

Article 7 General Provisions

Section 7.1 Scope

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

Section 7.2 Performance Guarantee

Whenever improvements such as paving of streets, parking areas, screen walls, or other improvements are required by this Ordinance, these shall be shown on a site plan for the proposed use (including all condominiums). In addition, the owner of the subject property shall deposit a cash performance guarantee in the amount of one hundred and twenty-five (125) percent of the estimated cost of the required improvements, or as otherwise provided in this Ordinance, but not less than two thousand five hundred dollars (\$2,500.00) with the Township Clerk. The entire sum shall be returned to the owner upon satisfactory completion of the required improvements within the time limits specified herein. Failure to complete the required improvements shall result in forfeiture of the Performance Guarantee. [G-1 & G-5]

Section 7.3 Non-Residential Building Standards for Approved Facing Materials

The exterior of all buildings in the Neighborhood Business, General Commercial, and General Industrial districts shall conform to the following: [16-2] [G-1]

- A. The front, and those sides visible from the road, of new buildings shall be constructed of masonry building materials such as face brick, stone, or decorative block (i.e. scored, fluted, split and the like), or other material approved by the Planning Commission as equivalent in quality and appearance to the above materials.
- B. The architecture and exterior facing materials of any building shall be designed to achieve a high quality character throughout the Township's non-residential zones. The Planning Commission shall find that the plans include a complimentary contrast between materials in the overall appearance of the building, and an architectural style appropriate for that particular zoning district.
- C. The Planning Commission shall review and approve the proposed exterior facing materials during site plan review. The proposed exterior facing materials shall be noted on the building elevation drawings.

Section 7.4 Buildings to be Moved

Any building or structure which has been wholly or partially erected on any premises located within or outside the Township shall not be moved to and placed upon any other premises in Kenockee Township until a permit for such relocation shall have been secured from the Zoning Administrator. 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. [16-4]

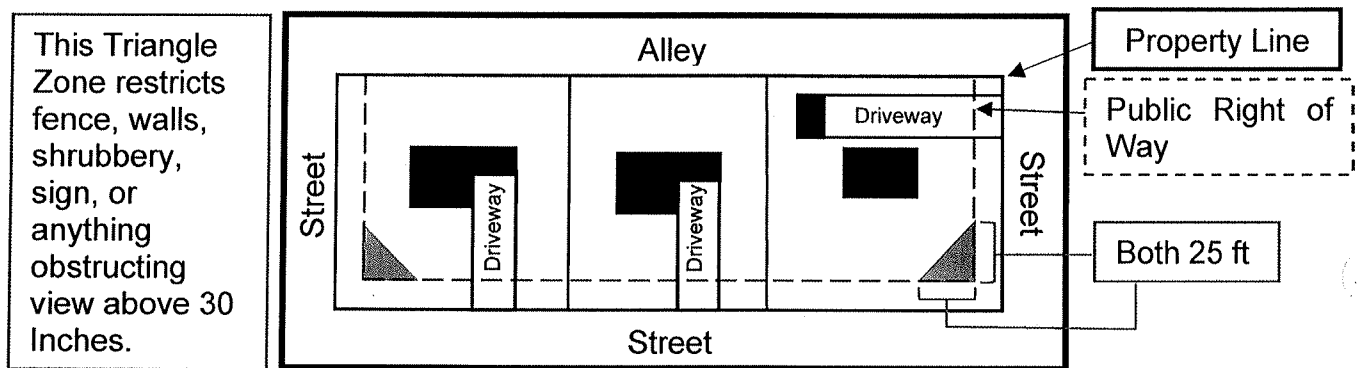
Section 7.5 Conflicting Regulations

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

Section 7.6 Corner Clearance

So as not to obstruct the view of a driver of a vehicle approaching the intersection, no fence, structure, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed by the street right-of-way lines and a line connecting them at points twenty five (25) feet from the intersection of the street right-of-way lines or in the case of a rounded property corner from the intersection of the street right-of-way lines extended, excepting that shade trees shall be permitted where all branches are not less than ten (10) feet above the road level. [16-5]

Figure 7-1: Diagram of Corner Clearance



Section 7.7 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 reasonably 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 Building Inspector; and, provided further, that this Section shall not apply to streams, natural bodies of water or to ditches, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, St. Clair County, the Township, or other governmental agency. [G-1]

Section 7.8 Exterior Lighting

- A. All outdoor lighting in all Zoning Districts excluding AG Agriculture and R Residential Zoning Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences. [16-7]

- B. All outdoor lighting in all Zoning Districts excluding AG Agriculture and R Residential Zoning Districts shall be downward facing and directed away from existing residential homes, residential zoning districts, and road right-of-way (ROW).. [16-7 & 16-8] [G-1]
- C. . All outdoor lighting in all Zoning Districts excluding AG Agriculture and R Residential Zoning Districts shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent road ROW . [16-8] [16-9]

Section 7.9 Frontage Requirement

Every dwelling or principal building shall be located on a lot or parcel of land which has frontage on a public street or private road for at least the minimum width of a lot required in the particular zoning district. This Section shall be construed to prohibit the creation of lots or parcels of land that have only a narrow access to the abutting street (sometimes referred to as "flag lots" or "panhandle lots") and other lots of unusual shape that are designed to circumvent or that effectively circumvent this Ordinance's definition of lot width. Lot width shall be measured as defined in Section 2.4., [16-11]

Section 7.10 Lot and Subdivision Limitations

- A. Only one single-family detached dwelling or one two-family dwelling shall be placed on a lot. [G-1]

Section 7.11 Lots, Yards, and Open Spaces

No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this Ordinance, may by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building. [16-14 [16-15]" [16-15][16-16]

Section 7.12 Residential Entranceway

- A. In Agricultural, Open Space, and all Residential Districts, entranceway structures including, but not limited to, walls, columns, and gates marking entrances to one family residential or multiple family residential developments may be permitted and be located in a required yard, except as provided in Section 2.2, provided that entranceway structures shall comply with all codes and Ordinances of the Township with proper permits issued. [G-1]
- B. Entranceway structures shall refer only to the development on the land upon which it is located.

Section 7.13 Permitted Area and Placement

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located. [G-1]

Section 7.14 Permitted Uses

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed, or arranged for any purpose other than

is permitted in the district in which the building or land is located, except as otherwise provided herein. [G-1]

Section 7.15 Ponds

- A. Private ponds for fish, ducks, livestock, water, irrigation water, fire protection, recreation, collection of surface drainage or created for the purpose of obtaining fill dirt for on site construction purposes shall be permitted in any district subject to the provisions below and after first obtaining a zoning permit from the Zoning Administrator. The application for the permit shall contain: [16-17]
1. The name of the owner(s) of the property.
 2. Legal description of the property.
 3. A site plan drawn to a scale suitable to demonstrate compliance with applicable regulations.
- B. No pond shall be constructed without first obtaining a permit from the Michigan Department of Environment, Great Lakes, and Energy (DNR) if such pond would be:
1. Five (5) acres or greater in area, or
 2. Connected to an existing lake or stream, or
 3. Located within five hundred (500) feet of the ordinary high water of an existing inland lake or stream.
- Obtaining a permit from the DNR shall not relieve a person from complying with the requirements of this Section.
- C. Applicants under this Section are encouraged to obtain copies of publications concerning ponds from the U.S. Soil Conservation Service and the St. Clair County Cooperative Extension Service.
- D. All ponds constructed after the effective date of this Ordinance shall comply with the following regulations:
1. No pond shall be located nor constructed on any lot or parcel of land having less than five (5) acres in area or having a lot width of less than three hundred feet (300) feet. [G-1]
 2. Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on site purposes. However, excess excavated earth materials not feasible for use on site may be removed from the property in compliance with an approved site plan and the following requirements. If the applicant proposes that any excess excavated earth is to be removed from the property, he shall first provide a written statement of the cubic yards to be removed. The applicant shall be limited to this stated volume and any amount in excess of the stated volume to be removed must first be approved as an amendment to the site plan. This statement or any amendments thereto shall either be shown on the site plan or physically attached to the site plan and shall be considered a part of the site plan for purposes of review and approval or denial. Further, any excess excavated earth shall be removed within six (6) months after excavation, except

under unusual circumstances (i.e. a long period of bad weather as might occur in winter or spring months) then the applicant may apply to the Planning Commission for one (1) extension of six (6) months. [G-1]

3. Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal, and not primarily for the purposes set forth in this Section above shall not be considered as "ponds" but instead shall be considered as "quarries" and subject to the applicable provisions of Section 3.7C
4. The pond excavation shall not be greater than twenty five feet (25) in depth from the existing grade.
 - a. The spoils shall not exceed thirty-six (36) inches in height.
 - b. The berm shall be a minimum of twelve (12) feet from the edge of the pond. [G-1]
5. The pond may occupy up to a maximum of twenty 20 percent of the lot or property upon which it is placed. [G-1]
6. The pond shall be a minimum of fifty (50) feet from any dwelling, any septic field or any well. This requirement shall take precedence over the setback requirement specified below. [G-1]
7. The pond shall not be placed within a "required" front yard.
8. The pond shall not be located within 25 feet of a driveway, nor shall a driveway be constructed within 25 feet of a pond.
9. The side slopes of the pond shall not exceed a twenty-five 25 percent grade (a 1:4 slope) until the water reaches a depth of five (5) feet below the low water line. In no case shall any slope exceed a fifty (50) percent grade (a 1:2 slope). [G-1]
10. The pond shall be constructed and maintained such that a minimum setback of twenty (20) feet shall be provided between the high water line and any property line. [G-1]
11. At least one (1) permanent safety station consisting of a Coast Guard approved life buoy or ring, 100 feet of ¼-inch rope and a ten (10) -foot pole, all mounted on a post, shall be provided nearest the deepest portion of the pond and erected prior to the completion of the pond. Safety station shall comply with U.S. Soil Conservation Publication SCS REC 121 (3 71). Signs warning of danger and emergency procedures shall also be placed at appropriate locations as indicated in aforementioned S.C.S. publication. [G-1]
12. If the pond is intended for swimming, the swimming area shall be free of all underwater obstacles such as sudden drop offs or deep holes, trees, stumps, brush, rubbish, wire, junk machinery, and fences. The swimming area, if any, shall be marked with a float line.
13. All of the disturbed areas around the pond shall be seeded with adapted grasses or legumes.

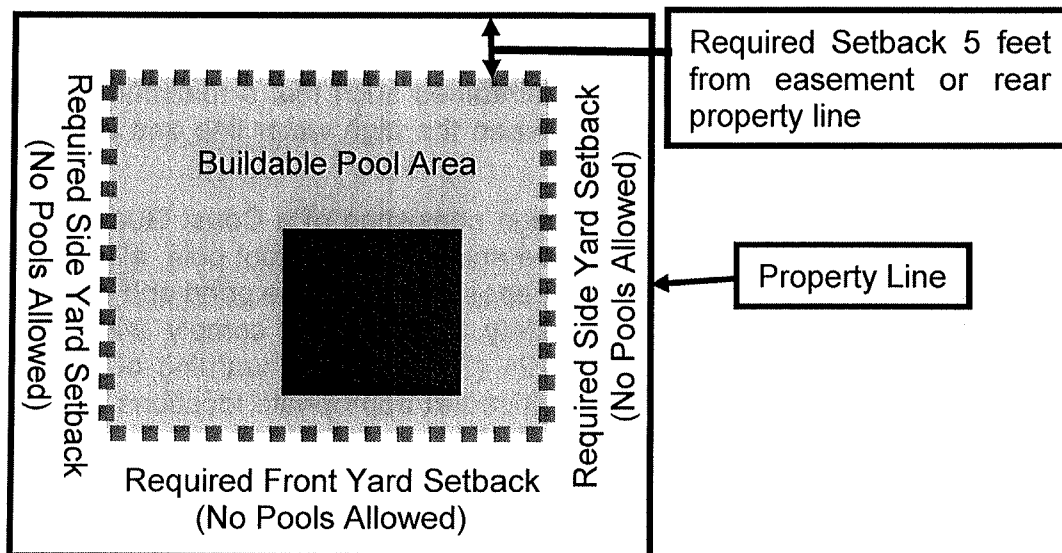
- 14. The pond shall be located so as to prevent sewage or run off from barnyards from draining into the pond.
- 15. All work shall be done in a manner that prevents soil erosion on the subject property and on adjoining properties.
- 16. All ponds permitted under this Section 7.15 shall be completed within nine (9) months of the date of issuance of the zoning. [16-19]

Section 7.16 Swimming Pools

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

- A. Application. The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, public utilities, specifications and plans to scale of pool walls, slope, bottom, walkway, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features deemed necessary by the Building Inspector.
- B. Pool Location. Minimum side yard setback shall comply with Article 4 of this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than five (5) feet between the pool outside wall and the rear property line, or less than the established an easement width at the rear property line, or less than five (5) feet between pool wall and any building on the lot. (See Figure 7-2)[16-20] [G-1]

Figure 7-2: Pool Building Location Diagram



- C. Enclosure in the Residential District. For the protection of the general public, all pools in the residential District shall be completely enclosed by a fence, wall or building; or building located not less than four (4) feet from the perimeter of the pool. The fence shall be of a type described in Section 10.7 not less than 4 feet high. Any openings in such enclosure shall be equipped with a self-closing, self-latching gate or door

which shall be securely locked from the pool side or house side when pool is not in use. [G-1]

- D. Electrical Installation. All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility company involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. [G-5]

Section 7.17 Open Parking and/or Storage of Motor Vehicles, Recreational Vehicles, Boats, and Similar Vehicles

- A. No motor vehicle shall be kept, parked, or stored in any district zoned AG Agricultural Residential, R Residential, AR Avoca Residential and MF Multiple Family, unless it shall be in operating condition and properly licensed, or kept inside a building. The purpose of this provision is to prevent the accumulation of junk motor vehicles, and therefore, it shall not apply to any motor vehicle ordinarily used, but temporarily out of running condition. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Zoning Administrator may grant the owner a reasonable time, not to exceed six (6) months, to procure such license. [G-5]

Likewise, no old, rusty, and unsightly machinery, machines, or parts of machines not suitable for use upon the premises, or quantities of old and used building materials, shall be kept or stored outside a building: provided, however, that the building materials fit to be used to improve the premises may be kept if it is piled off the ground so as not to become a rat and rodent harbor.

- B. Visitor Parking of Recreational Vehicles. The open parking of a recreational vehicle, snowmobile, off-road motorcycle, boat, or similar vehicle, or a trailer used or meant to be used to haul such vehicles by a visitor of the occupant of the premises shall be permitted for a period not exceeding fifteen (15) days, provided vehicles are currently registered or licensed and shall not be stored within any front yard and shall further respect the requirements applicable to accessory buildings insofar as distances from principal structures, lot lines, and easements are concerned.
- C. Occupant Owned Recreational Vehicles. All recreational vehicles, snowmobiles, off road motorcycles, boats, and similar vehicles owned by the occupant of the premises and stored on the premises shall not be stored within any front yard and shall further respect the requirements applicable to accessory buildings insofar as distances from principal structures, lot lines, and easements are concerned.
- D. All recreational vehicles parked on lands not approved for campgrounds shall not be connected to sanitary facilities, and shall not be occupied.

Section 7.18 Satellite Dish Antennae

- A. Satellite dish type antennae are permitted in all zoning districts.
- B. Satellite dish type antennae in excess of three (3) feet in diameter shall be considered as accessory structures, and shall require a zoning compliance permit from the Zoning Administrator prior to installation as set forth in Section 16.3 [G-1]

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- C. In the Residential District, no satellite dish type antennae in excess of three (3) feet in diameter shall be placed in a front yard or a side yard, nor on the roof of any building despite the fact that it may be within the height limit of the district; however, such antennae may be placed in a rear yard subject to the same restrictions as set forth in Section 3.7A for accessory buildings. [G-1]

Section 7.19 Hazardous Materials

All businesses and facilities which use, store, or generate hazardous substances in any quantity shall comply with the following requirements:

A. Groundwater Protection Standards

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, and street slopes. [G-1]
2. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
3. General purpose floor drains shall be connected to a public sewer system or an on-site holding tank in accordance with state, county, and Township requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Environment, Great Lakes, and Energy. [G-1]
4. Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges of polluting materials to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. [G-1]
5. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.

B. [16-23]Aboveground Storage

1. Primary containment of hazardous substances shall be product-tight.
2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the operator to recover any released substance.
3. Outdoor storage of hazardous substances is hereby 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 operator to recover any released substance, including an allowance for the expected accumulation of precipitation.

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4. Secondary containment structures such as out buildings, storage rooms, sheds, and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers. [G-1]
5. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as area where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater, or soils. [G-1]

At a minimum, State of Michigan and Federal Agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.

C. Underground Storage

1. Existing and new underground storage tanks shall be registered with the Michigan Department of Environment, Great Lakes, and Energy in accordance with federal and state requirements.
2. Installation, operation, maintenance, closure, and removal of underground tanks shall be in accordance with the requirements of the Fire Department and the Michigan Department of Environment, Great Lakes, and Energy. Leak detection, corrosion protection, spill prevention, and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state and local officials. [G-1]
3. Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshall Division, the Michigan Department of Environment, Great Lakes, and Energy, and Kenockee Township. [G-1]

Section 7.20 Trash Storage Enclosures

- A. All areas used for the storage of trash and other waste products shall be screened from public view, from a street or alley, and from an adjoining residential district. The following standards shall apply to all such trash enclosures:
 1. Enclosure shall be constructed of the same exterior materials as the buildings they are intended to serve.
 2. Enclosures shall be at least five (5) but not more than eight (8) feet high and shall obscure all wastes and/or containers within.
 3. In all office and business districts, no enclosure shall be permitted within ten (10) feet of the right-of-way of a street or alley that provides access to the side or rear of the building. [G-1]
 4. No trash enclosure shall be located within the front.[G-1]
 5. Where possible, the applicant is encouraged to incorporated the dumpster enclosure into the building and provide gates, roll-up doors, or similar means of access for trash removal personnel. Chain-linked fencing may be allowed if slats are put in to obscure the view. Applicants may use curb side service without an enclosure if appropriate. [16-24 & 16-26]

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Section 7.21 Transformer and Mechanical Equipment Screening

- A. For all uses in the NB Neighborhood Business, B General Business, and I Industrial zoning districts, all ground mounted transformers, climate control, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by a dense landscaped planting approved by the Planning Commission. [G-5]
- B. For all uses in the NB Neighborhood Business, B General Business, and I Industrial zoning districts, all rooftop climate control equipment, transformer units, and similar equipment shall be screened from view of any street or adjacent property. The materials used to screen the equipment shall be compatible in color and type with the exterior finish materials of the building. Where possible, a parapet wall or similar architectural feature should be selected as the preferred method. All rooftop equipment shall conform to the maximum height regulations of this Ordinance. [G-5]

[16-29]

Section 7.22 Community Impact Statement Requirements

A. Intent

The community impact statement is intended to provide a format for applicants to document the anticipated impacts of zoning district changes over five (5) acres or intensive development projects as determined by the Planning Commission in the Township of Kenockee. The Planning Commission upon reviewing of the application can require a CIS. Zoning district changes or intensive land uses often have significant impacts on public services, the surrounding neighborhood and the natural environment that must be understood in order for the Township to have a complete understanding of the rezoning and/or development proposal. Home occupations as special land uses do not require a community impact statement. [16-27]

B. Contents

The CIS should address the items below in a concise manner that accurately portrays the proposed land use. The CIS is to be prepared by the Applicant and submitted to the Township Planning Commission for review.

1. General

- a. Brief description of the zoning district change or land use proposed. Include hours of operation (if applicable), impacts on adjacent uses (noise, smoke, dust, etc.), and other pertinent data. Is the zoning district change consistent with the Master Plan?
- b. Brief description of surrounding land uses.

2. Community Facilities and Services

- a. Estimated demand on police services.
- b. Estimated demand on fire services. Include special equipment requirements.
- c. Estimated number of sewer and water taps and demand.

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- d. Estimated number and axle loading of truck trips daily over proposed route through Township. Describe present road cross-section, adequacy to handle proposed traffic, and/or upgrade needed to handle proposed traffic loadings. (Does not apply to rezoning.) [G-1]
 - e. Describe any other significant impacts or needs related to community facilities and services.
3. Economics
- a. Anticipated number of construction and permanent jobs (in full-time equivalents).
 - b. Anticipated tax revenues to the Township and School District.
4. Environment
- a. Describe the area and type of natural features on site including streams, rivers, bodies of water, wetlands, woodlands, and the like. Describe how these features will be impacted by the proposed zoning change or development (e.g. loss of wetlands, potential pollution of water bodies, and any other similar impacts).
 - b. Describe whether the proposed use will include the manufacture, use, or storage of any hazardous materials. If so, describe the types and quantities, storage areas, and product containment measures. Also provide a spill response plan. (Does not apply to rezoning.) [G-1]
 - c. Provide a complete description of the types and quantities of pollutants that are expected to be emitted into the air as a result of this proposal and describe how state and federal air quality standards will be met. Dust particulates should also be included as well as a dust control plan. (Does not apply to rezoning.) [G-1]
 - d. Describe the impact the proposed development will have on groundwater quality and quantity. Describe necessary mitigation measures.
5. Noise
- a. Describe the impact of the project on area noise levels. The applicant should document that the noise standards contained in the Zoning Ordinance Performance Standards will be met. The A-weighted decibel levels dB(A) at the property line should be specified (existing and proposed).
6. Traffic
- a. Describe the proposed traffic impacts of the zoning change or development, including the number of trips per day that will be generated. Describe the anticipated impact of this additional traffic at the proposed development intersection(s) with public road(s). Provide road capacity analyses at critical intersections (as determined by the Township) using the methodologies in the Highway Capacity Manual. The traffic impact analysis should be prepared by a planner (AICP or PCP) or engineer (PE) with experience in traffic impact analysis.

7. Mapping

- a. Provide a current aerial photograph of the site and surrounding properties within 1,500 feet of the site. (Include an overlay showing the proposed development area and existing residential dwellings within 1,500 feet of the site- for special land use only.) [G-1]

8. Other

- a. Provide any other information necessary to assess the impact of the proposed zoning change or development project on the surrounding community. The Township may request additional data based upon the characteristics of the development proposed.

9. Preparer Information

- a. Provide the names, phone numbers, addresses, and relevant credentials of those preparing the CIS.

Section 7.23 Protection of Flood Plains, Wetlands, Lakes, And Watercourses [G-1]

- A. The Township of Kenockee finds that flood plain protection is important in order to reduce the flood risk to Township residents and other communities up stream. Likewise, wetlands conservation is a matter of Township concern since loss of wetlands may deprive people in the Township of flood and storm control by hydrological absorption and storage capacity of the wetland; wildlife habitat through loss of breeding, nesting, and feeding grounds; protection of subsurface water resources and provision of valuable watersheds and groundwater recharge areas; pollution treatment by serving as a biological and chemical oxidation basin; erosion control by serving as a sedimentation area and filtering basin, absorbing silt, and organic matter. For the above reasons, it shall be unlawful to construct any building or otherwise fill any area that causes a reduction in the floodway of a river or stream in the Township. Likewise, it shall be unlawful to deposit or permit the placing of fill material in a wetland, lake, or watercourse; dredge, remove, or permit the removal of soil or minerals from a wetland, lake, or watercourse; construct, operate, or maintain any use or development in a wetland; or drain surface water from a wetland, lake, or watercourse. [G-1] Excluding regulated wetlands if the necessary permits are granted by Michigan Department of Environment, Great Lakes, and Energy.
- B. A required thirty (30) -foot building setback is required from a flood plain, wetland, or water's edge. [G-1] [16-28]

Section 7.24 Performance Standards

Except for agricultural operations using generally recognized good farming techniques, no use otherwise allowed shall be permitted within any district which does not conform to the following minimum requirements and standards of use, occupancy, and operation: [G-1]

- A. Smoke

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No use in any General Business or General Industrial zoning district shall emit smoke that is visible to the naked eye, except for household burning that occurs under a permit issued by Kenockee Township. The emission of smoke from any other property, business, or use shall not exceed limits imposed by the State of Michigan or the United States Environmental Protection Agency. In no case shall any property, business, or use emit smoke in a way which becomes offensive or a nuisance to adjoining properties.

B. Dust, Dirt, and Fly Ash[G-1]

No person, firm, or corporation shall operate any process, device, or equipment in a manner that causes dust, dirt, or fly ash to settle upon or otherwise interfere with the use of other properties. [G-1]

C. [16-29]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 be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

D. Fire and Explosive Hazards

The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the rules and regulations of the State of Michigan.

E. Noise

Noise shall not exceed an excessive level that is not consistent with the character of the subject property. [16-29] [G-1]

F. Odors

Odorous matter released from any commercial or industrial uses or district shall not exceed the odor that constitutes a nuisance beyond the property lines when measured either at ground level or habitable elevation. The air samples shall be taken at the common property line with an adjoining use.

- G. No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates or other offensive or obnoxious matter shall be piled, placed, stored, or dumped on any land within the Township until the operator has obtained a landfill permit from the Michigan Department of Environment, Great Lakes, and Energy and Township Board approval. All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of same at least once each month in accordance with state law and Township Ordinance. Nothing contained herein shall prevent the reasonable use of fertilizers, manures, and similar materials for the improvement of land utilized for agricultural purposes where such use does not constitute a public or private health hazard. [G-1] 16-30]

Section 7.25 General Exceptions [17-1]

A. [17-2] Dwelling in A Non Residential District

This Ordinance does not permit dwellings to be constructed in the Commercial or Industrial Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

B. Essential Services

Essential services, as defined in Section 2.02, of this Ordinance, shall be exempt from application of this Ordinance.

C. Projections into Yards

Architectural features, as defined, not including vertical projections, any extend or project into a required side yard not more than two (2") inches for each one (1') foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3') feet. Architectural features shall not include those details which are normally demountable.

D. Voting Place

E. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election. Porches, Patios and Terraces

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

[17-4]