

CHARTER TOWNSHIP OF COMSTOCK

ORDINANCE NO. 529

ADOPTED: December 5, 2022

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

An Ordinance to adopt various amendments to the Comstock Charter Township Zoning Ordinance regarding mining and quarrying operations, non-conforming lots and accessory buildings; to repeal all ordinances or parts of ordinances in conflict herewith and to provide an effective date.

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

ORDAINS:

SECTION I

**DELETION OF ARTICLE 4.00, SECTION 4.04
MINING AND QUARRYING OPERATIONS, OF TOWNSHIP ZONING ORDINANCE**

Article 4.00, Section 300.404 of the Comstock Charter Township Zoning Ordinance, Mining and quarrying operations: removal of sand, clay, gravel or similar materials, is hereby deleted in its entirety and reserved for future use.

SECTION II

**AMENDMENT OF ARTICLE 22.50 ENVIRONMENTAL PROTECTION
OF TOWNSHIP ZONING ORDINANCE**

Article 22.50, Environmental Protection, of the Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 300.2255 Mining and Quarrying operations: removal of sand, clay, gravel or similar materials, which section shall read as follows:

300.2255- Mining and quarrying operations: removal of sand, clay, gravel or similar materials.
Sec. 22.55

Sec. 22.55.1 The regulations contained within this Section shall apply to all operations relating to the removal of sand, clay, gravel, peat or similar natural material, and shall include any and all mining or commercial excavation operations or any quarrying or gravel processing operations. It shall be unlawful for any person, firm, corporation, partnership or other organization or entity to remove any sand, clay, gravel, peat or similar material without first submitting an application as prescribed to the Township Planning Commission and procuring a permit therefor from the Zoning Administrator.

Sec. 22.55.2 No permits will be required for excavations or filling for building construction purposes, pursuant to a duly issued building permit under the State Construction Code.

Sec. 22.55.3 *Application*: Before the Planning Commission approves and authorizes a permit, it shall conduct a public hearing concerning such application. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the Planning Commission and shall contain the following information as a condition precedent to the obligation to consider each request.

- a. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
- b. Full legal description of the premises wherein operations are proposed.
- c. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
- d. Detailed statement as to exactly what type of deposit is proposed to be removed or deposited.
- e. Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer.
- f. Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether a permit should be issued or not.

Sec. 22.55.4 *Permit Fees*: A fee shall be paid according to a fee schedule adopted by the Township Board.

Sec. 22.55.5 *Permit*: After reviewing all of the information submitted by the applicant and such other information as may be in the possession of the Planning Commission, the Commission shall, at or following the public hearing, review, approve or disapprove said application. The permit shall be issued in the event the Planning Commission shall determine that the issuance of the permit would not detrimentally affect the public health, safety, morals, and general welfare of the citizens of the Charter Township of Comstock.

Sec. 22.55.6 *Mandatory Requirements*: The following requirements shall be mandatory:

- a. Regulations for removal of any topsoil, earth, sand, clay, gravel, peat, or similar material, conducting any mining or commercial excavation operations, as herein defined, or any quarrying or gravel processing. Where setback requirements are stated, setback is measured from the grade existing before excavation (i.e., top of slope).

(1) *Location*:

- (a) All such operations shall be located on a primary road, as defined by the County of Kalamazoo, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated

by the operations as a condition of such operation, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all-weather" roads. Under no circumstances shall trucks use private drives or private access routes from applicant's property which are within 150 feet of any residence.

- (b) Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No excavation shall be permitted closer than 200 feet from interior boundary lines of property, unless commercial mining or excavation is being conducted on the adjoining property and the adjoining property owner consents in writing thereto and further providing that all setback provisions contained in this Ordinance are complied with as applied to other properties. In addition, no excavation shall be permitted closer than 400 feet to any residence.
 - (c) No excavation shall be permitted within 150 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. However, if the authority having jurisdiction over any particular road consents in writing to a reduced setback, then the Planning Commission may allow mining and commercial excavations within said setback area up to 50 feet of any road right-of-way line, if adequate screening and all other provisions of the Ordinance including other setback regulations are complied with. Such excavation shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
 - (d) The permanent processing plant and its accessory structure shall not be located closer than 250 feet from the interior boundary lines and public rights-of-way or less than 500 feet from residential districts, and shall where practicable, be as close to the center of the subject property as possible and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor to the stockpiling or loading and transportation equipment.
 - (e) No such excavation businesses shall be located within 100 feet of the margin of any stream or waterway unless previously approved, in writing, by the Water Resources Division, or such other State agency having jurisdiction thereof. No such mining operation shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial sediment may be carried into any nearby water course.
- (2) *Site Barriers and Fencing:*
- (a) Site barriers shall be provided along all setback lines of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

1. Earth berms constructed to a height of ten (10) feet above the mean elevation in the center line of the adjacent public highway or ten (10) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three (3) feet horizontal and shall be planted with grass and trees or shrubs.
 2. Plantings of evergreen trees not more than ten (10) feet apart or shrubbery not more than five feet apart, in three staggered rows parallel to the boundaries of the property, which shall be at least two year transplants at the time of planting and which grow to not less than ten (10) feet in height and sufficiently spaced to provide effective site barriers when ten (10) feet in height. Trees which die must be replaced.
 3. Earth berms planted with grass and evergreen trees or shrubbery as specified in (2) above, provided that the total height of the berm and the trees or the shrubbery at maturity will be at least ten (10) feet above the general level of the terrain along interior property lines or the mean elevation of the center line of the adjacent public highway, as the case may be.
- (b) The ten (10) foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission to not less than six (6) feet in height if the particular site and terrain, with screening of a reduced heights, will afford adequate site barriers.
- (3) *Nuisance Abatement:*
- (a) Air pollution, noise, and vibrations shall be minimized and their effect upon adjacent properties by the utilization of adequate sound-proofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. Interior and adjoining roads used in the operation shall have their surface treated to minimize any such conditions. All abatement measures shall comply with any other Township ordinances and state laws related to noise, blight or other defined nuisance.
- (4) *Time Limits:*
- (a) Excavations and mining operations shall be conducted between the hours of 7:00 a.m. and 6:30 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday but shall be prohibited on legal holidays. No operations may be conducted on Sundays or at other times. The Planning Commission may establish a termination date for the mining or excavating of any area due to its proximity or visibility from residential districts or property used for residential purposes.
- (5) *Fencing:*
- (a) Any dangerous excavations, dangerous pits, dangerous pond areas, dangerous banks or dangerous slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or other

persons, and such dangerous conditions shall be eliminated as expediently as possible.

(6) *Liability Insurance:*

- (a) All applicants shall be required to carry personal injury and property damage insurance while any reclaimed or unrehabilitated area exists, in the amount of not less than \$1,000,000 for each person injured or property damaged and not less than \$2,000,000 for injury or damage to more than one person or more than one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk.

(7) *Reclamation of Mined Areas:*

- (a) Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
- (b) The following standards shall control reclamation and rehabilitation:
 - 1. All excavations shall be either to a water producing depth of not less than three (3) feet below the average summer level of water in the excavation, or shall be graded or back filled with non-toxic, non-flammable, and non-combustible solids.
 - 2. Excavated areas shall not collect stagnant water and shall not permit the same to remain therein.
 - 3. Surface that is not permanently submerged shall be graded and backfilled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible to the adjoining land area.
 - 4. The banks of all excavations shall be sloped to the waterline in a water producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than one foot vertical to three feet horizontal. Water producing excavations shall have a reasonably level bottom, free of sharp drop-offs or holes.
 - 5. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are desired, which said improvements shall be completed within two years of termination of mining or excavation operations. When used, topsoil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.

6. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
 7. Upon cessation of mining operations by abandonment or otherwise, the applicant, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan which can be lawfully used under requirements of the zoning district in which they will be located under such plan, may be retained.
- (c) Financial guarantee shall be furnished the Township insuring the proper rehabilitation and reclamation of mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre, proposed to be mined or excavated in the following 12-month period and which has previously been mined or excavated during any preceding period and not reclaimed or rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of three feet or more shall be deemed to be reclaimed areas to within 15 feet of any shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one vertical up to three foot horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment in compliance of the foregoing requirements by the Zoning Administrator or such other officials as may be designated by the Township Board. Such financial guarantee may be in the form of cash, certified check, an irrevocable bank letter of credit, or corporate bond of a licensed insurance company. In no event shall such financial guarantee be less than \$5,000 in amount.
- (8) *Submission of Operational and Reclamation Plans.*
- (a) No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission, disclosing compliance with all of the provisions of the within Ordinance or the manner of which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
1. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are on all weather roads, additional roads, if any to be constructed and the location and nature of abutting improvements on adjoining property.
 2. The number of acres and the location of the same proposed to be operated upon within the following 12 month period after commencement of operations.

3. Type of mining or processing proposed to be conducted and the nature of the equipment to be used.
4. Location of the principal processing plant and the distance of any proposed excavation or mining and the boundaries of the site.
5. In the event excavation activities are to be conducted closer than 200 feet to the boundary of the property, soil borings shall be made around the perimeter of the excavation site. Said borings shall disclose conditions satisfactory for lateral support of adjacent properties as determined by the Township Engineer. The written consent of adjacent property owner(s) and of the Planning Commission shall be required if mining will be closer to the property boundaries than specified in this ordinance.
6. A map or plan disclosing the approximate final grades and levels to be established following the completion of the mining operations, including the proposed uses being contemplated for the land, future lakes and roads, such other matters as may evidence the bonified nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

(9) *Hearing and Decision:*

- (a) After receiving an application for a permit or for an extension or renewal of a permit for an earth removal, quarrying, gravel processing, mining or related mineral extraction business accompanied by the required plans and specifications and permit fee, the Planning Commission shall hold a public hearing upon such application, notice of which shall be made pursuant to Section 103 of the Michigan Zoning Enabling Act.
- (b) Following such hearing, the Planning Commission shall grant or deny the application and set forth its reasons for its decision.
 1. For extraction, by mining, activities, such decision shall be based upon a finding as to whether or not very serious consequences would result from the extraction of the natural resource, whether there are valuable natural resources on the property, and if there is a need for the resources by the applicant or in the market served by the applicant.

In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the following factors may be considered, if applicable:

- a. The relationship of extraction and associated activities with existing land uses.
- b. The impact on existing land uses in the vicinity of the property.
- c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
- d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

- e. The impact on other identifiable health, safety and welfare interests in the Township.
 - f. The overall public interest in the extraction of the specific natural resources on the property.
2. For other activities, the decision shall be based, on a consideration of the following:
 - a. The most advantageous use of the land, resources and property.
 - b. The character of the area in question and its peculiar suitability, if any, for particular uses.
 - c. Conservation of property values, as well as natural resources and the general appropriate trend and character of development in the subject area.
 - d. The protection and preservation of the general health, safety and welfare of the Township.
 3. All activities shall also comply with all state laws, rules and regulations.
 4. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residence and property owners.
 5. The Planning Commission shall annually review the operations to ascertain compliance with the conditions and limitations imposed upon the same. The Planning Commission shall be authorized to renew or extend the permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. The revocation or failure to renew or extend the permit shall not release the applicant from the duty of rehabilitation and reclamation of said mines or disturbed areas.

(10) *Existing Excavations and Mining Operations:*

- (a) All commercial excavations, mining operations, gravel processing operations or quarrying operations existing on the effective date of this Ordinance shall be subject to the within regulations with regard to future operations. A special exception permit shall not, however, be required, therefore.
- (b) Regulations for Filling Operations. All land filling operations involving garbage and refuse disposal shall be in accordance with the provisions of Michigan Public Act 451 of 1994 as amended, and in addition, shall conform to the following:
 1. The filling of land with rubbish or garbage or any other waste matter is hereby prohibited except that pursuant to the terms and conditions of a permit that may be granted by the Planning Commission, provided that in

no case shall any permit be issued for filling within any district unless and until the proposer shall have obtained written consent from at least fifty-one (51) percent of all land owners and residents within one-half (½) mile area measured from the outside perimeter of the parcel to be filled, to waive this prohibition.

2. No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said rubbish or fill material deposited at the site of the permitted operation.
3. The Planning Commission may require a temporary fence to be erected to prevent the scattering of rubbish, garbage and other waste material.
4. All rubbish and garbage fill when deposited must be thoroughly compacted with heavy equipment weighing not less than ten (10) tons.
5. All rubbish or garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the permit shall be covered with a layer of soil matter eighteen (18) inches thick of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the district. Provided that under certain acceptable circumstances applying the standards of public health, sanitation, and welfare of Comstock Township and Kalamazoo County, the Zoning Administrator may extend the above twenty-four (24) hour period to such longer period as satisfactory under the circumstances.
6. All conveyance vehicles for rubbish or garbage shall not be open lid and while in transit shall be closed or covered so as to reduce odor and the scattering of the matter being carried. Any rubbish or garbage that is nevertheless dropped in transit shall be recovered by the carrier operator and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the street or public highways by the tracking of the vehicles shall be removed by the carrier operator and the affected area restored to its prior condition.
7. Any roads used for the purpose of ingress or egress to said excavation site which are located within three hundred (300) feet of occupied residences shall be kept dust free by hard topping with cement, bituminous substance or chemical treatment.

Sec. 22.55.7 Surety Bond Requirements:

- (a) The Planning Commission shall, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit either for topsoil stripping and removal or filling operations, require the permittee to furnish a surety bond executed by a reputable surety company authorized, to do business in the State of Michigan in an amount determined by the Planning Commission, with assistance from the Township Engineer and Township Attorney, to be reasonably necessary to insure compliance hereunder. In fixing the amount of each surety bond,

the Planning Commission shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant to determining the sum reasonable in the light of all facts and circumstances surrounding each application.

Sec. 22.55.8 *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 a manner as may be approved by the Zoning Administrator; and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County of Kalamazoo, the Township, or other governmental agency.

Farm ponds and sewage lagoons which, unless otherwise determined by the Planning Commission, shall be considered to be excavations when more than two (2) feet in depth and more than one thousand (1,000) square feet in area which are used in support of agricultural pursuits, and shall be permitted as a special use in the Agriculture Residential District, subject to the issuance of a building permit, and provided they are setback at least one hundred (100) feet from all property lines, and any dwellings, and fences, and further subject to applicable Department of Environment, Great Lakes and Energy and County Drain Commissioner requirements.

SECTION III **AMENDMENT OF ARTICLE 18.00 LM, LIGHT MANUFACTURING DISTRICT** **OF TOWNSHIP ZONING ORDINANCE**

Article 18.00, Section 300.1803(c), Mining, processing and transporting of stone, sand or gravel aggregate, is deleted. This subsection is reserved for future use.

SECTION IV **AMENDMENT OF ARTICLE 18.50 LD, RESTRICTED INDUSTRIAL DISTRICT** **OF TOWNSHIP ZONING ORDINANCE**

Article 18.50, Section 300.18.50.5(1), Quarries, mines, gravel pits and other excavation businesses for obtaining minerals and other natural resources subject to the requirements and restrictions contained in Section 404, is deleted. This subsection is reserved for future use.

SECTION V
AMENDMENT OF ARTICLE 5.00 NON-CONFORMING USES AND BUILDINGS ‘
OF TOWNSHIP ZONING ORDINANCE

Article 5.00, Section 300.506, Non-conforming lots of record is amended to read as follows:

Sec. 5.06. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record existing at the effective date of adoption of this Ordinance, may be utilized for single residence purposes, provided the building site width is not less than forty (40) feet and the area is not less than four thousand eight hundred (4,800) square feet. The purpose of this provision is to permit utilization of recorded lots which lack adequate required width or depth as long as reasonable living standards can be provided. This provision shall prevail even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions shall conform to the regulations for the district in which such lot is located.

SECTION VI
AMENDMENT OF ARTICLE 4.00 GENERAL PROVISIONS
OF TOWNSHIP ZONING ORDINANCE

Article 4.00, Section 300.402, 4.02.2 Frontage is amended to read as follows:

Section 4.02 Building Regulations

Sec. 4.02.2. *Frontage:* No dwelling or building, other than an accessory building, shall be erected on a lot or parcel of land which does not have continuous frontage for its full minimum required width upon a street or road either publicly dedicated and maintained unless it is a designated lot in a recorded subdivision existing on or prior to January 21, 1941, or is a lot in a site condominium with private streets. Where lots exist on curved streets or cul-de-sacs (turn-around, dead-end streets), the required lot frontage shall not be less than two-thirds ($\frac{2}{3}$) of the normal minimum lot width requirement in the subject zoning classification. Multi-family developments or Planned Unit Developments need not front each such structure upon such streets or roads provided that adequate vehicular access can be assured in the site plan submitted for approval by the Planning Commission. This section shall not apply to properties in the "O-1", "B-1", "B-2", "B-3", "LM", "LD" and "M" zoning classifications.

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and/or direct access to a public street with a roadway which has been accepted for maintenance by the Kalamazoo County Road Commission or to a street or road designated on a recorded subdivision existing on or prior to January 21, 1941.

Article 4.11, Section 300.411, Buildings upon platted land, is amended to read as follows:

4.11 - Buildings upon unplatted land.

Sec. 4.11. All buildings, other than accessory buildings, built upon unplatted land shall comply with all of the following regulations.

- a. Each building must be constructed upon a lot satisfying the minimum lot width and area as required under this ordinance for the zoning district in which such building is constructed. In no event shall the depth of such lot be more than four (4) times its width unless:
 - (1) The lot is larger than ten (10) acres; or
 - (2) The lot is the result of a division of a parent parcel or parent tract and is the remainder of the parent parcel or parent tract retained by the proprietor. The terms "parent parcel", "parent tract" and "proprietor" shall have the meanings set forth in Section 102 of the Michigan Land Division Act (MCL 560.102).
 - (3) The lot is the result of the combination of or reconfiguration of two or more lots.
- b. After the construction of such building and at all times thereafter, the lot shall satisfy the minimum lot width as required under this ordinance for the particular zoning district in which the building is constructed.
- c. Each unplatted lot having at least the minimum lot width, but less than twice the minimum lot width, required under this Ordinance for the zoning district in which the lot is located shall contain no more than one building, other than accessory buildings. This provision shall not apply to Multi-Family developments or Planned Unit Developments.

The Zoning Board of Appeals is hereby given the right to grant a variance from the foregoing where there are practical difficulties or unnecessary hardship in the way of carrying out the strict compliance with the foregoing, or where, in the opinion of said Board, the spirit of the foregoing provisions are still observed, public safety, health and welfare secured and substantial justice thereby accomplished.

The Zoning Board of Appeals is hereby further given the right and authority to require the conveyance or dedication to the public of a 66-foot wide right-of-way for ingress and egress to and from interior land having otherwise insufficient or inadequate public access for normal, proper and logical development as a condition to the granting of any variance as herein provided, and to further secure the public health, safety and general welfare.

The purpose of these provisions is to secure the more orderly development of property in unplatted areas through the encouragement and regulation of open spaces between buildings, the lessening of congestion, the encouragement of more efficient and

conservative land use, the facilitating of transportation, sewage disposal, water supply and other public requirements, and by providing for future access to interior land which might not otherwise be adaptable to proper and advantageous development.

SECTION VII
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 VIII
REPEAL

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

SECTION IX
EFFECTIVE DATE

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

Nicole Beauchamp, Clerk
Charter Township of Comstock