

**CHARTER TOWNSHIP OF COMSTOCK**

**ORDINANCE NO. 521**

**ADOPTED: SEPTEMBER 20, 2021**

**EFFECTIVE: EIGHT DAYS FOLLOWING  
PUBLICATION AFTER ADOPTION**

An Ordinance to adopt various amendments to the Comstock Charter Township Zoning Ordinance to clarify provisions of the Comstock Center zoning district; clarify accessory dwelling unit provisions, modify residential accessory buildings; delete building occupancy language; reference standards for special exception uses; relocate existing provisions to a new section on environmental protection requirements to address groundwater, stormwater, soil erosion, clear cutting and dumping/removal of materials; update language regarding service stations and garages; address vacuums at car washes; reduce copies needed for site plan review; clarify permitted use review process; modify height limit in commercial and industrial districts; and to repeal all ordinances or parts of ordinances in conflict herewith.

**CHARTER TOWNSHIP OF COMSTOCK  
KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I  
AMENDMENT OF SECTION 4.02.4  
COMBINATION BUSINESS AND DWELLING BUILDINGS**

Section 4.02.4 of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

Sec. 4.02.4

Sec. 4.02.4 *Combination Business and Dwelling Buildings*: Except as may be allowed in the CC, Comstock Center zoning district, no building, structure or part thereof, shall be erected, altered, or used or premises used, in whole or in part, for both business purposes and dwellings when the business portion of the building, structure, or part thereof conforms with uses such as one (1) or more of the following specified uses:

- a. Dry cleaning establishments, having dry cleaning equipment on the premises.
- b. Public garage.
- c. Filling station.
- d. Automobile service stations.
- e. Paint sales.

- f. Any building which stores or has incidental to its use, inflammable, hazardous, or explosive material on the premises.
- g. Poultry sales and/or storage.
- h. Meat sales.
- i. Fish and seafood sales.
- j. Produce sales and/or storage.
- k. Perishable food sales and/or storage.
- l. Commercial garage.

Provided that a dwelling which may lawfully be used in combination with a business shall also provide a minimum floor area of not less than seven hundred and twenty (720) square feet for dwelling, a usable lot area of not less than nine thousand (9,000) square feet, and also shall provide lot area, in addition to the nine thousand (9,000) square feet, for all required off-street parking. This provision shall not apply in the CC, Comstock Center zoning district.

**SECTION II**  
**AMENDMENT OF SECTION 4.02.11.b AND SECTION 4.02.11.c.6**  
**RESIDENTIAL ACCESSORY BUILDINGS**

Section 4.02.11.b and Section 4.02.11.c.6 of the Comstock Charter Township Zoning Ordinance are hereby amended by to read as follows:

Sec. 4.02.11.b

Sec. 4.02.11.b No accessory building may be used for human habitation except as may be allowed as an accessory dwelling unit per Section 21.09 of this ordinance.

Sec. 4.02.11.c.6

Sec. 4.02.11.c.6 Where two or more contiguous lots are under common ownership and are either wholly vacant or developed with one residence, all such lots shall be treated as one lot to determine the total combined floor area permitted when combined into a single tax parcel by the owner.

**SECTION III**  
**ADDITION OF A NEW SECTION 4.02.11.C.2**  
**RESIDENTIAL ACCESSORY BUILDING TYPE**

Section 4.02.11.c.2 is added to the Comstock Charter Township Zoning to read as follows:

Sec. 4.02.11.c.2

Sec. 4.02.11.c.2 *Building Type.* Packing, shipping or storage crates or containers, parts or all of a semi-trailer and similar converted structures shall not be used as accessory structures except for when used for agricultural purposes on an agricultural property. Fabric accessory structures shall only be permitted when placed in the rear yard except for when used for agricultural purposes on an agricultural property.

**SECTION IV**  
**DELETION OF SECTION 4.02.14**  
**BUILDING OCCUPANCY**

Section 4.02.14 of the Comstock Charter Township Zoning Ordinance is hereby deleted in its entirety.

**SECTION V**  
**AMENDMENT OF SECTION 4.13.c**  
**USES PERMITTED UNDER SPECIAL EXCEPTION**

Section 4.13.c of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

Sec. 4.13.c

Sec. 4.13.c In hearing a request for any special exception, the Planning Commission shall be governed by the following principles and conditions:

- 1) The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Commission.
- 2) A special exception may be granted and conditions imposed by the Planning Commission relative to the special use, pursuant to Section 27.06, when the Planning Commission finds from the evidence produced at the hearing and the imposition of conditions that:
  - a) The proposed use does not affect adversely the General Plan for physical development of the Township as embodied in this ordinance and in any Master Plan or portion thereof adopted by the Township; and
  - b) The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

- c) The standards and conditions as may be set forth for a particular use for which a special exception may be granted, can and will be met by the applicant; and
- d) The plot plan and specifications, and all conditions, limitations and requirements imposed by the Planning Commission, shall be incorporated as a part of the special exception permit and violations of any of these at any time will cause revocation of such permit and said special exception use shall cease to be a lawful use.

\*\* subsections e) and f) remain unchanged \*\*

**SECTION VI**  
**DELETION OF SECTION 4.03 AND SECTION 4.18**  
**DUMPING OF MATERIALS, GROUNDWATER PROTECTION STANDARDS**

Section 4.03 and Section 4.18 of the Comstock Charter Township Zoning Ordinance are hereby deleted in their entirety.

**SECTION VII**  
**AMENDMENT OF SECTION 21.11**  
**AUTOMOBILE SERVICE STATIONS, PUBLIC GARAGES, FILLING STATIONS**

Section 21.11 of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

Sec. 21.11

Sec. 21.11

- a. Minimum lot area shall be 25,000 square feet.
- b. Minimum lot width shall be one hundred twenty (120) feet.
- c. No more than 80% of the lot may be covered in building or pavement. The entire lot, excluding the area occupied by a building or landscaped in accordance with Section 21.50, shall be hard surfaced with concrete or a plant mixed bituminous material. Landscaped areas shall be separated from all paved areas by a low barrier or low curb.
- d. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 35 feet from any lot line and shall be arranged so that trucks and motor vehicles shall not be supplied with gasoline or serviced while parking upon or overhanging any public sidewalk, street or right-of-way.
- e. When adjoining residentially used or zoned property, screening in accordance with Section 21.56 shall be established and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line.

- f. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot tall fence. Such outdoor storage areas shall be screened from view both upon the subject site and adjoining premises unless the Planning Commission determines in its sole reasonable discretion that, based on the location of the storage area, the nature of the site on which it is located and/or the nature of the uses conducted on adjoining properties, such screening would not materially assist in preserving the general appearance of the subject site and/or surrounding area or otherwise promote the public health, safety, or general welfare. (See Section 21.56.) Outside storage or parking of vehicles awaiting repair for any overnight period shall not exceed more than two (2) vehicles awaiting repairs for each indoor repair stall located within said premises; each such vehicle shall have a current and valid license plate or temporary registration certificate. In no event shall the outdoor storage or parking of any such vehicle awaiting repair be permitted for a period exceeding thirty (30) days unless documentation that satisfies the Planning & Zoning Administrator or his/her designee as to the progress being made to repair any vehicle stored or parked on the property for more than thirty (30) days is provided by the property owner.
- g. On a corner lot, both frontages shall be subject to all the applicable front yard provisions of this Ordinance.

**SECTION VIII**  
**AMENDMENT OF SECTION 21.18**  
**VEHICLE WASH ESTABLISHMENTS**

Section 21.18 of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

Sec. 21.18

Sec. 21.18

- a. Minimum lot size shall be ten thousand (10,000) square feet.
- b. All washing activities must be carried on within a building.
- c. Vacuuming activities must be at least fifty (50) feet ~~distance~~ from any adjoining residential property.
- d. The building entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking spaces for vehicles being serviced by the subject facility.
- e. An adequate on-site area for waiting vehicles shall be provided to prevent the lining up of said vehicles on public streets.

**SECTION IX**  
**AMENDMENT OF SECTION 22.03 AND SECTION 22.04**  
**SITE PLAN REVIEW PROCEDURES**

Sections 22.03 and Section 22.04 of the Comstock Charter Township Zoning Ordinance are hereby amended to read as follows:

Sec. 22.03

Sec. 22.03 Submittal.

Three hard copies and one electronic copy of the site plan shall be presented to the Zoning Administrator for scheduling of review by the Planning Commission at least four (4) weeks prior to that meeting of the Planning Commission at which the plan will be reviewed. Copies shall be distributed by the Zoning Administrator to the Township Engineer and the Fire Marshall for review, comment and compilation with the Zoning Administrator's findings and provided to the applicant by the Zoning Administrator. Additional full-size copies, 11" x 17" copies, and an electronic copy of the revised site plan, reflecting the review comments, shall be submitted to the Zoning Administrator for Planning Commission review at least two weeks prior to the meeting at which the plan will be reviewed or as requested by the Zoning Administrator. The Zoning Administrator will advise as to the number of copies to be provided.

Sec. 22.04

Sec. 22.04 Approval.

The Planning Commission shall have the function, duty and power to approve or disapprove, or to approve subject to compliance with certain modifications or conditions, the site plan in accordance with the purpose and intent of this Zoning Ordinance and after consideration of the comments and recommendations received from other appropriate Township officials. A public hearing is not required for a permitted use. In reviewing the application and site plan and in approving, disapproving or modifying the same, the Planning Commission shall be governed by the following standards:

\*\* subsections a – g and i of Section 22.04 are unchanged \*\*

- h. That the plan as approved is consistent with the Groundwater Protection Standards in Section 22.50 of this Ordinance.

**SECTION X**  
**AMENDMENT OF ARTICLE 23**  
**SCHEDULE OF REGULATIONS**

The provisions of Article 23 of the Comstock Charter Township Zoning Ordinance are hereby amended, in part, to read as follows:

ZONING DISTRICT	MINIMUM LOT SIZE <sup>2</sup>		MAXIMUM BUILDING HEIGHT <sup>a</sup>	MINIMUM YARD SETBACKS REQUIRED (FT) <sup>b,c,d</sup>				MINIMUM FLOOR AREA PER DWELLING UNIT <sup>e</sup>	MAXIMUM LOT COVERAGE BY BLDGS
	MINIMUM LOT AREA	MINIMUM LOT WIDTH		STORIES	FEET	FRONT YARD	SIDE YARD		
						ONE MUST BE AT LEAST	THE OTHER MUST BE AT LEAST		
<b>General Business (B-3)</b>	*	*		50	40	10	10 k	20	*
<b>Light Manufacturing (LM) i</b>	*	*		*	25	20	20	20	*
<b>Restricted Industrial District (LD)</b>	*	*		*	*	*	*	*	*
<b>Manufacturing (M) i</b>	*	*		*	40	30	30	50	*

\*While no specific standards may be included herein, attention is directed to other applicable regulations in this ordinance for specific intended uses.

\*\* no other changes are made to Article 23, Schedule of Regulations \*\*

**SECTION XI**  
**CREATION OF SECTION 22.50 ENVIRONMENTAL PROTECTION**  
**AND ADDITION OF SECTION 22.51**  
**GROUNDWATER PROTECTION REQUIREMENTS**

The Comstock Charter Township Zoning Ordinance is hereby amended adding a new section, Section 22.50 to be called Environmental Protection, and to add a new section, Section 22.51, to read as follows:

Sec. 22.51

Sec. 22.51 Groundwater Protection Standards

- A. *Scope.* These provisions shall apply to all businesses and facilities, including private and public facilities, which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to 25 gallons or 220 pounds).
- B. *Standards.*
  - 1. Land use and the design of related improvements should seek to protect the natural environment, including wetlands, water bodies, watercourses, floodplains, groundwater, and soils.
  - 2. The design of storm water management and drainage facilities should seek to retain the natural retention and storage capacity of any wetland, water body, or watercourse and

not increase flooding or the possibility of polluting surface or groundwater, on-site or off-site.

3. General purpose floor drains shall be connected to an approved public sewer system, an on-site closed holding tank (not a septic system) or as authorized and regulated through a state of Michigan groundwater discharge permit.
4. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
5. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
6. Secondary containment for aboveground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
7. Outdoor storage of hazardous substances shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism, and where same complies with the standards of this Section with regard to secondary containment.
8. The design and construction of areas and facilities for loading/unloading of hazardous substances shall be designed to prevent spills and discharges to the surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
9. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
10. Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health.
11. Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the State Fire Marshall Division and the Michigan Department of Environment, Great Lakes and Energy (EGLE).

**SECTION XII**  
**ADDITION OF SECTION 22.52**  
**STORMWATER MANAGEMENT**

The Comstock Charter Township Zoning Ordinance is hereby amended adding a new section, Section 22.52, to read as follows:

Sec. 22.52

Sec. 22.52 Stormwater Management.



A. Statement of purpose

The purpose of the Section shall be to:

1. Protect the public health, safety, welfare and property;
2. Promote the efficient use of land and water resources;
3. Provide for cost-effective and functionally effective storm water management;
4. Prevent soil erosion and sediment runoff;
5. Encourage the use of natural drainage systems for runoff;
6. Encourage multiple-purpose storm water management which enhances the environmental character;
7. Allow the use of wetlands for storm water management in selected locations, while ensuring that the natural functions and quality of wetlands are protected;
8. Allow for off-site and/or common storm water systems;
9. Allow for storm water management designs that are consistent with the aesthetic character of the area;
10. Allow for Township review of clear cutting that may result in a loss of soil-stabilizing vegetation, erosion of stream banks, and alterations of drainage patterns that may impact immediate property, neighboring properties, areas in near proximity, and the overall environment;
11. Encourage minimal clearing, grading and land disturbance activities to that needed for construction, maintenance, and emergency services;
12. Discourage the clear cutting of vegetation without restoration in order to prevent the abuse of land and the resultant negative impacts, both on- and off-site;
13. Encourage the preservation of existing trees and vegetation and the restoration of pre-settlement vegetation areas.

B. Storm water management/soil erosion plan.

1. Kalamazoo County Drain Commissioner review and approval of a storm water management and soil erosion control plan shall be obtained and proof of a soil erosion and sedimentation control permit from the Kalamazoo County Drain Commissioner's office shall be provided prior to the commencement of any site/earth changes or work.

### C. Storm water management standards

All land uses shall be subject to the following storm water system design conditions and limitations:

1. All structures and land uses in the Township shall be established in such a manner as to prevent runoff of surface water not accommodated by a public system onto adjoining properties; all owners or developers of property shall be required to construct and maintain such on-site storm water management and drainage facilities necessary to prevent flow of runoff of surface water onto adjoining properties. All systems shall be designed, at minimum, to provide sufficient capacity to accommodate a 100-year storm as defined by the National Weather Service.
2. The design of storm water management and drainage facilities should seek to retain the natural retention and storage capacity of any wetland, water body, or watercourse, not increase flooding or the possibility of polluting surface or groundwater, on-site or off-site, and retain natural runoff patterns.
3. The design of storm water management and drainage facilities should seek to be comparable in function and appearance to common natural drainage systems and runoff patterns, including wetlands.
4. Whenever feasible, developers are encouraged to design a storm water management system which provides for runoff to be conveyed using a system of filtered percolation through surface means such as swales and/or vegetated buffer strips (using indigenous plant species) so as to decrease velocity, increase natural infiltration, allow sediment to settle, and remove pollutants before entering the retention area.
5. The use of a seed mixture containing at least 45% native grasses and wildflowers for swales and retention areas is encouraged.
6. Storm water management and drainage facilities shall be designed to protect the public health, safety, welfare and property and be visually attractive, see Section 21.61. Consideration shall be given to the effects of an excessive rainfall and a possible overflow event.

### D. Soil erosion control

1. The natural topography and vegetation of a site shall be preserved to the maximum extent possible, except where major alterations are determined to be consistent with the purpose of the Ordinance as set forth in Section 22.52.A.
2. Earth changes shall occur in such a manner that minimizes the exposure time of any disturbed land. Any area of the development not actively under construction shall be stabilized, and seeded if weather permits, within 30 days of completion of earth disturbing work in that area of the site.
3. All owners or developers of property shall erect such temporary soil erosion control measures during construction and/or earth change activity as required by the Kalamazoo County Drain Commissioner's Office through the soil erosion and sedimentation control permitting process. For those activities that require such a permit, proof of having obtained a Soil Erosion and Sedimentation Control Permit shall be provided to the Township before earth change activities commence.

4. All areas of a residential parcel, lot or site disturbed for the construction of a residence, except for driveways, walkways and required parking areas, shall be seeded or sodded within six months of the certificate of occupancy.

E. Storm water runoff to wetlands

Wetlands may be used for storm water management if the following conditions are met:

1. The wetland would not be impaired or destroyed;
2. The wetland has sufficient holding capacity for storm water;
3. Adequate on-site soil erosion control is provided to protect the natural functioning of the wetland;
4. Adequate erosion control and protection of wetlands is provided during the construction phase(s) of development;
5. The requirements of state law have been satisfied as determined by the State of Michigan Department of Environmental, Great Lakes & Energy (EGLE).

F. Off-site/common storm water management systems.

Except as to those systems subject to the jurisdiction of the Road Commission of Kalamazoo County and/or the Kalamazoo County Drain Commission, the following conditions apply:

1. In lieu of an on-site storm water management system, the use of off-site storm water management systems may be proposed. Any waiver shall be granted through a finding that the storm water management system design meets the purpose of this Ordinance set forth in Section 22.52.A. Such a waiver is not subject to variance approval by the Zoning Board of Appeals.
2. Off-site storm water management systems shall be established through the execution and recording of an easement agreement, subject to review/approval of the Township Engineer and the Township Attorney. Such agreement shall also:
  - a. Indicate that no further development in the area of the storm water system be permitted without Township approval;
  - b. Provide standards for scheduled maintenance of the storm water management system;
  - c. Provide for an effective means of enforcement by the Township in the event that the storm water management system is inadequately maintained or is determined by the Township to be a public nuisance, allowing for the assessment of costs of enforcement and maintenance upon the property owners.

G. Run off of surface water

All structures and land uses hereafter established in the Township shall be established in such a manner as to prevent any additional run off of surface water onto adjoining properties.

**SECTION XIII**  
**ADDITION OF SECTION 22.53**  
**DUMPING, STORAGE, REMOVAL, BURIAL OF MATERIALS**

The Comstock Charter Township Zoning Ordinance is hereby amended adding a new section, Section 22.53, to read as follows:

Sec. 22.53

Sec. 22.53 Dumping, storage, removal, burial of materials.

A. Storage, Dumping of Waste, Junk, Garbage, etc.

The use of land for the storage or collection or accumulation of used lumber, and other used materials, or for the dumping or disposal of scrap iron, junk, garbage, or other refuse or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district, except under a Temporary Certificate from the Zoning Administrator after approval of the Planning Commission, which shall be issued in special cases for a period not to exceed one (1) year upon the filing of an application accompanied by a suitable agreement and bond as determined by the Planning Commission that such dumping or disposal will not pollute the waters of the Township or cause stagnant water to collect, or leave the surface of the land, at the expiration date of such permit, in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such dumping occurs, except as provided in any existing ordinance.

B. Dumping of Soil, Sand, and Clay Materials or the Removing of Topsoil.

The dumping of any soil, clay, gravel or similar fill materials or the removing of any topsoil on any lot or parcel of land within the Township is hereby prohibited without prior approval of the Planning Commission. In passing upon any application, the Planning Commission shall have the authority to deny, approve, or approve with conditions such request. In hearing a request as provided hereunder, the Planning Commission shall be governed by the principles and conditions imposed by Section 4.13(c) of this Ordinance. In submitting a request for approval by the Planning Commission, an applicant shall submit the following information:

1. The names and addresses of the owners of the subject property along with a person or contractor responsible for filling or removing activities.
2. The legal description and plot plan of the property showing the dimensions of the area to be filled or removed from and to what finish elevation is proposed.
3. A brief description of the type of material to be deposited. In no event shall such material be other than sand, clay, dirt, stone, brick or concrete and all such materials are to be deposited in a level condition with a minimum of six-inch debris-free top cover suitable for the growing of turf within six months of completion of such activities.

C. Burial of Tree Stumps on Vacant Property.

The burial of one or more uprooted tree stumps on a vacant lot or parcel of land of less than one acre in size in the AGR, A-H, R1-A, R1-B, R1-C, RM, RSM or OW zoning districts shall not be allowed unless special exception use approval is granted by the Planning Commission in accordance with the procedure prescribed in Section 4.13 of this Ordinance. An application for such special exception use approval shall be accompanied by a diagram of the lot or parcel showing the area in which burial is to occur and indicating the approximate volume of tree stumps to be buried on the site. In determining whether or not to grant special exception use approval, the Planning Commission shall consider not only the standards in Section 4.13(c), but also whether the volume, location and/or manner of the proposed burial of tree stumps will leave the surface of the land in an unstable condition or materially interfere with the development of the land. A lot or parcel shall not be deemed vacant for purposes of this provision if there is a valid building permit outstanding for construction on the lot or parcel.

**SECTION XIV**  
**ADDITION OF SECTION 22.54**  
**CLEAR CUTTING OF TREES**

The Comstock Charter Township Zoning Ordinance is hereby amended adding a new section, Section 22.54, to read as follows:

Sec. 22.54

Sec. 22.54 Clear cutting of trees.

A. Clear cutting permit

1. Any activity that involves the clear cutting of one or more acres of land and which is not otherwise exempt from this Ordinance, shall be required to obtain a clear-cutting permit from the Township as described below.
2. Exemptions: A clear cutting permit is not required for any of the following exempted activities:
  - a. Clear cutting of less than one acre of land within a twelve-month period.
  - b. Clear cutting on a developed residential parcel of two acres or less, including vacant lots and lots in an approved subdivision or site condominium.
  - c. Clear cutting for a development that has received site plan approval under the provisions of Article 22, Site Plan Procedures, provided that such clear cutting takes place after approval and is in accordance with such approval.
  - d. Clearing of land located within an agricultural zoning district for agricultural purposes.
  - e. Clearing for the maintenance of existing roads, private access easements, driveways, and utility easements.

3. Application requirements: Applicants proposing to clear cut more than one acre of land shall be required to submit the following information:
  - a. Name, address, and contact information of the applicant;
  - b. Written consent of the owner(s) of the land if the applicant is not the sole owner;
  - c. A site plan of the property, drawn to scale, showing the area to be cleared;
  - d. Amount of land to be cleared (in acres);
  - e. A statement outlining the purpose of the clear cutting or the proposed use of the cleared area;
  - f. Location and dimension of required buffer areas as described in the General Provisions section below;
  - g. Location and description of proposed erosion-control devices or structures, in conformance with the requirements of Section 22.52.C Storm water management standards; Section 22.52.D, Soil erosion control; and tree protection fencing, if required.
4. Upon receipt of the application for a clear-cutting permit, the Zoning Administrator shall inspect the site and review the application. Applicants shall be notified within 15 business days of submitting an application whether it has been approved, denied, or whether additional information is needed.
5. If the Zoning Administrator determines that the application is in compliance with the provisions of this section, the permit shall be approved administratively. If the Zoning Administrator determines that the application is not in compliance with the provisions of this section, the permit shall be denied. Any such denial can be appealed to the Zoning Board of Appeals.
6. Storm water management and soil erosion control plans of a site being clear cut shall be subject to review and comment by the Township Engineer. If it is determined that the erosion control measures either proposed or implemented by the applicant do not satisfy the general provisions described below, the Township reserves the right to place additional requirements on the clear-cutting permit to rectify such deficiencies.
7. Following approval of a clear-cutting permit, all sites shall be subject to inspection for compliance with this Ordinance.
8. Fee: An application fee may be established by resolution of the Township Board for a clear-cutting permit based upon the cost of processing the review and inspections and would be required upon application for the permit.

B. General provisions of clear-cutting permit

The following provisions will apply to all clear cutting governed by this Section and will be evaluated by staff during the application review process.

1. The site plan shall demonstrate that the proposed use of the clear-cut area is achieved with judicious effort to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.), and natural drainage patterns; preserves existing woodlands and understory and individual trees to the greatest extent reasonable; and maintains the soil-stabilizing vegetation and avoids altering drainage patterns.

2. To preserve viewsheds along roadways and buffer adjoining properties, a 20-foot wide buffer area of undisturbed vegetation shall be maintained along roadways and property lines. Clear cutting will not be permitted within buffer areas; however, harvesting of select trees within the buffer area and development of roadways may be permitted with approval from the Planning Commission. This provision shall not apply to sites, that through the site plan review process, are subject to the landscaping provisions of Section 21.50 where a minimum 20-foot wide greenspace will be established along the perimeter of the site.
3. During clear cutting and until revegetation or stabilization has taken place, erosion and sediment controls shall be designed and implemented necessary to prevent sediment from leaving the clear-cut site. Unacceptable clearing practices and erosion control measures are those that alter existing drainage patterns and/or cause property damage off-site.
4. The plans for the use or restoration of the site following land clearing shall comply with the standards and requirements of Sections 22.52.A and 22.52.B, as applicable.
5. Tree protection fencing shall be installed around trees to be preserved in the required buffer areas. Tree protection fencing shall meet the requirements of Section 21.65.

C. Enforcement and penalties

1. Any clear cutting, grading, development, or other site work in violation of the requirements of this Section or contrary to the approved plans shall be considered a violation of the Township Zoning Ordinance and enforceable per the requirements of Section 29 of this Ordinance. Enforcement may include, but is not limited to, actions to abate, enjoin or restore the property in question.
2. Where specific trees are designated to be preserved, each such tree that is removed shall constitute a separate offense.

**SECTION XV**  
**SEVERABILITY**

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

**SECTION XVI**  
**REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION XVII**  
**EFFECTIVE DATE**

This Ordinance shall take effect eight days following publication after adoption.

Nicole Beauchamp, Clerk  
Charter Township of Comstock