or rehabilitation conforms with applicable codes and/or ordinances of the Township in such case made and provided.

2. Structure: Enlargement.

A nonconforming building or structure shall not be enlarged or structurally altered so as to result in an increase in height, area or bulk, unless such enlargement or structural alteration shall result in compliance with requirements of applicable codes and/or ordinances of the Township. Notwithstanding such prohibition, a single-family building or structure deemed nonconforming because of insufficient area may be enlarged or structurally altered so as to result in an increase in area less than the applicable minimum requirements for single-family dwellings in the zoning district in which said nonconforming single-family building or structure is situated.

3. Nonconforming Uses: Enlargement or Alteration.

A nonconforming use of land or a nonconforming use situated within a building or structure shall not be enlarged or altered unless such enlargement or alteration shall result in compliance with applicable codes and/or ordinances of the Township and statutes of the State of Michigan pertaining to minimum requirements for health and safety.

4. Variances.

The Zoning Board of Appeals, upon application being made as provided in Article 29 of this Ordinance and after hearing, may permit a variance from a literal application of the prohibitions of this Section upon a proper showing of undue hardship and/or practical difficulties.

Section 28.05 REPAIRS AND MAINTENANCE.

On any building devoted in whole or in part to any nonconforming use, work may be done in any twelve (12) consecutive months on repairs and maintenance, including replacements for fixtures, wiring or plumbing and the like, to an extent not exceeding twenty five (25) percent of the true cash value at the date of repair, providing that the cubic contents of the building as it existed at the time of passage of this Ordinance or its amendment, shall not be increased, except to accommodate the repairs and replacements.

Section 28.06 RESTORATION.

Any nonconforming use or nonconforming building which has been destroyed or damaged by fire, explosion, Act of God, or by public enemy to the extent of sixty-five percent (65%) of true cash value of the building or structure, exclusive of the foundation at the time such damage occurred, shall, if reconstructed, conform with the provisions of this Ordinance. Where such destruction or damage has occurred, removal of the nonconforming use of a building also shall eliminate the nonconforming use status of the land on which said building is located. If such damage is less than sixty-five (65) percent (65%) of the true cash value of the building or structure before said damage occurred, exclusive of the foundation, then such structure may be restored to the same nonconforming use or nonconforming building as existed before such damage.

Section 28.07 DISCONTINUANCE OR ABANDONMENT OF A NONCONFORMING USE OF A BUILDING.

The further use of any nonconforming building which has become vacant or remains unoccupied owing to abandonment or discontinuance for a period of six (6) months or more shall conform to the provisions of this Ordinance. See also Section 28.00(3) for discontinuance of a nonconforming use of land.

Section 28.08 RECORDS OF NONCONFORMING USES.

After the adoption of this Ordinance or any amendments thereto, the Building Inspector shall prepare a record of all known nonconforming uses of buildings and of land, including travel trailers and mobile homes, existing at the time of such Ordinance or amendment. Such record shall contain the names and addresses of the owners of record of such nonconforming uses and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Each owner and occupant shall be notified by certified mail, return receipt requested, of the nonconforming character of the structures and uses thereof. Such list shall be available during regular business hours in the office of the Building Administrator for examination, and shall constitute permanent records of the Township of Bruce.

Section 28.09 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change in tenancy, ownership or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use, except to bring the use into greater conformity.

Section 28.10 USES SUBJECT TO SPECIAL LAND USE APPROVAL NOT NONCONFORMING USES.

Any use for which a special land use approval is required is permitted as provided in this Ordinance and shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district. Such use shall remain subject to all of the approval provisions of the Special Land Use section of this Ordinance for any enlargement, or change or addition of activities.

Section 28.11 SUBSTANDARD LOTS.

Any lot which was of record at the time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for lot width and depth and available space for yards may be utilized, provided the width and area and available open space for yards is not less than sixty-six and two-thirds ($66 \frac{2}{3}$) percent of that required by the terms of this Ordinance.

Amended: 06-08-92 (161-07-92)

ARTICLE 29

ZONING BOARD OF APPEALS

PREAMBLE

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 184, Public Acts of 1943, as amended, in such a manner that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured, and substantial justice done. The Zoning Board of Appeals shall consist of five (5) members as follows:

1. The first member shall be a member of the Township Planning Commission, appointed by the Township Board.
2. The second member may be a member of the Township Board, appointed by the Township Board.
3. The remaining members shall be selected and appointed by the Township Board from the electors of the Township residing outside of incorporated cities and villages, which members shall be representative of the population distribution and of the various interests present in the Township. An elected officer of the Township shall not serve as Chairman of the Zoning Board of Appeals. Further, an employee or contractor of the Township Board may not serve as a member or an employee of the Zoning Board of Appeals.
4. The term of each member shall be for three (3) years, except that of the members first appointed, two (2) shall serve for two (2) years and the remaining members for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
5. The Township Board may appoint two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from, or unable to attend, two or more consecutive meetings of the Zoning Board of Appeals, or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member, having been appointed, shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
6. Members of the Zoning Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

Section 29.00 APPEALS PROCEDURES.

These appeals procedures are instituted to hear and decide appeals from and review an order, requirement, decision, or determination made by an administrative official or commission charged with the enforcement of the Township Zoning Ordinance, except the issuance of a variance which shall follow the procedures of Section 29.01 of this Ordinance.

1. An appeal shall be filed with the officer or commission from whom the appeal is taken and with the Zoning Board of Appeals specifying the ground for the appeal.
 - a. The officer or commission from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the appeal is taken.
 - b. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or commission from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reasons of facts stated in the certificate, 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, or by the circuit court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
 - c. Such appeal may be taken by any person aggrieved or by an officer, department, commission, board or bureau of the Township.
 - d. The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person by agent or by attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, as in its opinion ought to be made in the premises, and to that end shall have the power of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties in the way of carrying out the strict letter of such ordinance, the Board shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done. The decision of the Board shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to the Circuit Court consistent with the provisions of Public Act 110 of 2006.

Amended: 06-20-07 (161-68-07)

- e. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official.
- f. Any action by the Board shall be stated in writing.

Section 29.01 VARIANCE REVIEW PROCEDURES.

These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the Zoning Ordinance through a variance, where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant or his predecessors in title, a literal enforcement of the Ordinance would result in practical difficulties. As used in this Ordinance, a variance is authorized only for height, area, and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Amended: 06-20-07 (161-68-07)

1. An application for the approval of a variance shall be made by an owner of an interest in the lot to the Township Clerk, accompanied by the necessary fees and documents as provided in this Ordinance.
2. The application shall be accompanied by a site plan drawn to the minimum scale of 1" = 30' and placed on a standard sheet and containing the following information:
 - a. Dimensional elements for which a variance is requested.
 - b. Dimensional relationships of the subject lot to the structures on all adjacent lots.
3. The application shall be accompanied by an affidavit by the applicant explaining:
 - a. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.

Amended: 06-20-07 (161-68-07)

- b. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
- c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
- d. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
- e. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.

4. The Township Clerk shall notify the applicant and all owners of an interest in lots, as recorded on the Township tax roll, and within three hundred (300) feet of the subject lot upon which a variance is requested, of the time and place of the Zoning Board of Appeals meeting at which such application will be considered, provided, however, such notice shall be given not less than fifteen (15) days before such hearing. Further, the application shall also be published in a newspaper of general circulation within the Township. Such notice shall also be published no less than fifteen (15) days prior to such hearing.

Amended: 06-20-07 (161-68-07)

5. The Board shall consider the application for variance at its next regular meeting, which provides sufficient time for notice as required heretofore, or within not more than forty-five (45) days after receipt of the application by the Township Clerk and hear and question any witness appearing before the Board.
6. The Board shall approve, with or without conditions, or disapprove the application and shall communicate its action, the rationale for such decision and the pertinent facts of the case, in writing, to the applicant, the Township Board, the Building Administrator, and the Township Planning Commission.

Amended: 06-20-07 (161-68-07)

- a. The Board shall not approve an application for a variance unless it has found positively that:
 - (1) The strict enforcement of the Zoning Ordinance would cause practical difficulty and deprive the owner or rights enjoyed by all other property owners owning property within the same zoning district.
 - (2) The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district.
 - (3) The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 - (4) The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
 - (5) The requested variance will not be contrary to the spirit and intent of the Township Zoning Ordinance.

Amended: 06-20-07 (161-68-07)

The Building Administrator shall, upon receipt of the notice of approval and upon application by the applicant, collect all required fees and issue a building permit, or such other approval, permitting the variance, subject to all conditions imposed by such approval.

Section 29.02 APPROVAL OF TEMPORARY STRUCTURES OR USES.

1. The Zoning Board of Appeals may authorize temporary structures, signs and uses permitted in a district for periods not to exceed two (2) years in undeveloped sections of the Township, and for periods not to exceed six (6) months in developed sections. The Zoning Board of Appeals may also authorize temporary uses which do not require the erection of any capital improvement of a structural nature which are not otherwise permitted in any district, for a period not to exceed twelve (12) months, with the granting of twelve (12) month extensions. The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:
 - a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - b. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of Bruce Township shall be made at the discretion of the Board of Appeals.
 - d. The use shall be in harmony with the general character of the district.
 - e. No temporary use permit shall be granted without first giving notice to owners of the adjacent property of the time and place of a public hearing for consideration of the request by the Zoning Board of Appeals. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
2. The Zoning Board of Appeals may issue a permit for the temporary establishment of a portable cement plant or portable asphalt plant solely for use in construction of improvements upon the land where said plant is proposed to be located and/or land immediately adjacent thereto.
3. Temporary approval granted pursuant to this section shall become effective upon issuance of a permit signed by the Chairman of the Zoning Board of Appeals. Said permit shall clearly state its date of expiration. Any permit may be suspended by an ordinance enforcement officer for a period of not to exceed twenty-one (21) days whenever:
 - a. Any condition of the permit is not being observed;
 - b. Any provision of this Ordinance is being violated;
 - c. It is necessary to preserve or protect public health, safety or welfare;

Provided, however, that the enforcement officer shall forthwith report the suspension and the reasons therefor to the Township Clerk. The Township Clerk shall notify the holder of the permit and the Township Board shall review the action of the enforcement officer at its next regular meeting to determine whether the permit shall be reinstated, suspended for a further period of time, or permanently revoked.

Section 29.03 APPROVAL PERIOD.

Except as provided in Section 29.04, no order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Except as provided in Section 29.04, no order of the Zoning Board of Appeals permitting a use of a building or land shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that where such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

Section 29.04 SPECIAL LAND USE APPEALS.

Any person aggrieved by a decision of the Township Planning Commission or Township Board concerning the disapproval or partial disapproval of a special land use may appeal the decision of said body to the Zoning Board of Appeals. The Zoning Board of Appeals shall review such decision de novo with reference to the standards for special land uses established in this Ordinance. It is the intent of the Township Board to grant the Zoning Board of Appeals the power of appellate review consistent with Public Act 110 of 2006, as amended.

Amended: 06-20-07 (161-68-07)

ARTICLE 30

ADMINISTRATION AND ENFORCEMENT

Section 30.00 ENFORCEMENT.

The provisions of this Ordinance shall be administered and enforced by the Township Board through the Building Administrator or any other employees, inspectors, and officials as the Township Board may designate to enforce the provisions of the Ordinance as an Ordinance Enforcement Officer.

Section 30.01 DUTIES OF BUILDING ADMINISTRATOR.

The Building Administrator shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Administrator to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Administrator may require that every application for a zoning compliance permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy, be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following in sufficient detail, to enable the Building Administrator to ascertain whether the proposed work or use is in conformance with this Ordinance:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. The signature of the fee holder owner of the premises concerned.
5. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation, construction, moving, or alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Building Administrator shall issue a zoning compliance permit. If any application for such permit is not approved, the Building Administrator shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

Whenever an application for a building permit and/or zoning compliance permit indicates the necessity for construction of an on-site sewage disposal system and/or water well system on the premises, the Building Administrator shall not issue such permit unless the Macomb County Health Department shall have approved the site for the construction of such facilities.

The Building Administrator under no circumstances is permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter, or use either buildings, structures or land within the Township.

The Building Administrator under no circumstances is permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Administrator.

The Building Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant, notwithstanding violations of deed restrictions, contracts, covenants or agreements which may result upon the granting of said permit.

For all permit applications for industrial performance uses within Articles 25 and 26, compliance with the standard described in Section 6.03 shall be controlled by requiring that the applicant submit certification from registered engineers with the State of Michigan assuring that the activities to be carried out and the machinery to be installed meets with the performance standards as described.

Section 30.02 PERMITS.

The following shall apply in the issuance of any permit:

1. Permits Required.

It shall be unlawful for any person to commence excavation for, or construction of any building or structure, (except concrete work not requiring a foundation or rat wall) structural changes, or repairs in any existing building or structure, or moving of an existing building, without first obtaining a Zoning Compliance Permit and a building permit from the Building Administrator. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and the Building Code.

No plumbing, electrical, drainage or other permit shall be issued until the Building Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance. "Alteration" or "repair" of any existing building or structure shall not include any changes in structural members, stairways, basic construction type, kind of class occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

2. **Permits For New Use of Land.**

A Zoning Compliance Permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.

3. **Permits For New Use of Buildings or Structures.**

A Zoning Compliance Permit shall also be obtained for any change in use of an existing building or structure to a different class or type.

Section 30.03 CERTIFICATES OF OCCUPANCY.

It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Administrator shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

1. **Certificate Validity.**

The Certificate of Occupancy, as required for new construction of or renovations to existing building and structures in the Building Code, shall also constitute Certificates of Occupancy as required by this Ordinance.

2. **Certificates for Existing Buildings.**

Certificates of Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than thirty (30) days.

3. **Temporary Certificates.**

Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than ninety (90) days. The Building Administrator may grant one (1) extension of a temporary occupancy certificate up to ninety (90) days.

4. **Records of Certificates.**

A record of all Certificates of Occupancy shall be kept in the office of the Building Administrator and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

5. **Certificates for Accessory Buildings to Dwellings.**

Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

6. **Application for Certificates.**

Certificates of Occupancy shall be applied for in writing to the Building Administrator coincidentally with application for building permits and shall be issued within five (5) days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this Ordinance. If such Certificate is refused, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five (5) day period.

Section 30.04 FINAL INSPECTION.

The recipient of any building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

Section 30.05 PLANNING COMMISSION.

The Bruce Township Planning Commission as established under Act 168 of the Michigan Public Acts of 1959, as amended, shall perform all of the duties of such commission in accordance with the law in such case made and provided, relating to amendments of this Ordinance, and such other duties as are established in this Ordinance.

In cases where the Planning Commission is required to recommend or approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such use and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

Any approval granted by the Planning Commission, under which premises are not used or work is not started within one (1) year, or when such use or work has been abandoned for a period of one (1) year, shall lapse and cease to be in effect.

Section 30.06 AMENDMENTS AND CHANGES.

Legislative Amendments: Amendments to this Ordinance may be made from time to time in the manner provided in Public Act 110 of 2006, as amended, and in accordance with the procedure set forth hereinafter: Amendments may be initiated by the Township Board upon written request to the Planning Commission or the Planning Commission may initiate amendments upon its own motion. Any person, firm or corporation affected by the provisions of this Ordinance may request an amendment hereto by submitting the necessary forms, obtainable from the Township, to the Township Clerk. The petition shall be processed according to the procedure adopted by the Township.

Amended: 06-20-07 (161-68-07)

Section 30.07 FEES.

The Township Board shall establish by resolution fees for each of the following:

1. **Inspection and Certification.**

Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township Treasurer in advance of the issuance of such permits or certificates.

2. **Appeals.**

Any person appealing under Article 29 of this Ordinance in all cases shall pay the established fixed fee plus such additional fees as may be deemed reasonable by the Township Board for expert services necessary to render a proper decision.

3. **Reviews.**

Fees for the review of site plans, special approval uses, or other matters requiring Township Board, Planning Commission or the Zoning Board of Appeals review under the terms of this Ordinance, shall be paid to cover the cost of such reviews including notice, publication, delivery, administration and professional services.

4. **Rezoning.**

Any petition for the rezoning of land requiring an amendment of the Bruce Township Zoning Ordinance shall be accompanied by a fee payable by the petitioner. Said fee shall be utilized to defray all costs including necessary expert opinions in conjunction with the legislative review of the petition.

5. **Other.**

Fees for special resolutions pertaining to any matter relevant to this Ordinance or for the cost of special meetings of the Township Board, Planning Commission or the Board of Appeals shall be paid by the applicant prior to said resolution or meeting.

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ARTICLE 31

DEFINITIONS

Section 31.00 DEFINITIONS.

For the purpose of this Ordinance certain terms, words, and phrases shall, whenever used in this Ordinance, have the meaning herewith defined as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied"; the word "building" includes the word "structure," and the word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" or "parcel."

Terms not herein defined shall have the meaning customarily assigned to them.

ABUTTING: Having a common border with, or being separated from such common border by, an easement.

ACCESS: A means of vehicular approach or entry to or exit from property.

ACCESSORY BUILDING: A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land, and substantially lesser in area and cubic content.

ACCESSORY SIGN: See Sign.

ACCESSORY USE: A use subordinate to the main use on a lot and used for purposes clearly incidental to those of the main use.

ADULT BOOK STORE: An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to, "Specified Sexual Activities" or "Specified Anatomical Areas," or an establishment with a segment or section devoted to the sale or display of such material.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.

AGRI-BUSINESS: Ancillary uses connected with the typical farm and farm operations.

SMALL-SCALE ENTERTAINMENT USES: shall not be conducted for more than three consecutive hours or for more than three hours in any four-hour span. Further such uses shall not be conducted between the hours of 11 p.m. and 8 a.m. Any amplified music or audio or other devices generating noise shall be generally confined to the area in which the activity is occurring and provisions shall be made which eliminates the potential of such noise negatively impacting surrounding properties.

AGRICULTURAL USE: Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, sod farming, greenhouses and tree and shrub nurseries where only stock raised on the premises may be sold at retail; and other similar enterprises, or uses, and no agricultural use shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption of persons residing on the premises.

AGRICULTURAL USE AND AGRICULTURAL RELATED USE – Agricultural uses and agricultural related uses shall be considered those “farm” uses as defined herein and conducted on active farmland:

Active Farmland: Active farmland shall be defined as the area utilized for farming activities such as the raising of crops or animals, the homestead associated with the farm and any indoor or outdoor areas designed for and utilized for the storage and/or maintenance of farm products such as hay or straw or farm equipment associated with the planting and processing of products grown on site and shall also mean the following requirements:

“Farmland” means 1 or more of the following:

- (i) A farm of 40 or more acres in 1 ownership, with 51% or more of the land area devoted to an agricultural use.
- (ii) A farm of 5 acres or more in 1 ownership, but less than 40 acres, with 51% or more of the land area devoted to an agricultural use that has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land. A farm described in this subparagraph enrolled in a federal acreage set aside program or a federal conservation reserve program is considered to have produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
- (iii) A farm designated by the department of agriculture as a specialty farm in 1 ownership that has produced a gross annual income from an agricultural use of \$2,000.00 or more. Specialty farms include, but are not limited to, greenhouses; equine breeding and grazing; the breeding and grazing of cervidae, pheasants, and other game animals; bees and bee products; mushrooms; aquaculture; and other similar uses and activities.
- (iv) Parcels of land in 1 ownership that are not contiguous but which constitute an integral part of a farming operation being conducted on land otherwise qualifying as farmland may be included in an application under this part.

Agricultural Use: Includes, but is not limited to, the growing and processing of crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; as well as animal husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, etc.); etc.

Amended: 08-19-09 (161-104-08)

AIRPORT: A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, and various accommodations for passengers.

ALTERATIONS: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.” (Also see Structural Alteration.)

AMUSEMENT DEVICE: Amusement device means a coin or token-operated pinball machine, air hockey machine, skiball machine, shuffleboard, miniature pool table, electronic game, or any similar game, or any similar machine, instrument or contrivance which may be operated or set in motion on the insertion of a coin or token.

AMUSEMENT DEVICE CENTER: A structure, tenant space or building containing six (6) or more amusement devices.

APARTMENT: A room or suite of rooms used as a dwelling for one family which does its own cooking and contains sanitary facilities therein.

APARTMENT (HOUSE): A building containing three (3) or more dwelling units whose entrances are from a common hallway or area or series of hallways or areas.

ARCHITECTURAL FEATURES: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

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 rustproofing.

AUTOMOBILE GAS AND SERVICE STATION: A building or structure 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, aircraft or boats, and including the customary space and 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, large parts installation where the primary use of the premises is such, or high speed washing thereof. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage or a body shop.

AUTOMOBILE WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

BASEMENT (CELLAR): A basement is that portion of a building with not less than three (3) walls partly 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 area 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, printing, or otherwise affixing any advertising sign, larger than twenty (20) square feet, 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, but not including bulletin boards used to display official court or official public notices.

BLOCK: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between one (1) intersecting street and a railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development

BLOCK FACE: Those properties fronting along an existing right-of-way and located between the intersections of existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or man-made features.

BOARDING HOUSE: A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by pre-arrangement for definite periods of not less than one (1) week. A hotel, motel, or a convalescent or nursing home shall not be considered a boarding house.

BUILDABLE AREA: The buildable area of a lot is the space remaining after the minimum space requirements of this Ordinance have been deducted.

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 in a building. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

BUILDING ADMINISTRATOR: The Building Inspector or Administrator of the Township or his authorized representative.

BUILDING GROUP: A group of two (2) or more detached or semi-detached one-family, two-family or multiple dwellings occupying a parcel of land in common ownership and having yards or courts in common.

BUILDING HEIGHT: The vertical distance from the average elevation of the street curb paralleling the front or, if on a street corner, the front and side of the building, to the highest point of the roof surface if the roof is flat; to the deck line if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is gable, hip or gambrel type. For buildings set back from the street line, this vertical distance shall be taken above the average elevation of the ground along the front of this building, provided its distance from the street line is more than the average height of such ground above the established curb elevation. Total height is measured from the ground to the highest point of the structure.

BUILDING LINE: A line established, in general, parallel to the front street right-of-way line between which it and the front street line no part of a building shall project, except as otherwise provided by this Ordinance.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated.

BUILDING, MULTIPLE: A building containing three (3) or more dwelling units. The term includes apartments, multiplexes, townhouses, and the like. For purposes of these regulations, regardless of how units are equipped, any structure in which dwelling units are available for rental periods of less than one (1) week shall be considered a hotel or motel not a multi-family dwelling. This definition includes three-family houses, four-family houses, and apartment houses, but does not include trailer camps or mobile home parks.

BUILDING, MULTIPLEX: A building designed exclusively for occupancy by two (2) or more families living independently of each other. Each dwelling unit shall have a separate main entrance directly to the outside.

Amended: 02-11-91 (161-03-91)

BUILDING PERMITS: A building permit is the written authority issued by the Building Inspector permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this Ordinance.

BUILDING, SINGLE-FAMILY: A detached building designed or occupied exclusively by one (1) family.

BUILDING, TEMPORARY: A structure without permanent foundation erected or devoted to the development of, or in connection with, the principal site used for a limited period of time.

BUILDING, TOWNHOUSE: A building occupied by three (3) or more families where each dwelling unit is divided from the one adjacent to it by a party wall extending the full height of the building. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.

BUILDING, 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.

CABARET: See Group "D" Cabaret definition.

CALIPER: A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4½') feet above natural grade.

CARPORT: A partially open structure for sheltering vehicles erected in conformity with the site requirements for garages.

CHURCH: A building used principally for religious worship; but the word "church" shall not include or mean an undertaker's chapel or funeral building.

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 incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for inpatient care or major surgery.

CLUB, LODGE OR FRATERNITY: An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

COMMISSION: The word "Commission" shall mean the Bruce Township Planning Commission.

CONDOMINIUM ACT: Act 59 of 1978, as amended.

CONDOMINIUM MASTER DEED: The document recording the condominium project as approved by the Township, to which is attached by exhibits and incorporated by reference the approved bylaws for the project and the approved subdivision plan for the site.

CONDOMINIUM SUBDIVISION PLAN: The site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review.

CONDOMINIUM UNIT: That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.

CONVALESCENT OR NURSING HOME: A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are cared for. Said home shall conform and qualify for license under State law even though State law has different size regulations.

CORRAL OR BARNYARD: A pen or enclosure for confining animals or livestock, not an area for grazing of such.

COURT: An open unoccupied space other than a yard on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings.

CUL-DE-SAC: A street terminated at one end, with a turning radius.

DEDICATION: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

DENSITY, GROSS: The quotient of the total number of dwelling units divided by the base site area of a site.

DENSITY FACTOR: An intensity measure expressed as the number of units per net buildable site area. It is the density on the buildable portion of a site.

DESIGN DEVIATION: A standard alternative to, and providing more flexibility than, the one otherwise required by this Ordinance for residential development. The Ordinance specifies certain requirements as a pre-condition for the use of the deviation standard.

DEVELOPER: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DISTRICT: A portion of the Township of Bruce 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 ESTABLISHMENT: 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 (i.e., restaurants, cleaners, banks, theaters).

DWELLING UNIT: A dwelling unit is any house or building, or portion thereof, having cooking facilities which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanent or transiently; but in no case shall a travel trailer, automobile chassis, tent, portable building or unauthorized mobile home outside of a mobile home park be considered a dwelling unit.

DWELLING, SEMI-DETACHED: Two (2) dwelling units, each of which is attached side to side, each one (1) sharing only one (1) common wall with the other.

EASEMENT: Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

EFFICIENCY UNIT: An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing not less than four hundred and fifty (450) square feet of floor area.

EMPLOYEE LOAD FACTOR: Employee load factor is that number equal to the maximum number of employees that can be employed at any one time in a particular structure or parcel of land and refers to the number of parking spaces required.

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, 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.

Amended: 09-20-00 (161-29-00)

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

FAMILY: One (1) or more persons, not exceeding six (6) in number, living together as a single housekeeping unit. Notwithstanding anything to the contrary contained herein, there shall be no numerical limitation as to the number of persons related by blood, including adopted children, who form a single housekeeping unit. Further, not more than one (1) unrelated person may be included as part of such blood-related household.

FARM: Any tract of land used for agriculture, horticulture, truck gardening, nursery, or other similar purposes for growing crops or plants and/or for the raising of cattle, horses or other livestock, consisting of four (4) or more animals and uses incidental thereto. The term "farm" shall not include kennels.

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.

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 holding 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.

FLOOD: A temporary rise in stream level that results in inundation or areas not ordinarily covered by water.

FLOOD FREQUENCY: The average frequency, statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

FLOOR AREA: Is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall include the basement floor area when more than one-half ($\frac{1}{2}$) of the basement height is above the established curb level or finished lot grade, whichever is higher. (See Basement definition.) "Floor Area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof) attic space having headroom of seven (7') feet ten (10") inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

FLOOR AREA RATIO: An intensity measured as a ratio derived by dividing the total floor areas of a building by the base site area. Where the lot is part of a large development and has no buffer yard, that lot area may be used instead of the base site area.

FOOT CANDLE: The unit of illumination when the foot is taken as the unit of length. It is the illumination on a surface one (1) square foot in area on which there is a uniformly distributed flux of one (1) lumen, or the illumination produced on a surface all points of which are at a distance of one (1') foot from a directionally uniform point source of one (1) candela.

FOREST: Area containing mature woodlands, woodlands, and/or young woodlands.

GARAGE, AUTOMOBILE REPAIR: See Automobile Repair.

GARAGE, PRIVATE: A building or other structure designed for the housing of automobiles.

GARAGE, PUBLIC: Any building or premises other than a gasoline filling station used for housing or care of more than three (3) automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire or sale.

GARAGE SALE, LAWN SALE, ATTIC SALE, RUMMAGE SALE, OR FLEA MARKET SALE OR OTHER SIMILARLY TERMED SALE: Shall mean any sale of tangible personal property not otherwise regulated in Bruce Township.

GARAGE, STORAGE: Any premises, except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

GARBAGE: Garbage shall mean all wastes, animal, fish, fowl or vegetable matter incident to the preparation, use and storage of food for human consumption, spoiled food, dead animals, animal manure, and fowl manures.

GROUP "D" CABARET: A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

GRADE: The established grade of the street or sidewalk shall be the elevation of the curb, or the centerline of the road if there is no curb, at the midpoint of the front of the lot.

GRADE, BUILDING: The finished grade at the building shall be the building grade.

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 FLOOR AREA: The total floor area of a building measured with reference to the outside walls thereof and including all levels.

GROSS SITE AREA: The total site area under the ownership of the applicant before any deductions are made for roads, open space, parcels to be separated or planned for later development and the like.

HOME OCCUPATION: Any use customarily conducted entirely within the dwelling, (not including breezeway or garage, attached or detached), and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, is not offensive and does not change the character thereof.

HOSPITAL: A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for primarily inpatient services, and including such related facilities as laboratories, out-patient departments, central service facilities, and staff offices.

HOTEL: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation.

HOUSE, BOARDING: A structure in which non-family members are sheltered and fed for profit.

HOUSE, ROOMING: A structure in which non-family members are sheltered for profit.

HOUSE, TRAILER: See Mobile Home.

IMPERVIOUS SURFACE: Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

IMPERVIOUS SURFACE, ON LOT: The total amount of impervious surface which is present on a lot.

IMPERVIOUS SURFACE RATIO: A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by, in the case of residential uses, base site area or, in the case of nonresidential uses, by net buildable site area.

INVERTED RESIDENTIAL STRUCTURES: A residential structure where the floor area of the second floor exceeds the floor area of the first floor.

JUNK: For the purposes of this Ordinance, the term “junk” shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

JUNK YARD: The term “Junk Yard” includes automobile wrecking yards, any area where junk vehicles are stored, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof except for the normal household refuse which is stored only between regular pick-up and disposal of household refuse, provided the same is not left for a period of over thirty (30) days in which case it shall be considered as junk. This paragraph does not include uses established entirely within an enclosed building.

KENNEL: Any lot or premises on which four (4) or more dogs, six (6) months old or older, are kept either permanently or temporarily.

LABORATORY: A place devoted to experimental or routine study, such as testing and analytical operations and in which manufacturing of product or products is not permitted.

LAKE, PRIVATE: Any body of water, other than a public lake, which is owned by one (1) person, group of persons, partnership or corporation for use regulated by the owners only.

LAKE, PUBLIC: Any body of water which is not private and which is accessible to the public via publicly owned lands, waters or highways contiguous thereto or via the bed of a stream and which may be used for navigation, fishing, hunting or other lawful purpose and reasonably capable of supporting a beneficial public interest.

LANDFILL: The orderly deposit of earthen and/or non-earthen materials for the purpose of elevating the grade to develop the site for specific use.

LIVESTOCK: The raising of domestic animals, such as cows, horses, sheep and other farm animals for home use.

Amended: 06-08-92 (161-07-92)

LOADING SPACE: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

LOT: A measured parcel of land having fixed boundaries and being designated on a plot or survey. A single lot shall not be divided by any public road right-of-way or easement or private road easement which has the effect of leaving lot area on both sides of such right-of-way or easement.

LOT AREA: The total horizontal area within the lot lines of a lot.

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 corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

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

LOT DEPTH: The mean horizontal distance measured from the street right-of-way line to the rear lot line.

LOT, DOUBLE FRONTAGE: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

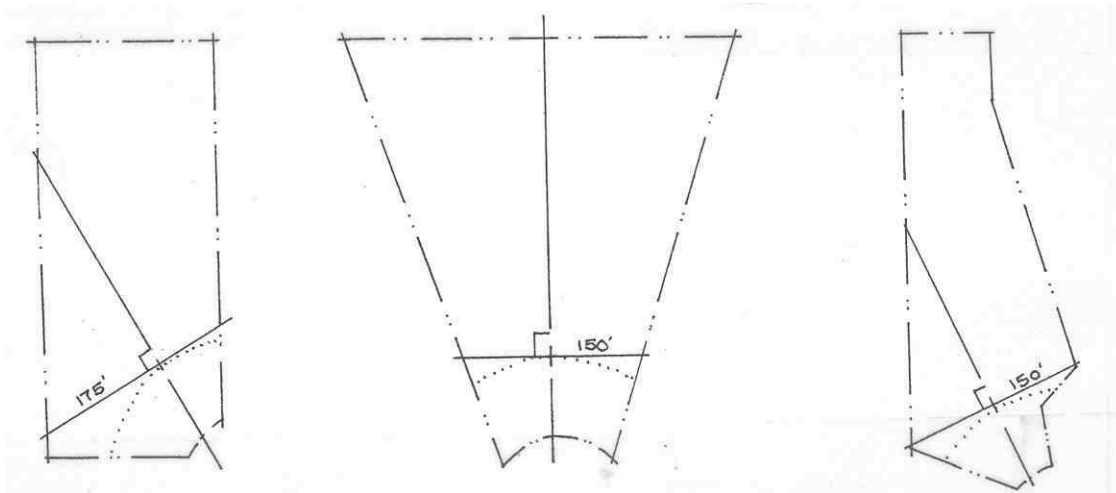
LOT, FRONT, REAR, AND DEPTH: The front of a lot is that boundary line which borders on a street other than an alley. In case of a corner lot, the side which has the narrowest dimension bordering on a street shall be deemed to be the front of such lot. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. The rear of a lot is the side opposite to the front. In the case of a triangular or irregular lot, the rear is the boundary line not bordering on a street. The depth of a lot is the dimension measured from the front of the lot to the extreme rear line of the lot. In the case of irregularly shaped lots, the mean depth shall be taken.

LOT INTERIOR: A lot other than a corner lot. Any portion of a corner lot more than one hundred twenty (120') feet from the "corner" measured along a front street lot line shall be considered an interior lot.

LOT LINE: Lot line or adjacent property line shall be any boundary line separating one lot from another, whether the line be at the side, rear, or front of the properties.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a document or map on file with the Township or County and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

LOT WIDTH: The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoint of the front and rear property lines.



Amended: 03-21-01 (161-30-01)

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.

MEAN GRADE: Mean grade is defined as the arithmetic average of elevations of points on the boundary lines of a site (parcel of land) uniformly spaced and not more than one hundred (100') feet apart.

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.

03-16-11 (161-111-11)

MOBILE HOME: A structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required facilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle. A mobile home shall not lose its character as such when placed on a permanent foundation.

MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which two (2) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park, and licensed pursuant to the provisions of Act 419, Public Acts of 1976.

MODULAR HOME: A structure transportable in one or more sections, not built on a chassis, constructed according to the Township Building Code, and designed to be used as a dwelling unit with a permanent foundation, when connected to the required facilities.

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 leading directly from the outside of the building. 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.

NONCONFORMING BUILDING: A nonconforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

NONCONFORMING LOT: A lot with dimensions which conflict with the provisions of this Ordinance.

NONCONFORMING USE: A nonconforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

NURSING HOME, ALSO CONVALESCENT OR REST HOME: A home, whether operated for profit or not, for the care of the aged, infirmed, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged, and furnished with nursing care.

NURSERY: Land or greenhouses used to raise flowers, shrubs and plants for sale.

NURSERY SCHOOL, DAY SCHOOL, CHILD CENTER: An establishment wherein three (3) or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are for remuneration cared for. Such schools or centers need not have a resident family on the premises.

OCCUPANCY LOAD: The number of individuals normally occupying building or part thereof, or for which the existing facilities have been designed.

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

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

OPEN AIR BUSINESS USES: Open air business uses not conducted from a wholly enclosed building, if operated for profit, shall include the following uses:

1. Bicycle, trailer, mobile home, motor vehicle, farm implements, boats or home equipment sale or rental services.
2. Outdoor display and sale of garages, swimming pools, and similar uses.
3. Retail sales of fruit, vegetables, and perishable foods.

4. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
5. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

OPEN FRONT STORE: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

OPEN SPACE: Land required by this Ordinance to remain as open space to be used for the recreation, agriculture, resource protection, amenity and other specified purposes.

OPEN SPACE RATIO: The proportion of a site consisting of open space which shall be calculated using the base site area.

OUTLOT: A lot in a subdivision which is restricted from use for building purposes, whether or not deeded to the Township, but which is not dedicated as a street or public reservation or private park.

PARCEL OF RECORD: A parcel of record is an area of land described by a metes and bounds description and which is not necessarily a lot of record in a subdivision plat.

PARKING SPACE: An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and full accessibility for the storage or parking of permitted vehicles.

PERFORMANCE GUARANTEE: A financial guarantee to insure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

PERSON: Any natural person, firm, partnership, association, or corporation, but this definition does not include any governmental unit.

PLANNED DEVELOPMENT: A proposed use of the land which requires the submission of a site plan for more than one building or structure to be approved as to requirements of this Ordinance including spacial relationships and vehicular and pedestrian circulation.

PLANNED NEIGHBORHOOD DEVELOPMENT: An integrated plan presented by an authorized agency of the municipal, County, State or Federal government or the owner or owners of an entire tract of land to be used and developed as one unit of land for residential use complete with allied functions.

PLANNED SHOPPING CENTER: A business development of certain minimum size characterized by a unified grouping of retail outlets served by common circulation and parking system.

PORCH, ENCLOSED: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PORCH, OPEN: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PRIVATE STREET OR ROAD: A street or road which serves more than one property and adjacent the landowners are responsible for its maintenance and which conforms to all requirements of this Ordinance.

PRIVATE DRIVE: A means of vehicle access serving one property or one dwelling.

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, transportation, or water services.

PUTRESCIBLE: Subject to decay and decomposition and to becoming putrid.

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. (See also Excavating.)

RECREATION VEHICLES:

1. A **“travel trailer”** is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified “travel trailer” by the manufacturer.
2. A **“pickup camper”** is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
3. A **“motorized home”** is a portable dwelling designed and constructed as an integral part of self-propelled vehicle.
4. A **“folding tent trailer”** is a plastic or canvas folding structure, mounted on wheels and designed for travel and vacation use.
5. **“Boats”** and **“boat trailers”** shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway.
6. **“Snowmobiles”** and **“all-terrain vehicles”**, plus the normal equipment to transport the same on the highway.

REPAIRS: The rebuilding or removal of a part of an existing building for the purpose of maintaining its original type and classification.

RESTAURANT, FAST-FOOD: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption: 1) within the restaurant building; 2) within a motor vehicle parked on the premises; or 3) off the premises as carry-out orders; and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

RESTAURANT, STANDARD: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: 1) customers, normally provided with a individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; 2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

RIGHT-OF-WAY: The right-of-way line shall be the line established by the Macomb County Road Commission in their right-of-way requirements established for Bruce Township or the Township's adopted Master Plan.

ROADSIDE STANDS: Retail outlets with all related structures primarily for the sale of farm produce grown on the farm upon which such stand is located by the proprietor of the stand or his family on the premises, and 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.

RUBBISH: Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

SANITARY LANDFILLS OR DISPOSAL AREAS: Any parcel of land used for the dumping of refuse for the purposes of disposing of such refuse, and operated in accordance with Act 641 of the Public Acts of 1978, as amended, and applicable Township Ordinances.

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

SECOND HAND STORE: A place of business for the sale of previously used consumer goods.

SEPARATE OWNERSHIP: Ownership of a parcel of property wherein the owner does not own adjoining vacant property.

SETBACK: Distance from the centerline where noted or right-of-way lines shown on the adopted Inter-County Highway Commission or Master Plan of streets to the building line for the purposes of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained.

SHOPPING CENTER: A group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and design and built as an interrelated project.

SIGN: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known, such as are used to show an individual, firm, profession or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises the signs are located. Non-accessory signs do not pertain to the use of the premises.

Amended: 07-26-04 (161-52-04)

SIGN AREA: The sign area within a continuous perimeter enclosing the limits of writing representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed; provided, however, any open space contained within the outer limits of the display face of a sign or between any component, panel, strip, or figure or any kind composing the display face shall be included in the compensation of the area of the sign, whether such open space be enclosed or not by a frame or border. For double-faced signs, each display face shall be measured or counted in computing sign area. All lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation, and enclosed tightly with an imaginary line to define the area for computation.

SIGNABLE AREA: A continuous wall area on the front of the building which is free of windows and doors and major architectural design. So called mansard roofs may be used for signable area provided they are within twenty (20) degrees of a vertical plan and wall signs on them are vertical unless individual letters are used to make up the wall sign.

SITE: A parcel of land.

SMALL SCALE ENTERTAINMENT: A specified area or areas dedicated for the purpose of providing family orientated entertainment, such as singing, dancing, puppet shows, non-commercial informational presentations, etc. which has a general confined seating capacity of not more than three hundred (300) persons. Seating shall consist of either individual seats (i.e. folding chairs), temporary bleachers (two linear feet of bleacher equals one seat), or open, general assembly area (five (5) square feet of assembly area equals one seat).

Small scale entertainment uses shall not be conducted for more than three (3) consecutive hours or for more than three (3) hours in any four (4) hour span. Further such uses shall not be conducted between the hours of 11 p.m. and 8 a.m. Any amplified music or audio or other devices generating noise shall be generally confined to the area in which the activity is occurring and provisions shall be made to eliminate the potential of such noise negatively impacting surrounding properties.

SOIL REMOVAL: Shall mean removal of any kind of soil or earth matter including topsoil, sand, gravel, clay, rock or similar materials, or combination thereof.

SPECIAL LAND 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).

SPECIFIED SEXUAL ACTIVITIES:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SPECIFIED ANATOMICAL AREAS:

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

STABLE, PRIVATE: A structure or shelter for horses which are not boarded or used for commercial purposes and which are owned, used and maintained by those persons residing on the property.

STABLE, COMMERCIAL: A stable other than a private stable, where horses are boarded or are for hire or sale.

STANDARD SHEET: A sheet which measures eight and one-half inches by eleven inches (8½" x 11") or consists of multiples of such dimensions such that a larger sheet can be folded into such dimensions.

STATE LICENSED RESIDENTIAL FACILITIES: means any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979 and provides residential services to six or fewer persons under 24-hour supervised care. These acts provide for the following types of residential structures:

- (1) *Adult foster care family home* means a private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

- (2) *Family day care home* means a private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- (3) *Foster family home* means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (4) *Foster family group home* means a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (5) *Group day care home* means a private home in which more than 6 but not more than 12 children given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than 4 weeks during a calendar year.

Amended 09-17-08 (161-97-08)

STORY: That part of a building included between the surface of any floor and the surface of the floor or roof, next above. When the distance from the average established grade to the ceiling of a portion of a structure partly below such grade is greater than the distance from the average established grade to the floor, such portion shall constitute a story.

STORY, HALF: The part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one-half ($\frac{1}{2}$) the floor area of said full story.

STREET: A public thoroughfare which afford traffic circulation and principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, poster panels, and permanent athletic facilities.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.

STRUCTURE, OUTDOOR ADVERTISING: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed, including outdoor advertising statuary.

Amended: 06-08-92 (161-07-92)

SUPER GRAPHIC: A large sign which is an integral architectural feature of the building of which it is to be a component and that, if removed, the significant architectural objective of the structure would be obviously diminished.

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 twenty-four (24") inches or greater.

TEMPORARY BUILDING AND USE: A structure or use permitted by the Zoning Board of Appeals.

TENTS: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

TERRATECTURE: The design and creation of occupiable space by means of cut-and-cover construction in the near-surface or shallow soil environment. Such structure is designed for the principal purpose of energy conservation, and as such, shall be exempt from the definition of basement.

TOURIST HOME: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, without provision for meals.

TOWNSHIP BOARD: The words "Township Board" shall mean the Bruce Township Board.

TRAILER COACH: See Mobile Home.

TRAILER COACH PARK: See Mobile Home Park.

TRAVEL TRAILER PARK (OVERNIGHT CAMPING FACILITY): A park licensed under the provisions of the Act 171, Public Acts of 1970, as amended, and being designed specifically for the parking of travel trailers and/or the erection of tents.

TRUE CASH VALUE: The value of land and improvements as determined pursuant to 1893 PA 206.

USE: It is the purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

UTILITY ROOM: A utility room is a room used primarily for storage, for housing a heating unit, or for laundry purposes.

VARIANCE: An authorization permitting change in the requirements of this Ordinance by the Zoning Board of Appeals in cases where the general requirements of this Ordinance and the literal enforcement of such would result in an unnecessary and undue hardship upon the variance applicant.

VERTICAL PROJECTION: Any architectural feature which projects into the yard space from the ground up through the first story.

VETERINARIAN CLINIC: A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinarian clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

WALLS, OBSCURING: An obscuring ring structure of definite height and location constructed of wood, masonry, concrete or similar material.

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. In no way shall wireless communication facilities be reviewed as public or local utilities. 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 Bruce Township.

WIRELESS COMMUNICATION, SUPPORT STRUCTURE: A structure newly erected or modified to support wireless communication antennas and connecting appurtenances. Support structure 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.

WOODLAND OR WOODLOT: A tract of land with planted material covering one (1) acre or more and consisting of thirty (30) percent or more canopy trees having an eight (8") inch or greater caliper, or any grove consisting of eight (8) or more trees having a ten (10") inch or greater caliper.

YARD: An open space, unoccupied and unobstructed from the ground upward except as otherwise provided herein, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.

A “**required yard**” is that portion of any lot on which the erection of a main building is prohibited.

A “**front yard**” is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.

A “**rear yard**” is a yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.

Amended: 09-20-00 (161-29-00)

A “**side yard**” is a yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.

ZONING BOARD OF APPEALS: The Zoning Board of Appeals consisting of five (5) members as provided under provisions of the Township Rural Zoning Act, being Act 184, Public Acts of 1943, as amended, with powers and duties as defined in said statute.

ARTICLE 32

INTERPRETATION AND APPLICATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with, abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and, likewise, not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provision of this Ordinance shall control.

ARTICLE 33

VIOLATIONS AND PENALTIES

Any person, persons, firm or corporation, or anyone acting in behalf of said person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance, or who fails to comply with any of the regulatory measures or conditions of the Zoning Board of Appeals, the Township Board or Planning Commission, adopted or promulgated pursuant hereto, shall, upon conviction thereof, be subject to a fine of not more than Five Hundred Dollars (\$500.00) and the costs of prosecution or, in default of the payment thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Uses of land, and dwellings, buildings or structures, including tents, trailer coaches and mobile homes, used, erected, altered, razed, or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land shall be adjudged guilty of maintaining a nuisance per se.

ARTICLE 34

CONFLICTING PROVISION

Other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed. The Zoning Ordinance for the Township of Bruce, Macomb County, Michigan, Ordinance Number 134, adopted on the sixth day of November, 1973, and as amended, is specifically repealed in its entirety.

ARTICLE 35

SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

ARTICLE 36

EFFECTIVE DATE

This Ordinance shall take immediate effect after publication in full of said Ordinance in the Romeo Observer, a newspaper of general circulation within the Township of Bruce, Macomb County, Michigan.