

CLARENCE TOWNSHIP ZONING ORDINANCE

**Table 3-1
PURPOSES of ZONING DISTRICTS**

Table 3-1 identifies the principal purposes of the Districts of this Ordinance. Tables 3-2 and 3-3 identify the specific uses permitted in each District. Tables 3-2 and 3-3 may identify uses permitted in each District in addition to those referenced in the following purpose statements where considered compatible with and/or supportive of the principal purposes of the District, including certain special land uses.

DISTRICTS	PURPOSE
<u>ALL DISTRICTS</u>	
All Districts	It is the purpose of all Districts to protect important environmental resources to the greatest extent practical; that all Districts be located in coordination with the Clarence Township Master Plan; that uses minimize negative impacts on surrounding land uses; that all non-residential uses complement the community’s rural character through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting; that development ensure safe and efficient vehicular travel and access and minimizes congestion, turning conflicts, and pedestrian hazards; that all residential uses provide for adequate open spaces and a healthy living environment; and that each use be adequately served by facilities and services including sewage disposal, potable water, fire protection, and roads. Additional and more specific purposes of each District follow.
<u>CONSERVATION DISTRICTS</u>	
RC	It is the purpose of the RC Resource Conservation District to protect the more expansive areas of wetlands in the Township as well as smaller wetlands adjacent to lakes and ponds. The long-term protection of the Township’s wetlands is of great public interest and importance to the Township, the State of Michigan, and the nation. The wetlands of the Township are important in providing for wildlife habitats including special fauna and flora, water and air purification, flood control, and recreation opportunities, and support the desired rural character of the Township. The primary uses in the District are intended to be limited to agriculture, conservation areas, low density residential development, and outdoor resource-based uses that support the overall intent of this district. It is the purpose of this District to limit uses that could undermine the environmental benefits derived from the wetlands contained within. See also the “All Districts” purpose statement.
<u>AGRICULTURAL DISTRICTS</u>	
AG	It is the purpose of the AG Agricultural District to encourage and provide opportunities for agriculture and retain land areas in Clarence Township that are well suited for production of plants and animals useful to humans due to soil, topographic and other conditions, while also providing opportunities for comparatively low density rural residential lifestyles and development patterns that encourage the preservation of farmland, open spaces, natural resources, and the Township’s rural character. Persons considering residing in this District should be aware that noise, dust, odors, crop protection product applications and other generally accepted agricultural management practices may continue on a long term basis. See also the “All Districts” purpose statement.
<u>RESIDENTIAL DISTRICTS</u>	
R-1 R-2 R-3	It is the principal purpose of the R-1, R-2, and R-3 Residential Districts to provide opportunities for single and two-family residential development patterns of varying lot sizes and density, to accommodate differing suburban and urban residential lifestyles and meet the varied housing needs of current and future residents. The R-1 District provides for the lowest densities and, conversely, the R-3 District provides for the highest densities, through incrementally smaller lot size requirements. The Districts are intended to recognize the presence of existing settlement areas whose predominant development features are comparable with the requirements of the R-1, R-2 or R-3 District, and to protect the character of these areas and investments therein such as the long-standing plats along Duck Lake. See also the “All Districts” purpose statement.

Table 3-1 Continued on Next Page

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Table 3-1 Continued (Purposes of Zoning Districts)

DISTRICTS	PURPOSE
<u>RESIDENTIAL DISTRICTS</u> <i>(continued)</i>	
R-MF	It is the purpose of the R-MF Multiple Family Residential District to provide alternative housing opportunities of a greater density than those of the other Residential Districts, in the form of multiple family development such as apartments and townhouses, to meet the varied housing needs of current and future residents. It is intended that this District be established only where sanitary sewer is provided. See also the “All Districts” purpose statement.
R-MHC	It is the purpose of the R-MHC Manufactured Housing Community District to provide opportunities for residential development and lifestyles associated with manufactured housing communities as regulated by the Michigan Mobile Home Commission Act. It is the intent of this District that, in light of the comparative speed at which a manufactured housing community can be constructed and the resulting rapid increased demands on public infrastructure and community services, this District be established only where development of such acreage will not outpace the Township’s ability, and the ability of other public agencies, to effectively manage and accommodate demands upon public infrastructure and community services. See also the “All Districts” purpose statement.
<u>COMMERCIAL DISTRICTS</u>	
C-1	It is the principal purpose of the C-1 Local Commercial District to provide opportunities for businesses that primarily address the local day-to-day retail and service needs of Township residents and visitors, and in a manner that supports the desired character of the township. This District is not intended to accommodate retail and service uses that draw from a regional population, uses that generate traffic levels incompatible with the township’s road infrastructure and level of public services, or other uses that may undermine its intended function and local character as described in the Clarence Township Master Plan. See also the “All Districts” purpose statement.
<u>INDUSTRIAL DISTRICTS</u>	
I-1	It is the purpose of the I-1 Light Industrial District to provide for a variety of industrial uses that can be generally characterized as being of low intensity, including comparatively small building sizes and the absence of objectionable external affects beyond the District. It is the intent of this District to permit the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semi-finished products from previously prepared material, but prohibit the processing of raw materials. See also the “All Districts” purpose statement.

See “All Districts” on previous page for further description of District purposes.

End of Table 3-1

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**Table 3-2
Permitted Principal Uses in Conservation, Agricultural and Residential Districts**

	PRINCIPAL USES	ZONING DISTRICTS						
		BR = Permitted By Right Use ¹ S = Special Land Use ¹ - = Prohibited Use						
		RC	AG	R-1	R-2	R-3	R-MF	R-MHC
	Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character							
1	Agriculture.	BR	BR	-	-	-	-	-
2	Areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.	BR	BR	-	-	-	-	-
3	Commercial campgrounds.	S	S	-	-	-	-	-
4	Commercial stables.	S	S	-	-	-	-	-
5	Extraction operations.	S	S	S	S	S	S	S
6	Golf courses and country clubs.	-	S	S	S	S	S	-
7	Racetracks.	-	S	-	-	-	-	-
8	Retreat Centers.	S	S	-	-	-	-	-
9	Shooting ranges, outdoor only.	S	S	-	-	-	-	-
	Uses of a Primarily Residential Character							
1	Assisted living facilities.	-	S	S	S	S	S	S
2	Single family dwellings.	BR	BR	BR	BR	BR	-	BR ³
3	Day care, family home.	BR	BR	BR	BR	BR	-	-
4	Day care, group home.	S	S	S	S	S	-	-
5	Foster care facility, family home.	BR	BR	BR	BR	BR	-	-
6	Foster care facility, group home.	S	S	S	S	S	S	-
7	Manufactured housing communities.	-	-	-	-	-	-	BR
8	Multiple family dwellings.	-	-	-	-	-	BR	-
9	Two family dwellings.	-	BR	BR	BR	BR	-	-
	Uses of a Primarily Commercial, Business or Industrial Character							
1	Bed and breakfast.	-	S	S	S	S	-	-
2	Day care center.	-	S ⁴	S				
3	Wireless communication towers.	S ²	S ²	-	-	-	-	-
4	Kennels.	-	S	-	-	-	-	-
5	Taxidermy services.	-	S	-	-	-	-	-
6	The storage of a contractor's vehicles, equipment, and/or materials on a parcel, outdoors or in an accessory building, by a contractor residing on the same parcel and operating an excavation, well drilling, trenching, or similar business, and who may maintain an office in such accessory building.	-	S	-	-	-	-	-
	Other Uses Not Listed Above							
1	Clubs and similar social-centered organizations.	-	S	-	-	-	-	-
2	Public facilities owned by Clarence Township, such as township offices, sewer treatment facilities, cemeteries and parks.	BR	BR	BR	BR	BR	BR	BR
3	Public facilities owned by other than Clarence Township, not otherwise addressed in this Table.	S	S	S	S	S	S	S
4	Churches.	-	S	S	S	S	-	-
5	Public utility buildings, equipment facilities, and similar public utility support facilities including substations.	S	S	S	S	S	S	S

Footnotes:

1. Irrespective of the particular labeling of a cell in this table, any use that exceeds a single building of 8,000 sq. ft. in gross floor area, or 20,000 sq. ft. in gross floor area among all buildings on the lot, is classified as a Special Land Use. This provision shall not apply to agricultural or single-family residential buildings including accessory buildings thereto.
2. See Section 7.05 for special provisions regarding the classification of certain wireless communication towers/equipment as a use permitted by right in addition to special application procedures for communication towers/equipment.

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- 3. Single family dwellings are permitted by right uses (BR) when located in a manufactured housing community.
- 4. Day care centers in an Agricultural or Residential District shall reflect a residential architectural theme.

End of Table 3-2

**Table 3-3
Permitted Principal Uses in Commercial and Industrial Zoning Districts¹**

PRINCIPAL USES		ZONING DISTRICTS	
		BR = Permitted By Right Uses ¹ S= Special Land Use ¹ – = Prohibited Use	
		C-1	I-1
Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character¹			
1	Marinas and boat yards.	S	–
2	Extraction operations.	S	S
Uses of a Primarily Residential Character			
1	Dwellings when located on a second or third story above a business or storefront.	BR	–
Uses of a Primarily Commercial or Business Character¹			
1	Adult entertainment businesses.	S	–
2	Agricultural service establishments.	S	S
3	Building material sales yard, including retail lumber yards and incidental millwork, and storage facilities for building materials including sand, gravel, lumber, and contractor's equipment.	S	BR
4	Wireless Communication towers	S ²	S ²
5	Day care center.	S	–
6	Funeral homes and mortuaries, including a dwelling occupied by facility owner or manager.	S	–
7	Gasoline station.	S	–
8	Hospitals and medical clinics	S	–
9	Indoor commercial recreation such as bowling alleys, skating rinks, indoor shooting ranges, and similar uses.	S	–
10	Landscaping services.	S	–
11	Laundry and dry cleaning services.	S	–
12	Mini-storage.	S	S
13	Motels and hotels, including conference facilities.	S	–
14	Nurseries and greenhouses.	BR	–
15	Offices and showrooms of plumbers, electricians, decorators, and similar trades in connection with not more than 25% of the floor area of the building or part of the building occupied by said establishment used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise.	BR	BR
16	Offices of a professional, executive, administrative, clerical and similar character, such as offices for accountants, doctors, lawyers, insurers, financial and other consultants, architects, realtors, and artist offices and galleries.	BR	–
17	Personal service establishments that perform services on the premises within a completely enclosed building not otherwise included in #15 above, such as shoe repair, barber and beauty shops, photographic studios, and appliance repair.	BR	–
18	Restaurants, standard.	BR	–
19	Restaurants, non-standard.	S	–
20	Retail business that supply commodities on the premises within a completely enclosed building including, but not limited to, groceries, foods, drugs, packaged liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry, hardware, and sporting goods including bait supplies, but excluding adult entertainment businesses.	BR	–

Table 3-3 Continued Next Page. See End of Table for Footnotes.

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(Table 3-3 continued)

PRINCIPAL USES		ZONING DISTRICTS¹	
		BR = Permitted By Right Use¹	S= Special Land Use¹
		- = Prohibited Use	
		C-1	I-1
21	Sale of new or used cars, boats, mobile homes, farm machinery, and other vehicles and items intended for tow, and the service and repair of such vehicles and items.	S	-
22	Adult entertainment businesses.	S	-
23	Taverns.	S	-
24	Taxidermy services.	BR	-
25	Vehicle / car wash facility.	S	-
26	Vehicle repair shop including paint services.	S	S
27	Veterinary clinics.	BR	-
Uses of a Primarily Industrial Character¹			
1	Assembly of electrical appliances, instruments and devices, including the manufacture of small parts such as computer components.	-	BR
2	Junk yards and salvage yards.	-	S
3	Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. "Previously prepared materials" are materials processed, manufactured or created at another location and transported to the lot in this District for assembly into new products.	-	BR
4	Monument and art stone production and sales.	-	BR
5	Manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, instruments, optical goods, hardware and cutlery, and food products, but excluding fish, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and other food products involving the creation of odors.	-	S
6	Plastic molding and extrusion.	-	S
7	Printing and publishing.	-	BR
8	Production, processing or testing utilized in product prototyping.	-	BR
9	Tool and die manufacturing.	-	BR
10	Warehousing.	S	S
Other Uses Not Listed Above¹			
1	Clubs, lodges, and similar social-centered organizations.	S	S
2	Public facilities owned by Clarence Township, such as township offices, sewer treatment facilities, cemeteries and parks.	BR	BR
3	Public facilities not owned by Clarence Township and not otherwise addressed in this Table.	S	-
4	Churches.	S	-
5	Public utility buildings, equipment facilities, and similar public utility support facilities including substations.	S	S

Footnotes for Table 3-3

1. Irrespective of the particular labeling of a cell in this table, any use that exceeds a single building of 8,000 sq. ft. in gross floor area, or 20,000 sq. ft. in gross floor area among all buildings on the parcel, is classified as a Special Land Use.
2. See Section 7.05 for special provisions regarding the classification of certain wireless communication towers/equipment as a use permitted by right in addition to special application procedures for communication towers/equipment.

End of Table 3-3

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**Table 3-4
Site Development Requirements¹**

All principal land uses, structures and buildings shall comply with the site development requirements of Table 3-4 unless otherwise specified by this Ordinance. See also Section 3.06.

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage ²	Maximum Building Height	Maximum Impervious Area	Minimum Yard Setback ^{1,8}		
					Front ^{1,8}	Side ^{1,8}	Rear ^{1,8}
RC, Resource Conservation	10 acres	330 ft.	35 ft. ⁷	5%	68 ft. ³	15 ft. ⁵ each	40 ft.
AG, Agricultural	1 acre	200 ft.	35 ft. ⁷	See Sec. 13.04	68 ft. ³	15 ft. ⁵ each	40 ft.
R-1, Low Density Residential	35,000 sq. ft.	100 ft.	35 ft. ⁷	See Sec. 13.04,	68 ft. ³	15 ft. ⁵ each	25 ft.
R-2, Medium Density Residential	<u>W/O Sewer</u> ⁴ 25,000 sq. ft. <u>With Sewer</u> ⁴ 15,000 sq. ft.	<u>W/O Sewer</u> ⁴ 80 ft. <u>With Sewer</u> ⁴ 65 ft.	35 ft. ⁷	See Sec. 13.04	68 ft. ³	See Foot. 5	25 ft.
R-3, High Density Residential	<u>W/O Sewer</u> 26,000 sq. ft. <u>With Sewer</u> 10,000 sq. ft.	<u>W/O Sewer</u> 75 ft. <u>With Sewer</u> 50 ft.	35 ft. ⁷	See R-1 & R-2 Districts of Sec. 13.04	68 ft. ³	10 ft. each	20 ft.
R-MF, Multiple Family Residential	2 acres	200 ft.	35 ft. ⁷	See Sec. 13.04, Commer. Districts	83 ft.	50 ft. ⁵	60 ft.
R-MHC: Manufactured Housing Comm.		See	Section	3.07			
C-1, Local Commercial	20,000 sq. ft.	100 ft.	35 ft. ⁷	See Sec. 13.04	78 ft. ³	9 ft. ⁵	20 ft. ⁶
I-1, Light Industrial	20,000 sq. ft.	100 ft.	35 ft. ⁷	See Sec. 13.04	108 ft. ³	20 ft. ⁵	40 ft. ⁶

See following page for Footnotes.

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Footnotes for Table 3-4 – Site Development Requirements

1. **Scope of Requirements:** All uses shall comply with the site development requirements in Table 3-4, unless specified otherwise by this Ordinance. See also additional provisions of this Ordinance pertaining to signs, off-street parking and loading, lighting, landscaping and screening, environmental protection, and other site development requirements.
2. **Lot Configurations:** All lots shall conform to the following configuration requirements:
 - a. The depth of a lot shall not exceed four (4) times its width.
 - b. The minimum frontage/lot width standard of Table 3-4 shall extend from the front lot line to the proposed building setback line and over at least seventy percent (70%) of the lot area. In addition, in the case of a waterfront lot, the minimum frontage/lot width standard shall apply to both the front and rear lot line.
 - c. Lesser frontage and width standards than those of Table 3-4 may be approved where the front lot line abuts a curvilinear road segment, such as a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in overall width or area, or otherwise result in irregular or impractical configurations. However, such reduction shall not exceed forty percent (40%), and the minimum front yard setback shall be increased to the line at which there is compliance with the lot width standard of Table 3-4.
3. **Front Yard Setbacks and Modifications**
 - a. The front yard setback for a lot that is not a waterfront lot shall be measured from the centerline of the gravel, paved, or other traveled road surface adjacent to such front yard. The front yard setback for a waterfront lot, being the yard adjacent to the water, shall be measured from the ordinary high water mark.
 - b. In the case of a waterfront lot, the minimum required front yard setback shall be 35’ except as provided by 3(c) below.
 - c. The required front yard setback for a building in the AG, RC, R-1, R-2 and R-3 Districts shall be reduced to the average of the existing building setbacks along the same side of the street within 500’ to either side of such building, but in no case shall such setback be required to be greater than 35’ in the case of a waterfront lot and 68’ for all other lots. Where only a portion of a dwelling is located within such five hundred (500) foot measured distance, the setback of the entire dwelling shall be used for determining such average setback.
4. **Lot Area, Width and Frontage, and Rear Yard Setback Exceptions for R-2 District**
 - a. Sewered Lots of Record: Minimum lot area, width and frontage in the R-2 District for single family dwelling lots recorded with the County Register of Deeds prior to the effective date of this Ordinance, where sanitary sewer is provided, shall be 3,000 sq. feet in area and 30’ in width and frontage.
 - b. Non-Sewered Lots of Record: Minimum lot area, width and frontage in the R-2 District for single family dwelling lots recorded with the County Register of Deeds prior to the effective date of this Ordinance, where sanitary sewer is not provided, shall be 12,000 sq. feet in area and 55’ in width and frontage.
 - c. In the case of a waterfront lot, the minimum required rear yard setback shall be 58’ and shall be measured from the centerline of the gravel, paved, or other traveled road surface, except that such minimum setback shall be reduced to the average of the existing dwelling setbacks along the same side of the road within 500’ to either side of such dwelling, but in no case shall such setback be required to be greater than 58’ nor shall be less than 43’. Where only a portion of a dwelling is located within such five hundred (500) foot measured distance, the setback of the entire dwelling shall be used for determining such average setback.
5. **Side Yard Setbacks and Modifications**
 - a. For corner lots, the minimum required front yard setback shall apply to both yards abutting a road right-of-way or easement except that the side yard setback may be reduced the minimum amount necessary to ensure a thirty (30) foot buildable lot width. However, in no case shall such setback be less than 45’. ”Buildable lot width” for this Footnote shall be defined as the dimensional width of the lot less both required side yard setback dimensions.
 - b. Side yard setbacks for structures in the R-2 District shall be 10’ except that in the case of a lot recorded with the County Register of Deeds prior to the effective date of this Ordinance, the required side yard setbacks shall be as delineated in the table below, according to the width of the lot on which the structure is located.

Single and Combined Side Yard Setbacks	Lot Width			
	35’ or less	35.1’ – 40.0’	40.1’ – 45.0’	45.1’ or more
Minimum of each setback *	4’, except 3’ for one-story buildings	4’	4’	4’
Minimum combined setbacks:	10’	11’	12’	13’

* Side yard setbacks for corner lots shall comply with 5(a) above.

- c. In the case of a Commercial or Industrial District, the minimum side yard setback shall be increased to 60 feet in the case where the side yard abuts an Agricultural, Conservation or Residential District.

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6. The minimum rear yard setback shall be increased to 60 feet in the case where the rear yard abuts an Agricultural, Conservation or Residential District.
7. The following height exceptions shall apply:
 - a. The maximum height of structures serving agricultural uses shall be 100' feet.
 - b. The following height exemptions apply provided no portion of the building or structure exceeding the height limitation may be used for human occupancy and the site plan approving body finds the exemption shall not undermine the character, use and enjoyment of nearby properties:
 - 1) Features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and similar features, provided such features do not exceed more than 5% of the structure's gross roof area. This exception shall not apply to single family and two-family dwellings.
 - 2) Necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell structures, ventilators, bulkheads, masts and aials, communication towers and antennas, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height, unless otherwise regulated by this Ordinance.
8. Miscellaneous Setback Provisions: The setback requirements of Table 3-4 shall apply except where provided otherwise by this Footnote or elsewhere in this Ordinance.
 - a. Decks, Patios and Porches
 - 1) Any portion of a porch, deck, or patio, that is covered, shall comply with the setback requirements for the principal use or structure according to Table 3-4, except as provided by Section 13.05, Natural Feature Setback.
 - 2) Any portion of a porch, deck, or patio, that is uncovered and has a floor surface greater than eighteen (18) inches above ground surface directly below, shall comply with the setback requirements for the principal use or structure according to Table 3-4, except as provided by Section 13.05, Natural Feature Setback..
 - 3) Any portion of a porch, deck, or patio, that is uncovered and has a floor surface eighteen (18) inches or less above ground surface directly below, is exempt from setback requirements, except that any railing that is constructed on said porch, deck, or patio shall conform with the setback requirements for the principal use or structure according to Table 3-4, except as provided by Section 13.05, Natural Feature Setback..
 - b. Animal Shelters
 - 1) Animal and poultry shelters, including, coops, barns, or sheds housing animals, shall have a minimum setback of seventy-five (75) feet from all lot lines, provided that on a platted lot, no such shelter shall be erected closer than twenty (20) feet to a side lot line of such lot.
 - c. Temporary Toilets
 - 1) No temporary outside toilets shall be erected closer than fifteen (15) feet to the side line of the lot on which such facility is located, provided however, that such facility shall not be closer than twenty-five (25) feet to any building used for permanent habitation and located on an adjacent lot.
 - d. Gasoline Stations and Sales/Storage of Vehicles
 - 1) There shall be maintained a minimum setback distance of thirty five (35) feet from all lots lines to gasoline pumps, display racks, air pumps, and other equipment.
 - 2) All fuel pump canopies shall be set back a minimum of fifteen (15) feet from all lot lines.
 - 3) There shall be maintained a minimum setback distance of seventy-five (75) feet from all lots lines to vehicles in storage awaiting repair, being maintained for the purpose of the sale of parts or junk there from, or otherwise inoperable.
 - 4) There shall be maintained a minimum setback distance of thirty-five (35) feet from all lots lines to vehicles being advertized for or otherwise available for sale and in operable condition.
 - e. See Article 13, Environmental Protection, including Sec. 13.05 regarding special setback provisions for natural features including lakes.

End of Article III

(Art. III Amended 3-14-11 / Ord. 24-4 for comprehensive revisions)

(Art. III Amended 10-10-11 / Ord. 24-5 to create new zoning map, revise Table 3-1 purpose statement for Resource Conservation District, and revise Table 3-2 to authorize contractors' yards/storage in AG District)

(Art. III Amended 5-14-12 / Ord. 24-6 to revise Tables 3-2 and 3-3 to authorize extraction operations in all districts, and revise Table 3-4 by inserting footnote references and footnote 8(e))

(Art. III Amended 8-12-13 / Ord. 24-7 to revise Footnote 2 of Table 3-2 and 3-3 regarding wireless communication towers, and Table 3-4 setback standards/footnotes according to measurement from road centerline)

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**Article IV
Reserved for Future Use**

End of Article IV

(Art. IV amended 6-14-10 / Ord. 24-3 to reserve for future use)

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Article V NONCONFORMING LOTS, USES and STRUCTURES

Section 5.01 Purpose

It is recognized that there exists lots, structures and uses within the Districts of this Ordinance and as may be amended, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendment. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension or other alteration which in any way increases its nonconformity, except as otherwise provided by this Article.

Section 5.02 Nonconforming Lots

A. Notwithstanding limitations imposed by other provisions of this Ordinance, any use and customary accessory structures may be erected on any single lot recorded in the County Register of Deeds Office prior to the date of adoption or amendment of this Ordinance, where such use is an authorized permitted use in said District according to Article 3, even though such lot fails to meet the requirements for area, width, and/or frontage that are applicable in the District. However, the following provisions shall apply:

1. Aside from any requirement causing such lot to be nonconforming, the use of such lot shall comply with all other requirements of this Ordinance, such as required setbacks, unless a variance is obtained from the Zoning Board of Appeals according to Article XVII.
2. If two or more lots or combinations of lots and portions of lots, share continuous frontage and share a common side lot line or portion thereof, and are in single ownership of record at the time of passage or amendment of this Ordinance as recorded in the County Register of Deeds, and if all or part of the lots do not meet the requirements established for area, width, and/or frontage, the lands involved shall be considered to be an undivided lot for the purposes of this Ordinance. No portion of said lot shall be used or divided in a manner that diminishes compliance with the area, width and frontage requirements of this Ordinance.

Section 5.03 Nonconforming Uses

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

1. A nonconforming use may be continued but shall not be enlarged, extended, added to or altered unless such change is in conformity with the provisions of this Ordinance.
2. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
3. Any nonconforming use of land or structure, or combination thereof, which is superseded by a permitted use, shall thereafter conform to the use regulations for the District in which such use is located, and a nonconforming use may not thereafter be resumed or otherwise established.
4. If a nonconforming use of any building, structure, or land, or part thereof, ceases for any reason for a period of more than 365 consecutive days, the subsequent use of the property shall thereafter conform to the use regulations and provisions of this Ordinance for the respective District. Conditions that shall be considered in determining the cessation of a nonconforming use include, but are not limited to, disconnection of utilities, the property has fallen into a state of disrepair, the removal of equipment necessary for such use, and the removal of signage identifying the business or use.
 - a. Nothing in subsection (4) shall be construed to prohibit the reconstruction of a dwelling that constitutes a nonconforming use, subject to the provisions of this Article.

Section 5.04 Nonconforming Structures

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

1. No nonconforming structure may be enlarged or altered so as to increase its nonconformity, such as in the case of a building's height or the cubic content of the portion of the building encroaching into a setback, except that in no case shall a nonconforming structure be enlarged or extended in any manner if such structure encroaches across a lot line into a road right-of-way or easement.
2. If a nonconforming structure is destroyed by any means, including acts of nature such as storms, wind and fire, or by acts of the lot owner or other entity, a replacement structure may be erected provided such replacement

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structure does not exceed the degree of nonconformity of the structure destroyed and the replacement structure is completed to an extent equal to ninety percent (90%) of its construction cost within twenty-four (24) months of the previous structure's destruction.

3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
4. A nonconforming structure may undergo repairs and maintenance, including the repair and refurbishing of walls, fixtures, wiring and plumbing, provided the extent of nonconformity existing at the time of Ordinance adoption or amendment shall not be increased.

Section 5.05 District Changes

Whenever the boundaries of a District shall be changed so as to transfer a land area from one District to another District, the provisions of this Article shall also apply to any existing lots, uses and structures that become nonconforming as a result of the boundary change.

Section 5.06 Illegal Nonconformities

Nonconforming lots, uses and structures existing on the effective date of this Ordinance or amendment thereto, that were established without approval of zoning compliance or without a valid building permit, or those nonconforming lots, uses and structures that cannot be proved conclusively as existing prior to the effective date of this Ordinance or amendment thereto, shall be declared illegal nonconformities and are not entitled to the status and rights accorded legally established nonconformities by this Article.

End of Article V

(Art. V Amended 3-14-11 / Ord. 24-4 for comprehensive revisions)

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**Article VI
Reserved for Future Use**

End of Article VI

(Art. VI amended 3-14-11 / Ord. 24-4 to reserve for future use)

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Article VII STANDARDS and REGULATIONS for SPECIFIC LAND USES

Section 7.01 - PURPOSE and APPLICABILITY

The purpose of this Article is to establish standards and regulations in association with certain land uses to ensure the establishment of such uses minimizes negative impacts upon adjacent land uses and the Township as a whole, and encourages orderly development in coordination with surrounding conditions and within the development site itself. Where deemed beneficial to provide greater clarification of the purpose or character of use regulations addressed by this Article, such Sections are accompanied by a further defined “purpose” statement. Unless otherwise specified, each use addressed in this Article shall be subject to all requirements and standards of this Ordinance in addition to the requirements and standards of this Article including requirements and standards pertaining to setbacks, lot area, signage, parking and loading, and environmental protection. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including Table 3-4 of Article 3, the standard of this Article shall apply. Any requirements of this Article regarding application submittal data, plans, and drawings shall be in addition to the data requirements of Article XVIII, Site Plan Review. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with additional standards in other applicable Township ordinances.

Section 7.02 - OPEN SPACE PRESERVATION COMMUNITIES (OSPC)

- A. Purpose:** It is the purpose of this Section to provide opportunities for residential development which, because of the more flexible standards available to “Open Space Preservation Communities” (OSPC) under this Section, more effectively encourage the preservation of the Township’s natural resources including wetlands, woodlands, surface waters including stream banks and corridors, and the Township’s rural character. The regulations of this Section propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the zoning district within which the OSPC is proposed to be located, so that the remainder of the site can be preserved as open space including for agricultural use. This Section is established pursuant to Section 506 of the Michigan Zoning Enabling Act.
- B. Authorization / Special Land Use:** OSPCs are hereby authorized as special land uses in the RC, AG, R-1, R-2 and R-3 Districts.
- C. Review and Approval Process**
1. **Special Land Uses:** OSPCs are permitted as special land uses only, and their review and approval shall follow the same procedures and requirements for special land uses under Article XIX including the approval of a site plan according to Article XVIII, and conformance to the requirements and standards of this Section, except as provided below:
 - a. **Recording of Approval Action:** The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSPC plan unless a change is approved by the Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk.
 - b. **Permit Issuance:** Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a zoning permit for the OSPC.
 - c. **Conventional Plan:** At the time the applicant submits a site plan for the OSPC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the conventional development standards of the zoning district in which it is located. This plan shall identify the total number of lots and dwellings reasonably attainable. The Planning Commission shall be the determining body regarding the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for the OSPC proposal.
 - (1) The conventional plan referenced in subsection (c) need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and general road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals); and man-made features such as existing roads, structures, utilities, easements,

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and adjacent land use conditions. A conventional plan shall not be considered by the Planning Commission if the Planning Commission determines that it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (c) above.

D. Approval Standards

1. Approval Standards: No application for an OSPC shall be approved except upon a finding that the following standards have been met:
 - a. Section 18.05, Site Plan Approval Standards
 - b. Section 19.06, Special Land Use Approval Standards
 - c. Section 7.02(E), OSPC Use and Design Standards
 - d. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
 - e. Intent: The OSPC proposal shall support the intent of this Section as defined in Section 7.02(A).

E. Use And Design Standards:

1. Regulatory Flexibility: To encourage flexibility and creativity consistent with the OSPC concept, departures from the conventional regulations of the zoning district may be permitted, subject to review and approval by the Planning Commission. For example, such departures may include but are not limited to modifications to lot dimensional standards, setback requirements, and lot area requirements. However, in no case shall an OSPC's design features exceed the following:
 - a. Permitted Principal Uses: Principal permitted uses shall be limited to dwellings as authorized by the district in which the OSPC is located, and the associated required open space as provided by this Article.
 - b. Number of Lots/Dwellings: The number of dwellings and lots in an OSPC shall not exceed the number attainable by the Conventional Plan according to Sec. 7.02(C)(1)(c).
 - c. Building Setbacks: All buildings shall have a minimum front and rear yard setback of twenty-five (25) feet, and a minimum side yard setback of ten (10) feet, except as otherwise required below:
 - (1) All buildings shall have a minimum setback of seventy-five (75) feet from all lot lines that serve as the exterior boundary of the OSPC parcel.
 - (2) All buildings shall have a minimum setback of seventy-five (75) feet from lakes, ponds, rivers, streams, and wetlands.
 - d. Minimum Lot Area: The minimum lot area for a dwelling in an OSPC shall be forty percent (40%) of the conventional minimum lot area for the district in which the OSPC is located, provided all necessary potable water and sewage disposal permits are acquired.
2. Location of Lots: The arrangement of lots on the OSPC parcel shall be based upon the following standards. Recognizing that satisfying all of the standards equally may not be feasible in some circumstances, the preservation of important natural resources shall take priority.
 - a. Preservation of important natural resources such as surface waters, wetlands, and woodlands.
 - b. Minimize visual impact of new dwellings on surrounding properties.
 - c. Preservation of the rural character of existing public roads abutting the OSPC project.
 - d. Minimize interruptions of scenic vistas, as viewed from abutting public roads.
3. Natural Features: The development shall be designed to promote the preservation of natural features such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and special plant and animal habitats. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the OSPC plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. See Section 13.05, Natural Features Setbacks and Buffers.
4. Storm Water Management: Provisions shall be made for appropriate storm water management, including the construction of necessary storm water facilities. The storm water management plan shall rely upon natural systems to the greatest extent possible and preserve the quality and integrity of such systems, rather than systems that encourage unnecessary topographic alternations, erosion, heightened impurities directed to surface and ground water systems, and similar negative impacts. See Section 13.06, Storm Water Management..
5. Guarantee of Open Space: An OSPC shall include permanently dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Planning Commission on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation, or agricultural uses or preservation in an undeveloped state shall be strictly prohibited. The applicant shall

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guarantee to the satisfaction of the Township that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the OSPC plan.

- a. **Amount of Open Space:** A minimum of fifty percent (50%) of the OSPC parcel shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land and found acceptable to the Planning Commission. For the purposes of this subsection, the following terms and phrases shall have the following meanings:
 - (1) “Undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
 - (2) “Greenway” means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
- b. **Irrevocable Conveyance:** The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township Attorney, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a nonprofit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall assure that the open space will be protected from all forms of development, except as specifically delineated on an approved site plan. All subsequent use and improvements to the dedicated open space shall comply with the approved site plan. Changes to the authorized uses or improvements to the open space are prohibited except where the Planning Commission approves a revised site plan upon finding that the applicant's proposed changes shall not alter the essential character of the open space or undermine the purpose and spirit of the OSPC concept as presented in this Section. Such conveyance shall:
 - (1) Indicate the proposed allowable use(s) of the dedicated open space.
 - (2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - (3) Provide standards for scheduled maintenance of the open space such as the removal of litter and diseased or dead vegetation.
 - (4) Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

Section 7.03 - ADULT ENTERTAINMENT BUSINESSES

- A. **Clarification of Purpose:** There is convincing documented evidence that adult entertainment businesses, because of their very nature, can facilitate and support undesirable and detrimental patterns of activity in their vicinity. These impacts are incompatible with activities and uses in residential areas, near educational, recreational, and religious facilities, and among local businesses and their immediate neighborhood. Such impacts can be exacerbated when such businesses locate in close proximity to each other or near establishments serving alcoholic beverages. Impacts contribute to blight and downgrading the quality of life in the adjacent area. The Township desires to prevent adverse affects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods and deter the spread of blight. It is not the intent of this Ordinance, including this Section, to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact content neutral provisions that address the adverse effects of adult entertainment businesses. It is the purpose of this Section to regulate adult entertainment businesses and related activities to promote the health, safety, and general welfare of the Township. It is not the intent of this Section to condone or legitimize the distribution of adult entertainment materials.
- B. **Definitions:** For the purposes of this Section, the following terms, phrases and definitions shall apply:
 1. **Adult Entertainment Business:** A business or commercial enterprise engaging in or consisting of an adult bookstore, adult live entertainment center, adult motel, adult motion picture theater, adult smoking or sexual paraphernalia store, adult theater, escort, escort agency, massage parlor, nude model studio, open dance hall, or sexual encounter center.
 2. **Adult Bookstore:** A commercial establishment that, as a principal business purpose, offers for sale or rental or for any form of consideration any one or more of the items set forth in subsection (a) or (b). The sale of such materials shall be deemed to constitute a “principal business purpose” of an establishment if it comprises

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fifteen percent (15%) or more of sales volume or occupies fifteen percent (15%) or more of the display area, or visible inventory, within the establishment.

- a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture video or other video reproductions, slides, or other visual representations or media, that depict or describe specified anatomical areas or specified sexual activity.
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
3. Adult Live Entertainment Center: A nightclub, bar, restaurant, or similar commercial establishment that features one (1) or more of the following:
- a. Persons who appear in the state of nudity.
 - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
 - c. Films, motion pictures, video reproductions, slides, and other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
4. Adult Motel: A hotel or motel or similar commercial establishment that provides or permits one (1) or more of the following:
- a. Accommodations to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, videos, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
 - b. Sleeping rooms for rent for a period of time that is less than twelve (12) hours.
 - c. The sub-renting of a sleeping room for a period of time that is less than twelve (12) hours by the tenant or occupant of the room.
5. Adult Motion Picture Theater: A commercial establishment that shows films, motion pictures, videos, slides, or other photographic reproductions or visual media, that depicts or describes specified anatomical areas or specified sexual activities, including commercial establishments that offer individual viewing booths. This phrase shall not apply to a motel or hotel, as defined in this Ordinance, which offers for a fee the viewing of movies within a customer's room including movies that depict specified anatomical areas or specified sexual activity.
6. Adult Smoking or Sexual Paraphernalia Store: An establishment having, as part of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting, or inhaling marijuana, narcotics, or other stimulating or hallucinogenic drug-related substances.
7. Adult Theater: A theater, concert hall auditorium, or similar commercial establishment that features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or specified sexual activities.
8. Escort: A person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
9. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
10. Manager's Station: Designated area from which a premise is managed or supervised.
11. Massage Parlor: Any establishment having a fixed place of business where massages are administered for a fee or other consideration including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing homes, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet two (2) or more of the following criteria:
- a. Proof of graduation from a school of massage licensed by the State of Michigan.
 - b. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from professional massage therapists who are members of a massage association referred to in this subsection.
 - c. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or other recognized massage association with equivalent professional membership standards.
 - d. A current occupational license from another state.

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12. **Nude Model Studio**: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include the following:
 - a. An educational institution funded, chartered, or recognized by the State of Michigan.
 - b. Any modeling session for a local, nonprofit organization that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two (2) dimensional or three (3) dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.
 13. **Open Dance Hall**: An establishment where open dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.
 14. **Public Nudity or State of Nudity**: Knowingly or intentionally displaying in a public place, or in any other place for payment or promise of payment by any person, including, but not limited to payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
 - a. A woman's breast feeding of an infant irrespective of whether the nipple is covered during or incidental to the feeding.
 - b. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.
 15. **Sexual Encounter Center**: A business or commercial enterprise, except that which is part of the practice of and under the supervision and control of a physician, psychologist or psychiatrist licensed to practice in Michigan, that, as one of its principal business purposes, offers for any form of consideration one (1) or more of the following:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
 - b. Activities between male and female and/or persons of the same sex when one (1) or more of the persons is in a state of nudity.
 16. **Specified Anatomical Areas**: Any of the following:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola.
 - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
 17. **Specified Sexual Activities**: Any of the following:
 - a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
 - c. Masturbation, actual or simulated.
 - d. Human genitals in a state of sexual stimulation or arousal.
 - e. Excretory functions as part of or in connection with any of the activities set forth in (a), (b), (c) or (d) above.
- C. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.
- D Additional Standards:**
1. No exterior portion of the adult entertainment business, including signage, shall have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas or specified sexual activities.
 2. Separation Requirements
 - a. No adult entertainment business shall be located within seven hundred fifty (750) feet of any of the following:
 - 1) A church, synagogue or regular place of worship.
 - 2) A public or private elementary or secondary school.
 - 3) A Residential District.
 - 4) Any dwelling irrespective of the District.
 - 5) A public park.
 - 6) A licensed day-care center or preschool.
 - 7) Another adult entertainment business.
 - b. For the purposes of subsection (2)(a) above, measurement shall be made as a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a adult entertainment business is conducted to the nearest property line of the

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- premises of a public park, church, synagogue, regular place of worship, public or private elementary or secondary school or preschool, or licensed day care center, or to the nearest boundary of a Residential District or dwelling. However, the distance between any two (2) adult entertainment business uses shall be made from the closest exterior wall of the structure in which each business is located and in no case shall an adult entertainment business be located in the same building, structure, or portion thereof, containing another adult entertainment business.
- c. An adult entertainment business lawfully operating as a conforming use shall not be rendered a non-conforming use by the subsequent location of a use within the separation requirements of subsection (2)(a) and (b) above.
 3. Signs of a minimum 24" by 36" size shall be posted on both the exterior and interior walls of the entrances of the business, in a location that is clearly visible to those entering and exiting the business. In addition, such signs shall be posted in at least two (2) conspicuous places, easily viewed by persons occupying the premises. Such signs shall have lettering that is at least two (2) inches in height, with the following printed statements:
 - a. Persons under the age of eighteen (18) years are not permitted to enter the premises.
 - b. No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
 4. No merchandise or activities of the establishment shall be visible from any point outside the establishment.
 5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
 6. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's stations of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. Said unobstructed view from manager's stations shall remain unobstructed by any doors, walls, merchandise or display racks, or other materials at all times. No patron shall be permitted to access any area of the premises which has been designated on the approved site plan as an area in which patrons shall not be permitted.
 7. At least one (1) employee shall be on duty and situated in a manager's station at all times that any patron is present inside the premises.
 8. Rest rooms shall not contain any video reproduction equipment.
 9. Operational hours shall not exceed 9:00 a.m. – 1:00 p.m.
 10. An adult entertainment business that offers live entertainment shall provide all of the following:
 - a. A dressing room for performers with direct access between said dressing area and the performance area or stage, so that the performer may enter the performance area without entering the area from which patrons view the performance. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons, and such dressing area shall contain hot and cold running water and toilet facilities.
 - b. All performances shall occur on a stage elevated at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest employee or patron.
- D. Additional Application Requirements:** In addition to complying with the submittal requirements of Article XVIII, Site Plan Review, and Article XIX, Special Land Uses, application for an adult entertainment business shall include the following additional information:
1. A diagram of the premises specifying the location of manager's stations. A manager's station shall not exceed thirty-six (36) square feet of floor area.
 2. The location of all overhead lighting fixtures and illumination levels (in foot candles) at floor level throughout the premises.
 3. Any portion of the premises in which patrons are not permitted.

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Section 7.04 - EXTRACTION OPERATIONS

- A. Extraction operations are permitted in all districts, subject to special land use review and approval provisions of this Ordinance. When reviewing and taking action on a special land use application for an extraction operation, and in addition to reviewing such application according to the general special land use approval standards of Section 19.06, such application shall also be reviewed to determine whether adequate documentation has been submitted demonstrating that “no very serious consequences” will result by the approval of such application. The determination of “no very serious consequence” may be based on any of the following factors as may be applicable:
1. The relationship of extraction and associated activities with existing land uses.
 2. The impact on existing land uses in the vicinity of the property.
 3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 6. The overall public interest in the extraction of the specific natural resources on the property.

Section 7.05 - WIRELESS COMMUNICATION TOWERS and EQUIPMENT

A. Definitions.

1. Definitions. For the purposes of this Section, the following terms shall have the following meaning:
 - a. “Collocate” means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. “Collocation” has a corresponding meaning.
 - b. “Equipment compound” means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
 - c. “Wireless communications equipment” means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
 - d. “Wireless communications support structure” means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

B. Exceptions from Special Land Use Classification: Wireless communications equipment shall be classified as a Use Permitted by Right and shall not be subject to special land use proceedings if an application meets all of the following requirements:

1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
2. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the Township.
3. The proposed collocation will not do any of the following:
 - a. Increase the overall height of the wireless communications support structure by more than 20 (twenty) feet or 10% (ten percent) of its original height, whichever is greater.
 - b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the then-designated approving body of the Township.

C. Special Application Review Provisions:

1. In the case where a special land use application for wireless communication equipment is filed with the Planning Commission, the Planning Commission shall determine whether the application is administratively complete. Unless the Planning Commission proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Planning Commission makes that determination or the passing of fourteen (14) business days after the Planning Commission receives the application, whichever occurs first.

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2. If, before the expiration of the fourteen (14) day period under subsection (1) above, the Planning Commission notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (1) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
3. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete, except that in the case of a special land use application for wireless communications equipment that does not meet the requirements of subsection (B)(1) or for a wireless communications support structure, the period for approval or denial shall be 90days. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

End of Article VII

(Art. VII amended 6-14-10 / Ord. 24-3 to reserve for future use, its previous subject matter, floor area requirements, relocated to Art. XXIII)

(Art. VII amended 3-14-11 / Ord. 24-4 to address "Standards and Regulations for Specific Land Uses" – Open Space Preservation Communities and Adult Entertainment Businesses)

(Art. VII amended 5-14-12 / Ord. 24-6 to insert Sec. 7.04, Extraction Operations)

(Art. VII Amended 8-12-13 / Ord. 24-7 to insert Sec. 7.05, Wireless Communication Towers and Equipment)

CLARENCE TOWNSHIP ZONING ORDINANCE

Article VIII

Section 8.01 - OFF-STREET PARKING OF MOTOR VEHICLES

Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.

Section 8.02 - REQUIRED PARKING AND LOADING SPACES

A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.

Section 8.03 - REQUIREMENTS for ALL PARKING SPACES and PARKING LOTS

- A. In the case of single family and two-family dwellings, each automobile parking space shall be not less than two hundred (200) square feet nor less than ten (10) feet wide exclusive of driveway and aisle widths. In the case of other uses including multiple family developments and commercial, industrial, public, and institutional uses, each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes, backing directly onto a public road right-of-way shall be prohibited, and the layout of off-street parking areas shall comply with the minimum standards of the table below. In no case shall the standards be exceeded by more than ten percent (10%), rounded to the next higher one-half foot increment, except upon a finding by the site plan approving body that such additional widths or lengths are necessary due to the unique character of the use or the vehicles anticipated to be present.

Table with 4 columns: Parking Pattern, Maneuvering Lane Width (One-Way, Two-Way), Parking Space Width, and Parking Space Length. Rows include 0° (Parallel), 30°- to 53°, 54°- to 74°, and 75°- to 90°.

Where a parking space is curbed, the vehicle overhang off the curb may be credited as two (2) feet if adjacent to landscaping, or adjoining a sidewalk at least seven (7) feet wide.

- B. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged to reflect the light away from any adjoining property.
C. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.
D. The number of parking spaces required for land or buildings used for two (2) or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use.

However, the joint use of parking facilities by two or more uses may be granted during site plan review proceedings whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 18.06(C) are met.

- 1. Computing Capacities: In computing capacities of any joint use, the total space requirement shall be the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
2. Record of Agreement: A copy of a proposed agreement between joint users shall be filed with the application for a zoning permit and a copy shall be recorded with the County Register of Deeds upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the site plan approving body for termination of such agreement.