

## ARTICLE 7

### SITE REGULATIONS

#### **Section 7.1. Flood Prevention Regulations.**

The following shall apply in the issuance of any permit:

- 7.1.1. DETERMINATION OF COMPLIANCE. Prior to the issuance of a permit a determination shall be made by the Building Official that all aspects of the permit are in compliance with the requirements of the National Flood Insurance Program. The determination of a flood plain shall be made using the maps prepared in conjunction with the Flood Insurance Program and as established by the profiles in the report of the Soil Survey of St. Clair County, Michigan.

#### **Section 7.2. Buffer Strip Requirements.**

The following buffers are to be provided as required below after Site Plan review and approval by the Planning Commission.

- 7.2.1. PERMIT. The erection, construction or alteration of any buffer shall require the issuance of a permit approved by the Building Inspector in compliance with the provisions of this ordinance.
- 7.2.2. INDUSTRIAL OR COMMERCIAL USES. Where any industrial or commercial use is being established adjacent to or across a street or alley from a Residential District, an unpierced masonry wall shall be provided in accordance with the following requirements:
- A. Setback requirements.
    - 1. Separation by a street from the front yard of lots in a residential district, shall require the wall be setback at least 20 feet from the right of way.
    - 2. Separation by a street or alley from a side or rear yard of lots in a residential district shall require the wall to be setback 15 feet from the right of way or easement.
    - 3. Where there is no separation from a residential district, there shall be provided a setback of at least 10 feet from such non-residential district
  - B. Height. The wall shall be erected to a height of not less than six (6') feet and not more than eight (8') feet, measured from the average grade within thirty (30') feet of the adjacent property. The Planning Commission may reduce the required height where the wall is required to be erected within 25 feet of a street right-of-way and the construction would constitute a traffic hazard.
  - C. Construction Timing. Such wall shall be constructed prior to construction of any structure extending above the foundation wall in order to preserve the residential character and livability of the adjacent residential properties during the time of construction when the noise, dust and hazards from construction equipment are most obnoxious to residential properties.
  - D. Setback Strip. The minimum setback of the conflicting land uses, as listed above, shall be established and maintained as a landscaped strip including the following requirements:
    - 1. One tree shall provided for each 30 feet of lineal frontage of conflicting land uses.
    - 2. Grass ground cover or decorative gravel or chips shall be established and maintained on all portions of the required landscape strip not occupied by any other landscape material.
  - E. The requirement for the above masonry wall may be modified at the request of the developer or upon the initiation of the Planning Commission or surrounding property owners provided that the spirit and intent of the ordinance and the safety, health and welfare of the public is maintained. Any modification to the above requirement shall be in compliance with all other requirements listed in the ordinance for landscape buffer strips between conflicting uses.

**7.2.3 BUFFER STRIPS BETWEEN CONFLICTING LAND USES.**

- A. Upon any improvement, including a structural or use expansion of property, within a zoning classification requiring Site Plan Review or Special Use Approval Review, an obscuring wall shall be constructed to create a visual screen along all adjoining boundaries of property, zoned or used for rural, single-family, two-family or multiple-family residential.
- B. Landscape Buffer: The landscape buffer shall be constructed as follows:
1. Between conflicting land uses, a hedge or other plant material barrier, wall, berm, or any combination of these landscape elements shall be planted to form a continuous screen at least six (6) feet in height at all points. If a non-living barrier is used, living plant material will be required on both sides of the screen. The screen shall be located so as not to create a vehicular sight-distance obstruction and shall be a minimum of twenty (20) feet from driveway intersections.
  2. A strip of land a minimum of fifteen (15) feet in width shall be located between the residential use and the conflicting land uses(s). The center line of a non-living barrier shall be a minimum of five (5) feet from the property line with the remaining ten (10) feet maintained between interior roads and/or parking areas or driving lanes.
  3. A minimum of one (1) large deciduous tree and 10 evergreens or shrubs for each thirty (30) feet lineal, or fraction thereof, shall be located between the residential use and adjacent conflicting land use(s). They shall be located so as not to create a vehicular sight-distance obstruction. The trees and/or shrubs allowed shall be in compliance with those approved under the Landscape Design Standards listed elsewhere in the ordinance.
  4. All interior landscape areas, not dedicated to trees or to preservation of existing vegetation, shall be landscaped with grass, ground cover, shrubs or other appropriate landscape treatment. Sand, gravel or other pavement shall not be considered appropriate landscape treatment.
  5. The landscape buffer shall be planted in such a manner as to provide a minimum opacity (visual restriction) of 80 percent in summer and 60 percent in winter.
  6. The owner of the property required to be landscaped, by the Ordinance, shall maintain such landscaping in a reasonably healthy condition, free from weeds refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. If deemed necessary by the Planning Commission, for the proper maintenance of the landscaping, the installation of underground sprinkler systems shall be required at the time of Site Plan Review.
  7. If existing woodlands are available, the applicant may preserve a twenty-five (25') feet wide strip in-lieu of the landscaping requirement.

**7.2.4. BERMS.** In those instances where the Planning Commission permits an earth berm it shall comply with the following requirements:

- A. The berm shall not exceed a rise of 1 foot for every 3 feet of horizontal plane and have a nearly flat horizontal plane of at least 2 feet.
- B. The berm shall be protected from erosion and all landscaping shall be established and maintained as specified by the commission during the appropriate reviews.

**7.2.5. PARKING LOTS.** Every parking lot, except parking lots accessory to one-family dwellings may be required to be screened from any adjacent public street or alley (except at entrances and

exits) by a screening device 30 inches in height. The Planning Commission shall determine the precise type of screening device to be utilized in each instance.

### **Section 7.3. Landscape Design Standards**

- 7.3.1. **QUALITY:** Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to St. Clair County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- 7.3.2. **MAJOR PLANT TYPES:** The following lists represent plant and landscape materials approved for usage subject to compliance with applicable size and spacing requirements.
- A. Evergreen Trees (minimum 5 ft in height): Juniper, Douglas-Fir, Hemlock, Fir, Spruce, Pine
  - B. Narrow Evergreens (minimum 3 ft in height): Column Hinoki Cypress, Pyramidal Red-Cedar, Pyramidal White Pine, Douglas Arbor-Vitae, Blue Columnar Chinese Juniper, Swiss Stone Pine, Irish Yew, Columnar Giant Arbor-Vitae
  - C. Tree-like Shrubs (minimum 4 ft in height): Flowering Crab, Mountain Ash, Hornbeam, Russian Olive, Redbud, Hawthorn, Dogwood, Rose of Sharon, Magnolia
  - D. Large Deciduous Shrubs (minimum 6 ft in height): Honeysuckle, Forsythia, Cottoneaster, Privet, Viburnum, Lilac, Hazelnut, Buckthorn, Mock-Orange, Ninebark, Euonymus, Sumac
  - E. Large Deciduous Trees (minimum 8 ft in height): Oak, Birch, Sweet-Gum, Linden, Hard Maple, Planetree (Sycamore), Beech, Hop Hornbeam, Hackberry, Ginkgo, Honey locust, Ash
- 7.3.3. **TREES NOT PERMITTED.** The following is a list of trees not permitted to be utilized for meeting landscape requirements.
- A. Box Elder, Soft Maple (Red, Silver), Elms, Poplars, Willows, Horse Chestnut (Nut Bearing), Tree of Heaven, Catalpa.

### **Section 7.4. Maintenance**

The owner of property shall maintain landscaping in a healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced by the next appropriate planting period, but in case longer than one year from notification. All landscaped areas shall be provided with a readily available and acceptable water supply.

### **Section 7.5. Exterior Lighting**

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

### **Section 7.6. Waste Receptacles.**

No occupancy, whether owner, lessee or agent, shall permit the storing or accumulation of rubbish or waste, or permit it to be kept in open yards or lots unless placed in an accessory building. Neither waste nor waste receptacles shall be stored or placed in a required front, rear or side yard except on the day of collection.

- 7.6.1. **RESIDENCES.** The occupant or occupants of every single family residential building where waste accumulates, and in case of a semi-detached or terrace building, the owner, lessee or agent shall cause to be provided for said building, kept clean and in place, proper receptacles for said wastes, either stationary or portable.

- 7.6.2. **FENCING.** Trash containers in all zoning districts other than single-family shall be screened on four (4) sides with an opaque fence or wall at least as high as the trash container and shall be constructed of material which is compatible with the architectural materials used in the site development. Gates which provide access to the container for maintenance shall be made of an opaque material also compatible with the architectural materials used in the site development. The location of the dumpster or other trash container unless specific exception is provided by the Planning Commission, shall be fifteen (15) feet from any off-site building or lot line. The container shall not constitute a hazard and shall not be within the required yard setbacks of that zoning district. The Commission may further require internal storage and/or the use of trash compactors where, in the determination of the Commission, the public health, safety, and welfare is served.

### **Section 7.7. Reserved for Future Use (Previously Drains and Drainage, repealed 8-24-2005)**

#### **Section 7.8. Building Grades.**

In establishing the grade on a lot or parcel for the purpose of any construction thereon, the following conditions shall control:

- 7.8.1. **EXISTING SUBDIVISIONS.** Where there is existing development in the area or where the adjacent lands are subdivided, the grades about the new development or construction shall be set to conform to the grades of the existing development or subdivision.
- 7.8.2. **NEW DEVELOPMENT.** All new development shall be accomplished as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting developed or platted lands.
- 7.8.3. **GRADE CHANGES.** Where the grade on a site is in any way to be increased above the existing grade, the owner of the property shall, upon application for a building permit, submit a certified survey signed and sealed by a Land Surveyor or a Civil Engineer licensed to practice in the State of Michigan stating the existing and proposed grades and that all the conditions set forth in this ordinance are met. This certification shall be accompanied by a drawing which contains at least the following information:
- A. A property line survey showing lot shape and dimension, drawn to a scale of (1") inch equals ten (10') feet on lots eighty-five (85') feet in width or less and up to one (1") inch equals thirty (30') feet on lots greater than eighty-five (85') feet.
  - B. Elevations of abutting properties and the crown of abutting road pavement shall be shown.
  - C. Existing and proposed changes in grade shall be shown in sufficient detail to establish current and proposed drainage patterns, grades of any proposed structures, adjacent properties and existing structures, including contoured elevations of up to one foot if deemed necessary.
  - D. The proposed location and first floor elevation of the proposed construction shall be shown.
- 7.8.4. **FINAL APPROVAL.** Upon completion of the project and prior to the issuance of a Certificate of Occupancy, a revised certified survey shall be submitted indicating the actual grades on the property and elevation and location of the construction.
- 7.8.5. **FEES AND BONDS.** Fees and/or Bonds for inspection and completion of the new grade shall be paid at the time of application for a permit. The amounts shall be established by a resolution of the Township Board and shall cover the cost of the inspection and completion of the project.

#### **Section 7.9. Fences, Walls and Screens.**

All fences, walls and other protective barriers (referred to in this Section as "fences") of any nature, description or location in St. Clair Township shall conform to the following regulations:

- 7.9.1. PERMIT. The erection, construction or alteration of any fence shall require the issuance of a zoning permit approved in compliance with the provisions of this Ordinance.
- 7.9.2. CONSTRUCTION. All fences hereafter erected shall comply with the following:
- A. Safety. With the exception of Rurally zoned property, barbwire, spikes, nails or any other sharp instruments of any kind are prohibited on top of, or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or equipment in any district, or wherever deemed necessary by the Planning Commission in the interest of public safety or protection of private property.
  - B. Visibility. Where any fence would be located within twenty-five (25') feet of a street intersection, the wall shall be angled or off-set in such a manner so as to comply with the intersection visibility provisions found in this ordinance.
  - C. Construction. All exposed horizontal and vertical structural members of a fence shall be located facing the inside of the property they are intended to fence.
- 7.9.3. AGRICULTURAL USES. All animals raised for agricultural uses shall be enclosed by fencing suitable to retain such animals
- A. Notwithstanding the general provisions and intent of this section, barbed wire or other sharp, pointed material may be used in the construction of any fence in rural zoned areas so long as such fence is used exclusively to contain those animals kept or maintained for personal use.
- 7.9.4. RESIDENTIAL USES. Fences or walls in residential districts may be constructed along or inside the property line of a side or rear yard as follows:
- A. Side/Rear Yard Height. Fences on all lots and parcels of record in all rural/residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater. However fences within a required side or rear yard may be allowed to exceed six (6) feet in height after review and approval of the plans by the Planning Commission.
  - B. Front Yard Height. Fences are allowed in the front yard provided they are decorative in nature, do not exceed a maximum visual impairment of thirty percent (30%) and do not exceed four (4) feet in height.
  - C. St. Clair River. Man made decorative and chain link fences on lots with frontage on the St. Clair River shall be allowed to be erected in the yard on the river side, provided they do not exceed an average of five (5) feet in height and do not exceed a maximum visual impairment of thirty percent (30%). Fences or screening that do not exceed an average of six (6) feet in height, may be constructed after an "Improvement Review" and approval by the Planning Commission.
- 7.9.5 NON RESIDENTIAL USES. Fences in other than Rural/Residential Districts shall only be permitted to be located and constructed as approved by the Planning Commission after an "Improvement Review".

**Section 7.10. Ponds and Retention.**

Ponds or retention areas, created for livestock watering, irrigation, fish or aquatic life, or for recreational or retention purposes, are a permitted use when approved by the Building Inspector subject to the following standards and requirements:

7.10.1. PERMIT REQUIREMENTS. A Site Plan, including a cross section of the pond, shall be submitted to the Building Inspector for his determination that it meets the requirements and standards of this Section as follows:

- A. The existing drainage patterns shall not be altered so as to result in flooding of any adjacent or surrounding properties nor shall ponds be constructed in such a manner that run off, overflow, spillage, or seepage encroach upon adjacent properties, owned by another person.
- B. Any artesian well or other water overflow from a pond that could affect adjacent property shall be provided with adequate drainage
- C. Ponds shall be of the excavated type, only; as defined by the Soil Conservation Service Engineering Standard; and shall be constructed to the SCS, Standard No. 378, as amended.
- D. No pond shall be constructed without first obtaining a permit from the Department of Natural Resources, 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 inland lake or stream.
- E. The obtaining of the permit from the D.E.Q. shall not relieve a person from also complying with the requirements of this Section.

7.10.2. LOCATION. All approved ponds shall be located on a contiguous parcel, with a minimum of three (3) acres as follows; except, when used for irrigation and/or livestock watering, when the minimum requirement is forty (40) acres.

- A. The pond shall be a minimum distance of forty (40) feet from any property line.
- B. A front yard pond must be located at least fifty (50) feet from the road right-of-way.
- C. Ponds shall be located a minimum of fifty (50) feet from the septic tank or field; subject to approval of the Health Department.

7.10.3. CONSTRUCTION. All ponds shall be constructed to the following requirements.

- A. The pond is not to be excavated prior to the commencement of construction of the residence; except that all ponds, used for agricultural purposes, on parcels of forty (40) acres or more are exempt from this requirement.
- B. The submerged side slopes of the pond shall extend no less than three (3) feet into the pond, per every foot of drop (ie. 3:1 slope).
- C. Ponds shall have warning signs and lifesaving equipment, as required by the State of Michigan.
- D. Ponds shall be a minimum of 10 feet deep over 25% of the pond's surface area which may be no less than 8400 sq. ft.

### **7.11 Private Roads (Added 10-4-2010)**

#### **Section: 1 Frontage**

Every dwelling or principal building shall be located on a lot or parcel which fronts upon a public road and/or a private road for the full width of the lot or parcel, as measured between side lot lines; providing said lot lines are in a straight line from the

front line to the rear line. Modification of this requirement may be permitted by the Board of Appeals in cases where unusual topographic or geographic conditions exist.

#### Section: 2 Private Roads

(1) Private Roads are permitted only after Special Approval is given by the Planning Commission. Blue prints, construction plans and site plans shall be submitted to the Planning Commission for review and approval.

(2) Any Private Road allowed by the Planning Commission, as a Special Approval Use shall meet the following requirements:

(a) It shall be a permanent easement dedicated to the public for purposes of ingress and egress and for utilities. The easement shall state that acceptance does not obligate the Township to improve or maintain the easement.

(b) A Joint Maintenance Agreement shall be submitted by the applicant that runs with the land and binds the benefiting properties. The agreement shall be reviewed and approved by the Township Attorney and shall be recorded with the County Register of Deeds.

(c) In the case of the owners or person or persons, firm or corporation having charge of any parcels benefited by said private road who refuse or neglect to adhere to the maintenance agreement, the Township of St. Clair shall give written notice before maintaining said private road, by its employees or contractor, and to charge actual cost thereof, together with 10% of such costs to cover expenses, against the owners of benefiting properties of said private road.

The Township Treasurer shall keep record of cost maintenance of said private road in the Township, and notify owners of benefiting properties of such by ordinary mail or otherwise, with statement of amount due the Township. If costs and charges due the Township have not been collected on or before the 30<sup>th</sup> day of November of the year which the expenses were incurred by the Township, the same shall be reported by the Township Treasurer by adding the amount to the tax roll and collected in the same manner as a delinquent general property ad valorem tax and delinquent assessment.

(d) A preliminary road permit shall be obtained before construction begins and a final private road permit shall be obtained after construction and inspection. (permit fees are to be established from time to time by the Township Board).

(e) No building permit or commencement of construction on a private road shall begin until all appropriate permits and approvals are obtained.

(f) The easement shall have a width of at least (66') sixty-six feet except where an access easement of record of less width existed prior to the adoption of this ordinance.

(g) It shall have a minimum of 6" of MDOT 22A specifications aggregate on a road bed of at least (20') twenty feet in width.

(h) It shall have shoulders at least (4') four feet in width on each side.

(i) It shall have proper and adequate drainage.

(j) It shall have proper a turn around (cul-de-sac) with a minimum radius of (75') seventy-five feet at the end.

(k) The road is to be formally named with street signs approved by the County Road Commission.

(l) A sign conforming to county road standards at the entrance to the private road reading "this is not a public road".

(m) The road must be completed within 36 months subsequent to approval and issuance of the preliminary permit.