

Chapter 14 - ZONING

Footnotes:

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State Law reference— *Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.*

ARTICLE 1. - IN GENERAL

Sec. 14.1-1. - Purpose.

(a) It is the purpose of this chapter to:

- (1) Promote the public health, safety, and general welfare of the public;
- (2) Encourage the use of lands and natural resources in accordance with their character and adaptability, and suitability for particular purposes;
- (3) Limit the improper use of lands;
- (4) Enhance social and economic stability;
- (5) Enhance the aesthetic desirability of the environment;
- (6) Avoid overcrowding of population,
- (7) Provide adequate light and air;
- (8) Lessen congestion on the public roads and streets;
- (9) Reduce hazards to life and property;
- (10) Facilitate adequate provision for a system of transportation; sewage disposal; safe and adequate water supply, storm drainage, education, recreation, and other public requirements, and
- (11) Conserve the expenditure of funds for public improvements and services to conform with the most advantageous use of land, resources and properties, to designate zoning districts within which the location, sizes, and uses of buildings and minimum open spaces shall be regulated; to limit the maximum number of families to be housed in certain areas; and to impose certain safety and sanitary measures and to provide for petitions and public hearings.

(b) In order to effectively meet this purpose, the township is divided into districts and the regulations specified for each district established by this chapter have been developed in accordance with a plan for the physical development of the township.

(Ord. No. 5500, § 1.2, 4-17-1995)

Sec. 14.1-2. - Relationship to land use plan.

It is the intention of the township that this chapter implement the planning policies and strategies adopted by the planning commission, as reflected in the master plan and other township planning documents.

(Ord. No. 5500, § 1.3, 4-17-1995)

Sec. 14.1-3. - Scope.

(a) Where any condition imposed by any provision of this chapter upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this chapter or

by the provision of any ordinance adopted under any other law, the provisions which is more restrictive or which imposes the higher standard requirement shall govern.

- (b) This chapter is not intended to abrogate or annul any easement, covenant or other private agreement, provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this chapter shall govern.
- (c) Except as may otherwise be provided in this chapter, every building and structure erected, every use of any lot, every structural alteration or relocation of an existing building or structure, and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of the ordinance from which this chapter is derived shall be subject to all regulations of this chapter which are applicable in the zoning district in which such use, building or structure is located.
- (d) No setback area or lot existing at the time of adoption of this chapter shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the ordinance from which this chapter is derived shall meet at least the minimum requirements established herein.
- (e) The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and welfare.

(Ord. No. 5500, § 1.4, 4-17-1995)

Sec. 14.1-4. - Authority.

This chapter is enacted in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 5500, § 1.5, 4-17-1995)

Sec. 14.1-5. - Validity and severability.

If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provisions of this chapter to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provisions to any other parcel, lot, use, building or structure not specifically included in said ruling.

(Ord. No. 5500, § 1.6, 4-17-1995)

Sec. 14.1-6. - Construction of language.

- (a) For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:
 - (1) The terms "used" or "occupied" include the terms "intended," "designed," or "arranged to be used or occupied";
 - (2) The term "building" includes the term "structure";
 - (3) The term, "dwelling" includes the term "residence"; and
 - (4) The term "lot" includes the terms "plot" or "parcel."
- (b) Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. No. 5500, § 2.1, 4-17-1995)

Sec. 14.1-7. - Definitions.

Abutting (lot or parcel) means a lot or parcel which shares a common boarder with the subject lot or parcel.

Access management (access control) means a technique to improve traffic operations along major roadways, including control of driveway locations and design, consideration of the relationship of traffic activity for properties adjacent to, and across from one another, and the promotion of alternatives to direct access.

Access to property means a property owner's legal right to access a public road right-of-way. Reasonable access to property may be indirect or certain turning movements prohibited for improved safety and traffic operations.

Accessory building means a building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use.

Accessory use means a use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

Adequate lateral support means the control of soil movement on a site as determined by accepted engineering standards.

Adult foster care facility means a governmental or nongovernmental establishment that provides foster care to adults. Subject to MCL 400.726a, the term "adult foster care facility" includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include any of the following:

- (1) A nursing home licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
- (2) A home for the aged licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
- (3) A hospital licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
- (4) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the mental health code, Public Act No. 258 of 1974 (MCL 330.1001 et seq.).
- (5) A county infirmary operated by a county department of social services or family independence agency under section 55 of the social welfare act, Public Act No. 280 of 1939 (MCL 400.55).
- (6) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Public Act No. 116 of 1973 (MCL 722.111 et seq.), if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two, if the total number of residents is ten or fewer.
 - b. Three, if the total number of residents is not less than 11 and not more than 14.
 - c. Four, if the total number of residents is not less than 15 and not more than 20.
 - d. Five, if the total number of residents is 21 or more.
- (7) A foster family home licensed or approved under Public Act No. 116 of 1973 (MCL 722.111 et seq.), that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Public Act No. 116 of 1973 (MCL 722.115(7)).
- (8) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or roominghouse that does not provide or offer to provide foster care.
- (9) A facility created by Public Act No. 152 of 1885 (MCL 36.1 et seq.).

Adult foster care family home means a private residence that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity of not more than six to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult foster care small group home (1—6) means a structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive not more than six adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

Adult foster care small group home (7—12) means a structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive not less than seven or more than 12 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

Adult foster care large group homes (13—20) means a structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

Airport authority means Bishop International Airport and its board of directors.

Airport hazard means any structure or appurtenances thereof or use of land which obstructs the air space required for the safe use of land which obstructs the air space required for the safe flight of aircraft landing or taking off at an airport or that is otherwise hazardous or creates hazards to safe landing or taking off of aircraft.

Airport hazard area means Any areas of land or water, or both, upon which an airport hazard might be established, if not prevented, including any such area which has been declared to be an airport hazard area by the state aeronautics commission in connection with any airport approach plan adopted by said commission or by the Federal Aviation Administration.

Alley means a public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alterations means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

Architectural features means architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile and body repair station provides a service for the general repair of engines, engine rebuilding, or reconditioning of motor vehicles collision service such as body, frame, or fender; overall painting and undercoating of vehicles.

Automobile repair station provides a service where light automotive maintenance and repair is conducted such as muffler shops, quick oil change and lubrication shops, tire stores, transmission shops and brake shops.

Automobile service station means a building or structure designed or used for the retail sale of fuel stored in tanks, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage,

minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premises is such, or high speed washing thereof.

Automobile fuel station, also a convenience store with the sale of gasoline, means an establishment where gasoline and motor fuels are dispensed into vehicles, and the sale of retail and convenience items which occupy 50 square feet or greater of the sales area in conjunction with the gasoline sales.

Automobile wash establishment provides facilities for washing and cleaning motor vehicles. This can be machine or hand-operated facilities and may employ some hand labor.

Basement or *cellar* means a portion of a building having more than 50 percent of its perimeter six feet below grade.

Bed and breakfast inn means a use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

Berm means a mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening.

Block means the property, abutting one side of a street and lying between the two nearest intersection streets, or between one intersecting street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Board of appeals means the zoning board of appeals for the township.

Buffer area means a strip of land required between certain land uses reserved or planting material, berms, walls for fencing.

Building means a structure, either temporary or permanent, having a roof supported by columns, or walls for the shelter, support or enclosure of persons, animals, or chattels, is a building. This shall include tents, awnings, or vehicles situated on private property and used for purposes for a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building area means the buildable area of a lot is the space remaining after the minimum open space requirements of this chapter have been complied with.

Building department means the township building department head or his qualified designee.

Building height means the building height is the vertical distance measured from the average finished grade to the highest point of flat roof; to the deck of mansard roofs; and to the average height level between eaves and ridge of gable, hip and gambrel roofs. For measurement of height of accessory buildings see section 14.1-8.

Building line means a line established, parallel to the front street line between which no part of a building shall project, except as otherwise provided by the chapter.

Building, principal, means a building in which is conducted the principal use of the lot on which it is situated.

Building permit means the written authority issued by the building inspector permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this chapter.

Child care center means a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the

number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center or day care center does not include any of the following:

- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
- (2) A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.
- (3) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
- (4) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

Church means a building where the primary use is for the regular assembly of persons for religious worship or services, together with accessory uses.

Club means an organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

Cluster development means a design technique that concentrates building in a specific areas to allow remaining land to be used for recreation, common open space, and preservation of environmentally sensitive area.

Condominium Act refers to Public Act No. 59 of 1978 (MCL 559.101 et seq.).

Condominium conversion means a condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

Condominium master deed means the condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Condominium project is equivalent to the term "subdivision" as used in subdivision regulations.

Condominium project, mobile home, means a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

Condominium setbacks. Condominium setbacks shall be measured as follows:

- (1) *Front yard setback*. The distance between the street centerline right-of-way line closest to the unit and the unit site.
- (2) *Side yard setback*. The distance between the limits of the development and the side of a unit or the distance between the sides of any adjacent units.
- (3) *Rear yard setback*. The distance between the limit of the development and the rear of the unit or the distance between the rear of any two adjacent units.

Condominium subdivision plan means the site, survey and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act.

Condominium unit means the portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium unit site means the area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot," for the purposes of determining compliance of a site condominium subdivision with provisions of the section pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Congregate housing means a residential facility for four or more elderly persons (age 55 years or older) within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services, such as transportation for routine social and medical appointments and counseling.

Cul-de-sac means a dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allow for vehicle turnaround.

Detention facility means a facility designated for holding stormwater runoff for a short period of time and then releasing it to an approved watercourse where it returns to the hydrologic cycle.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Domestic animal means any dog, other than a vicious dog, cat or a species customarily used as an ordinary household pet, excluding farm animals (including but not limited to cattle, horses, mules, sheep, swine, goats and chickens).

Drainageways and streams are existing permanent or intermittent watercourses.

Drive-in means a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, including customer communication facilities for banks or other uses. A drive-in restaurant is distinct from a drive-through restaurant in the majority of drive-in patrons consume food and beverages while in the vehicle and parked on the premises.

Drive-through means a business establishment in which all or at least ten percent of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

Dwelling, efficiency, means a dwelling unit of not more than one room in addition to a kitchen and a bathroom.

Dwelling, multiple-family, means a building designed exclusively for, and containing, three or more dwelling units.

Dwelling, single-family, means a detached building designed exclusively for, and containing, one dwelling unit only.

Dwelling, two-family, means a detached building designed exclusively for, and containing, two dwelling units only.

Dwelling unit means a building, or enclosed portion thereof, designed for occupancy by one family for residential purposes and having independent living, eating, sleeping, cooking, and sanitary facilities. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site built units.

Dwelling unit, attached, means a dwelling unit attached to one or more dwelling units by common major structural elements.

Dwelling unit, detached, means a dwelling unit which is not attached to any other dwelling unit by any means.

Easement means a grant of one or more of the property rights by the owners to or for the use by the public, a corporation or another person or entity.

Erected includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Essential public services means the erection, construction, alteration, or maintenance by public utilities or government agencies of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, hydrants, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably for the furnishing of adequate service by such public utilities or government agencies or for the public health or general welfare, but not including buildings or storage yards.

Essential public service building means a building or structure principal to an essential public service, such as a drop-off stations for residential recycles, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

Essential public service building storage yard means an outdoor storage area principal or accessory to an essential public service.

FAA means the Federal Aviation Administration and/or any successor agency to the Federal Aviation Administration.

Facade means the exterior wall of a building exposed to the public view or that wall viewed by persons not within the building.

Family means one or more persons living together and interrelated by bonds of consanguinity, marriage, or legal adoption, and occupying the whole or part of a dwelling unit as a single nonprofit housekeeping unit as distinguished from a group occupying a hotel, club, boardinghouse, fraternity or sorority house. A family shall be deemed to include domestic servants, gratuitous guests, and not more than three boarded children.

Family day care home means a child care facility that provides licensed day care in private homes for six or fewer unrelated minor children under the age of 18. Children receive care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian for more than four weeks during a calendar year.

Fence means accessory structure intended for use as a barrier to property, ingress or egress, a screen from objectionable noise and or decorative use.

Filling means the depositing or dumping of any matter onto, or into the ground, except common household gardening.

Floor area, gross, means the sum of the gross horizontal areas of the floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level, or finished lot grade, whichever is higher. (See *Basement* definition.) The term "floor area" shall not include elevator shafts and stairwells at each floor, space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet, ten inches or more, interior balconies and mezzanines. any space devoted to off-street parking or loading shall not be included in "floor area." Area of basements, utility rooms breezeways, porches or attached garages are not included.

Floor area, usable, is used for computing parking requirements as that area.

Foster family home means a private home in which one, but not more than four, minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

Foster family group home means a private home in which at least five, but not more than six, minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

Frontage means the length of any one property of a premises which property line abuts a legally accessible street right-of-way.

Garage, commercial, means any premises except those described as a private, community or storage garage, available to the public, used principally for the storage of automobiles or motor-driven vehicles, for remuneration, hire or sale, where any such vehicle or engine may also be equipped for operation, repaired, rebuilt or reconstructed, and where vehicles may be greased, washed or serviced. (Not an auto service station.)

Garage, community, means a garage used for the storage of vehicles of residents of dwelling units on the same or adjacent block or blocks, and providing only incidental services to such vehicles as are stored therein.

Garage, private, means a building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three motor driven vehicles. The foregoing definition shall be construed to permit the storage of any one lot, for the occupants thereof, of not more than one commercial vehicle not exceeding a rated capacity of three-fourths ton.

Garage, storage, means any premises except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

Grade means the established grade of the street or sidewalk shall be the elevation of the curb at the mid point of the front of the lot. The elevation is established by the township building department.

Greenbelt means a landscaped area along a street between the curb or road shoulder and the front yard building or parking setback line, this area is also referred to as the front yard parking lot setback area. Landscaping requirements for greenbelts are provided in article 8 of this chapter.

Group day care home means a child care facility that provides licensed day care in private homes for not less than seven or no more that 12 unrelated minor children under the age of 18. Children receive care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian for more than four weeks during a calendar year. Facilities that provide licensed day care to 13 or more minor children constitute a commercial day care center.

Hazardous substances means any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health/recreation facility means an indoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna and pro shop.

Health club means a gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments, but not limited to these.

Height of building means the vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and ridge for hip, gabled and gambrel roofs.

Home occupation means an accessory use of a dwelling that constitutes either entirely or partly, the livelihood of a person living in the dwelling, said use shall be conducted entirely within the dwelling and carried on by the inhabitants therein and having no external effects.

Hospital means an institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, center service facilities and staff offices that are an integral part of the facilities.

Hotel means a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five sleeping rooms, and in which no provision is made for cooking in any individual room.

Housing for the elderly includes:

- (1) Independent living is housing where low level congregate care is provided. Also known as senior independent units.
- (2) Intermediate level congregate service is housing where one or two common meals, housekeeping, linen, and similar services are provided. Also known as senior interim care, intermediate care units, and home for the aged.
- (3) Convalescent housing units is housing where high-level, 24-hour nursing care is provided. Also known as convalescent homes, nursing home units, sanitariums, and rest homes.

Indoor recreation establishment means a privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

Industrial park means a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or covenants, conditions, and restrictions. The development may be on one parcel, may be subsidized, may have condominium ownerships, or a combination of these types.

Junk means any motor vehicles, machinery, appliance, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junkyard includes automobile wrecking yards and salvage areas and 200 square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

Kennel means any lot or premises on which three or more dogs, four months or more old, are kept, for the purpose of breeding, permanently or temporarily boarded, or for sale.

Laboratory means a place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.

Landfill means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Loading space means an off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading and unloading merchandise or materials.

Lot means a parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of this chapter for: minimum area, setbacks, coverage, and open space.

Lot area means the total horizontal area within the lot lines of a lot including street right-of-way.

Lot, corner, means a lot abutting on and at the intersection of two or more streets.

Lot coverage means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot depth means the mean horizontal distance from the front street line to the rear lot line.

Lot, double frontage, means a lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting on one or both of the streets the required front yard setback shall be observed on those street where such structures presently front.

Lot, interior, means a lot other than a corner.

Lot lines means the property lines bounding the lot or condominium unit site. For an illustration of lot lines see [section 14.1-8](#).

- (1) *Front lot line.* In the case of an interior lot it is that line separating such lot from the street right-of-way. In the case of a corner lot the front lot line may be on either street as long as it is in compliance with setbacks.
- (2) *Rear lot line.* Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or goreshaped lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the planning commission shall designate the rear lot line.
- (3) *Side lot line.* Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (4) *Street or alley lot line.* A lot line separating the lot from the right-of-way of a street or an alley.

Lot of record means a lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Or a lot or parcel approved through the provisions within the land division ordinance of the township.

Lot width means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines. The minimum lot width at the Right-of-way shall be sufficient to accommodate a driveway and turning radius consistent with the county road commission driveway permit standards.

Manufactured home or mobile home means a dwelling unit which is designed for residential use and is wholly or substantially constructed at an off-site location. Manufactured homes include mobile home and modular home units.

Manufactured home/mobile home park means a parcel or tract of land under the control of a person, group or firm upon which three or more homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless, of whether a charge is made, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a home and which is not intended for use as a temporary trailer park.

Medical clinic means an establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an out-patient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

Mezzanine means an intermediate floor in any room occupying not to exceed one-third of the floor area of such story.

Minimum obstruction clearance altitude means the lowest FAA published altitude that assures acceptable navigational signal coverage and that is in effect between radio fixes on a low altitude run airway, on an off-airway route, or, provided the altitude meets obstacle clearance requirements for the entire route segment, on a route segment.

Ministorage facility or self-storage facility means a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Mobile home means a structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, or travel trailers.

Modular home means a dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot.

Motel means a series of attached, semidetached, detached rental units containing bedroom, bathroom, and closet space where in each unit has a separate individual entrance. No kitchen or cooking facilities are to be provided, with the exception of units for use of the manager and/or caretaker.

Nonconforming building means a building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and which does not conform to the provisions of this chapter in the zoning district in which it is located.

Nonconforming use means a use which lawfully occupies a building or land at the effective date of the ordinance from which this chapter is derived or amendments thereto.

Occupied includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Offset means the distance between the centerline of driveways or streets, across the street from one another.

Off-street parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for more than two automobiles.

Open air business means a retail sales establishment operated substantially in the open air, including:

- (1) Bicycle, utility truck or trailer, boats, or home equipment sales, repair or rental services.
- (2) Outdoor display area and sale of boats, garages, recreational vehicles, mobile homes, snowmobiles, swimming pools, and similar activities, but not including farm implements or commercial construction equipment.

Open storage means the keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Outdoor recreation establishment means a privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors, outside of an enclosed building, and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks.

Parcel means a lot described by metes and bounds or described in a recorded plat.

Parking space means an area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Pet means only such animals as may be commonly housed within domestic living quarters.

Planned unit development means a form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and nonresidential uses.

Porch, enclosed, means a covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, open, means a covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Principal use means a main use to which the premises are devoted and the principal purpose for which the premises exist.

Principal use, permitted, means a use permitted in each zoning district by right.

Private club means an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, cultural, politics, or the like, but not operated for profit.

Private road means any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

Public and semi-public institutional buildings, structures, and uses means buildings, structures, and uses of governmental agencies and nonprofit organizations including but not limited to office buildings, post offices, libraries, and community centers.

Public park means any developed park, playground, beach, outdoor swimming pool, intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

Public open space means any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

Public street means a public thoroughfare which has been accepted for ownership by the county road commission.

Public utility means any person, municipal department, board or planning commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Quarry excavation means by breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter to a depth greater than 12 inches from the surface.

Recreational vehicle means a vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats, snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Refreshment stand means any place or premises used for sale, dispensing or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Restaurant means an establishment that serves food and beverages primarily to persons seated within the building.

Right-of-way (ROW) means a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Roominghouse means a building or part thereof, other than a hotel or motel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Salvage means a material to be used for further use, recycling, or sale.

Salvage yard means any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include dropoff stations for residential recycles.

Service drive means a drive which generally parallels the public right-of-way but may run along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

Setback parking lot means the minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas.

Setback required means the required minimum horizontal distance between a front, rear, or side lot line and a building line. Separate definitions for condominium projects are listed under "condominium setbacks."

Site plan means a scaled drawing illustrating existing conditions and containing the elements herein as applicable to the proposed development to ensure compliance with zoning provisions.

Special land use means a use of land which is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special use permit be obtained.

State-licensed residential facility means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et seq.), or Public Act No. 116 of 1973 (MCL 722.111 et seq.), and provides residential services for six or fewer individuals under 24-hour supervision or care.

Story means the portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- (1) A "mezzanine" shall be deemed a full story when it covers more than 33 percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.
- (2) For the purposes of this chapter, a basement or cellar shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes, or, if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building,

including the family of the same.

Story, half, means the part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half the floor area of said full story.

Street means the public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road, and other thoroughfare, except an alley.

Structure means anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

Structure alteration means any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

Temporary building and use means a structure or use permitted by the building department to exist during periods of construction of the main use or for special events, not to exceed six months.

Tents means a shelter of canvas or the like supported by polls and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body not exceeding eight feet in width or 28 feet in length.

Usable floor area, for the purposes of computing parking, means net floor area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage of merchandise, or for utilities shall be excluded from this computation of "usable floor area." Measurement of gross floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Use means the purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let, or lease.

Yard means an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves provided that an eight foot height clearance is provided above the adjacent ground level.

Yard, front, means a yard extending the full width of the lot, the depth of which is minimum horizontal distance between the front lot line and the nearest line of the main building.

Yard, rear, means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard, side, means a yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

Zero lot line means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line, incorporating a party wall.

Zoning district means a portion of the township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established by this chapter.

(Ord. No. 5500, § 2.2, 4-17-1995; Ord. No. 5506, § 1(2.2), 6-3-1996; Ord. No. 5595, § 1, 9-2-2014)

Sec. 14.1-8. - Illustrations.

FIGURE A
BUILDING HEIGHTS

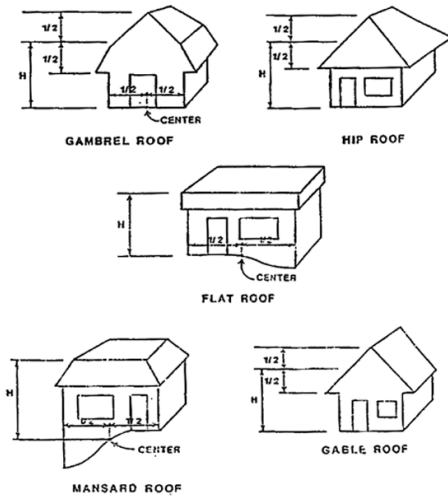
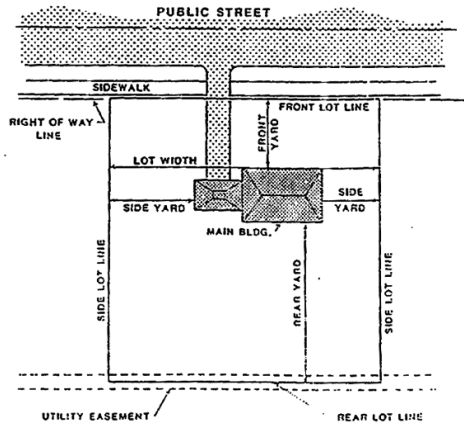


FIGURE B
LOT LINES AND YARDS



(Ord. No. 5506, § 1(2.3), 6-3-1996)

ARTICLE 2. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 14.2-1. - Enforcement.

The provisions of this article shall be administered and enforced by the building department.

(Ord. No. 5500, § 28.1, 4-17-1995)

Sec. 14.2-2. - Duties of building official.

- (a) The building department shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings, or premises necessary to carry out the enforcement of this chapter. It shall be unlawful for the building department to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans and found them in conformity with this chapter. To this end, the building department may require that every applicant for a zoning compliance permit for excavation, construction, moving, or alteration or change in type of use or the type of occupancy, be accompanied by written statement and plans or plats drawn to scale and showing the following, in sufficient detail to enable the building department to ascertain whether the proposed work or use is in conformance with this chapter:
- (1) The actual shape, location and dimensions of the lot.
 - (2) The shape, size and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or structures already on the lot.
 - (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
 - (4) The signature of the fee holder owner of the premises concerned.
 - (5) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
- (b) If the proposed excavation, construction, moving, or alteration, or use of land as set forth in the application are in conformity with the provisions of this chapter, the building department may issue a zoning compliance permit. If any application for such permit is not approved, building department shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this chapter.
- (c) The building department shall not refuse to issue a permit when the conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may result upon the granting of said permit.

(Ord. No. 5500, § 28.2, 4-17-1995)

Sec. 14.2-3. - Permits.

The following shall apply in the issuance of any permit:

- (1) *Required.* It shall be unlawful for any person, firm or corporation to commence excavation for, construction of any building or structure, structural changes, or repairs in any existing building or structure, or moving of an existing building, without first obtaining a zoning compliance permit and/or a building permit from the building department. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this chapter showing that the construction proposed is in compliance with the provisions of this chapter and with the state construction code and other applicable codes and ordinances of the township and upon proof of compliance with the Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.). These requirements apply to accessory as well as principal buildings.
- (2) *For new use of land.* A zoning compliance permit shall also be obtained for a new use of land, whether presently vacant or a change in land use is proposed and prior to issuance of any other township approval due to the

change in use include building occupancy permits.

- (3) *For new use of structures.* A zoning compliance permit shall also be obtained for any change in use of an existing building or structure prior to issuance of any other township approval due to the change in use include building occupancy permits.
- (4) *Permanent building completions.* All buildings shall be completed on the outside in conformance with the state construction code and with finish material such as wood, brick veneer, shingle, masonry or similar performance tested materials within one year after construction is started and before an occupancy permit may be issued, unless an extension is granted by the board of appeals.
- (5) If the zoning administrator determines that a request for construction of a structure or a request for a new use of land or structures is under the jurisdiction of the planning commission or if they believe there is a question of jurisdiction, they may forward the request to the planning commission.
- (6) A report on zoning permits issued for the month will be provided to the planning commission.

(Ord. No. 5500, § 28.3, 4-17-1995; Ord. No. 5595, § 1, 9-2-2014; Ord. of 8-7-2017(1), § 1, 8-7-2017)

Sec. 14.2-4. - Certificates of occupancy.

It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the building department has issued a certificate of occupancy stating that the provisions of this chapter have been complied with.

- (1) *Certificate validity.* The certificate of occupancy, as required for new construction of, or renovations to existing buildings and structures, in the state construction code, shall also constitute certificates of occupancy as required by this chapter.
- (2) *Certificates for existing buildings.* Certificates of occupancy may be issued for part of a building or structure prior to the entire building being completed or ready for occupancy within one year, and provided further that such portions of the building or structure are in conformity with the provisions of this chapter.
- (3) *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the building department, and copies of such certificates of occupancy shall be furnished upon request to a person having a proprietary or tenancy interest in the property involved.
- (4) *Certificates for accessory buildings to dwellings.* Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather, may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- (5) *Application for certificates.* Certificates of occupancy shall be applied for to the building official coincidentally with application for building permits and shall be issued within five days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five day period.

(Ord. No. 5500, § 28.4, 4-17-1995)

Sec. 14.2-5. - Final inspection.

The recipient of any building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the building department immediately upon the completion of the work authorized by such permit, for a final inspection.

(Ord. No. 5500, § 28.5, 4-17-1995)

Sec. 14.2-6. - Fees.

Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this chapter shall be as set by resolution of the township board and collected by the building department in advance of the issuance of such permits or certificates.

(Ord. No. 5500, § 28.6, 4-17-1995)

Sec. 14.2-7. - Zoning amendments.

The board may, with or without recommendations from the township planning commission amend, supplement or change the regulations or the district boundaries of this chapter pursuant to the authority and according to the procedures set forth in Public Act No. 110 of 2006 (MCL 125.3101 et seq.). Whenever a petitioner request a zoning amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to this petition, and shall submit a petition for rezoning to the township clerk. Any applicant desiring to have any change made in this chapter shall, with his petition for such change, deposit a fee as established by the board with the township treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs of said change. Such applicant is entitled to have his petition considered by the board regardless of an approval or nonapproval by the township planning commission.

(Ord. No. 5500, § 28.7, 4-17-1995)

State Law reference— Zoning adoption and enforcement, MCL 125.3401 et seq.

Sec. 14.2-8. - Amendment procedure.

After initiation, amendments to this chapter shall be considered as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 5500, § 28.8, 4-17-1995)

Sec. 14.2-9. - Performance guarantee.

As a condition of approval of a site plan, special land use or planned unit development, the planning commission may require a bond or other financial guarantee of sufficient sum to assure the installation of those feature or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitant of the proposed development. Such features or components, hereafter referred to by the term "improvements," may include, but shall not be limited to, roadways, curbs, landscaping fences, walls, screens, lighting, drainage facilities, sidewalks, driveways, utilities and similar items.

(Ord. No. 5500, § 28.9, 4-17-1995)

State Law reference— Performance guarantee, MCL 125.3505.

Sec. 14.2-10. - Interpretation and application.

In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the provisions of the public safety, health, convenience, comfort, and general welfare of the public. It is not intended by this chapter to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this chapter, nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this chapter shall control.

(Ord. No. 5500, § 28.10, 4-17-1995)

Sec. 14.2-11. - Violations and penalties.

Any person acting on behalf of said person who shall violate any of the provisions of this chapter, or who fails to comply with any of the regulatory measures or conditions issued by the board of appeals, the planning commission or the township board adopted pursuant to this chapter, shall be responsible for a municipal civil infraction.

- (1) The owner of record or tenant of any building, structure, premises, or part thereof, and any agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate violation and suffer the penalties herein provided.
- (2) The imposition of any fine shall not exempt the violator from compliance with the provisions of this chapter.
- (3) Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of the ordinance from which this article is derived and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.

(Ord. No. 5500, § 28.11, 4-17-1995; Ord. No. 5562, § 2, 2-18-2003; Ord. No. 5563, § 1, 5-19-2003)

Sec. 14.2-12. - Procedure.

The zoning official or his designee shall be authorized to issue and serve appearance tickets on any person with respect to any violation of this chapter when there is reasonable cause to believe that the person has committed such an offense. The township, through its duly authorized attorney, may prosecute in a criminal proceeding any violation of this chapter. In addition, the township, acting through its duly authorized attorney, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any violation of this chapter.

(Ord. No. 5500, § 28.12, 4-17-1995)

Sec. 14.2-13. - Rights and remedies.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Ord. No. 5500, § 28.13, 4-17-1995)

Sec. 14.2-14. - Administrative liability.

No officer, agent, employee, or member of the board, planning commission, or board of appeals shall be personally liable for any damage which may accrue to any person or property as the result of any act, decision or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this chapter.

(Ord. No. 5500, § 28.14, 4-17-1995)

Sec. 14.2-15. - Vested right.

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare of the public.

(Ord. No. 5500, § 28.15, 4-17-1995)

Secs. 14.2-16—14.2-30. - Reserved.

DIVISION 2. - SITE PLAN REVIEW PROCEDURES AND STANDARDS

Footnotes:

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State Law reference— *Submission and approval of site plan, MCL 125.3501.*

Sec. 14.2-31. - Purpose.

It is the intent of this division to require site plan approval prior to issuance of a building permit for residential, commercial, industrial, office, institutional, utility and other nonresidential uses in the township. These types of uses can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development thereby affecting the public health, safety and general welfare.

(Ord. No. 5500, § 4.1, 4-17-1995)

Sec. 14.2-32. - Uses subject to site plan review.

- (a) No permit shall be issued for any construction, erection and/or expansion of any building or structure in the township except in accordance with an approved site plan.
- (b) Site plan approval by the planning commission shall not be necessary for issuing permits in the following circumstances:
 - (1) Construction, erection and/or expansion of a single or two-family dwelling on a parcel zoned solely for residential purposes.
 - (2) All developments regulated by the land division act, as amended (MCL 560.101 et seq.) and the township subdivision control ordinance.
 - (3) Construction solely on the building interior that does not increase usable floor area.
 - (4) Construction or erection of signs; retaining walls; fences; buffer walls; refuse storage stations; sidewalks; antennas; lights; poles; and cooling, heating, or other mechanical equipment when located on a building or

occupying a ground area of less than 100 square feet.

(c) Site plans for the circumstances set forth in subsection (a) of this section shall be reviewed by the building department. The building department shall review such plans in accordance with the same procedures, requirements, and standards used by the planning commission.

(d) Site plans for all circumstances except as set forth in subsection (b) of this section shall be reviewed by the planning commission in accordance with the procedures, requirements and standards set forth in this chapter.

(Ord. No. 5500, § 4.2, 4-17-1995)

Sec. 14.2-33. - Special land uses.

Site plans shall be required for all special land uses.

(Ord. No. 5500, § 4.3, 4-17-1995)

Sec. 14.2-34. - Planned unit developments, site condominiums and condominium subdivisions.

Site plans for planned unit developments shall also be subject to the provisions of article 3, division 13 of this chapter, planned unit development. Site plans for site condominiums and condominium subdivisions shall also be subject to article 4 of this chapter, condominium standards and the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.).

(Ord. No. 5500, § 4.4, 4-17-1995)

State Law reference— Planned unit development, MCL 125.3503.

Sec. 14.2-35. - Site plan approval process.

The following procedures shall govern the submission and review of site plans:

- (1) Plans shall be submitted to the building department. These plans may be preliminary and/or final plans. A site plan shall contain the following information:
 - a. A completed application form, supplied by the township clerk or building department, and an application fee.
 - b. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
 - c. Sheet size of submitted drawings shall be at least 24 inches by 36 inches, with graphics at an engineers scale of one inch equals 20 feet for sites of 20 acres or less: and one inch equals 100 feet or less (i.e., one inch equals 20 to 100 feet) for sites over 20 acres.
 - d. Cover sheet providing:
 1. The applicant's name;
 2. Name of the development;
 3. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the state;
 4. Date of preparation and any revisions;
 5. North arrow;
 6. Property lines and dimensions;
 7. Complete and current legal description and size of property in acres;

8. Location sketch of sufficient size and scale (suggest within one-half mile);
 9. Zoning and current land use of applicants property and all abutting properties and of properties across any public or private street from the site; and
 10. Location of any access points on both sides of the street within 100 feet of the site and along streets where access to the site is proposed.
- e. Plan sheet indicating:
1. Existing buildings and any public or private easements, noting those which will remain and which are to be removed.
 2. Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For residential developments, the number, type and density of proposed housing units; if a multi-phase development is proposed, identification of the areas included in each phase.
 3. For sites exceeding five acres and/or containing more than two buildings, elevations showing height and materials for all proposed structures, including any residential units, shall be provided and considered part of the approved site plan.
 4. Building footprints, setbacks, typical floor plans and a sketch of any rooftop or ground mounted equipment to scale.
 5. Existing and proposed locations of utility services with sizes, including storm drainage, retention or detention ponds, fire hydrants, and any public or private easement; notes shall be provided clearly indicating which existing services will remain and which will be removed.
 6. Location of any MDEQ-regulated wetland, documentation of MDEQ-approved wetland determination, and indication of the status of application for an MDEQ wetland permit or copy of permit received including description of any wetland mitigation required and location of other significant nonregulated wetland areas over two contiguous acres.
 7. Location and method of screening for all refuse storage stations/dumpsters.
 8. Location and dimensions of parking lots and spaces, and loading/unloading areas, and calculations to meet the requirements of article 7 of this chapter.
 9. Details of exterior lighting including locations, height, method of shielding.
 10. Locations of all signs including:
 - (i) Location, type, height and method of lighting for identification signs;
 - (ii) Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the state manual of uniform traffic control devices.
 11. Details of site circulation and access design, including:
 - (i) Dimensions of existing and proposed right-of-way lines, including those abutting the site, and names of abutting public streets;
 - (ii) Indication of street pavement widths and pavement type;
 - (iii) Street horizontal and vertical dimensions, including curve radii;
 - (iv) Locations and dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersections streets, including those across a street.
- f. A landscape plan indicating proposed plant locations with common plant name, number and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average

- grade.
- g. A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two foot contour intervals and with topography extending a minimum of 50 feet beyond the site in all directions and a general description of grades within 100 feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond.
 - h. A general description and location of stormwater management system shall be shown on the grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design slope of any retention/detention ponds. Stormwater outflow structures or basins constructed in an MDEQ-regulated wetland may require an MDEQ wetland permit. Status of MDNR permit application or copy of permit with attached conditions shall be provided, as applicable.
 - i. Written verification of access easements or agreements, if applicable.
 - j. A note on each plan sheet stating "Not to be used as construction drawings."
 - k. Building elevations showing the proposed type of building materials and colors, building height, roof design, projections, canopies and overhangs and roof-located mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
 - l. Any additional graphics or written materials requested by the planning commission in determining the compliance with the final site plan standards, such as aerial photography, photographs, traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers for an average day and peak hour of the affected roadways, impact on significant natural features and drainage or any other information necessary to determine compliance with the ordinance.
 - m. The planning commission may waive any of the informational requirements of this section by general rule or by in review of a specific site plan when it determines that the information is not necessary to determine compliance with the ordinance standards for site plan approval.
- (2) The following information shall be submitted as a part of an application for permission to commence any type of development within a flood hazard area:
- a. The elevation in relation to mean sea level of the floor, including basement, of all structures;
 - b. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - c. Proof of development permission from appropriate local, state, and federal agencies, including a floodplain permit, approval, or letter of no authority from the state department of environmental quality under authority of part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.), the Floodplain Regulatory Authority;
 - d. Base flood elevation data where the proposed development is subject to Public Act No. 288 of 1967 (MCL 560.101 et seq.), the land division act, or greater than five acres in size;
 - e. Additional information which may be reasonably necessary to determine compliance with the provisions of this section.

(Ord. No. 5500, § 4.5, 4-17-1995; Ord. No. 5595, § 1, 9-2-2014)

Sec. 14.2-36. - Standards for site plan approval.

Based upon the following standards, the planning commission may deny, approve, or approve with conditions the site plan. If denied, the planning commission shall cite reasons for denial.

- (1) *Generally.* All elements of the site plan shall be designed to take into account the site's topography, the size and type of the character of adjoining property and the type and size of buildings, and the traffic operations of adjacent streets. All streets shall be developed so as not to impede the normal and orderly development or improvement of surrounding property permitted in this section.
- (2) *Preservation of significant natural features.* Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural features, in particular MDEQ-designated/regulated wetlands, and, to a lesser extent, wetlands which are not regulated by the MDEQ.
- (3) *Streets.* All streets shall be developed in accordance with the township subdivision control ordinance and county road commission construction standards, unless developed as a private road.
- (4) *Access, driveways and circulation.* Safe convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. All driveways shall meet the design and construction standards of the county road commission. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major traffic route, as defined in the master plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of article 9 of this chapter.
- (5) *Emergency vehicle access.* All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicles access as required by the fire department and police department.
- (6) *Sidewalks, pedestrian and bicycle circulation.* The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area. There may be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants and other uses which generate a considerable amount of pedestrian or bicycle traffic.
- (7) *Barrier free access.* The site shall be designed to provide barrier free parking and pedestrian circulation.
- (8) *Parking.* The layout, number and dimensions of off-street parking shall be sufficient to meet the minimum required by article 7 of this chapter. However, where warranted by overlapping or shared parking arrangements, the planning commission may reduce the required number of parking spaces.
- (9) *Loading.* All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with article 8 of this chapter.
- (10) *Landscaping.* The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this section. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of article 8 of this chapter. The planning commission may require screening described in article 8 when they determine it is necessary to protect surrounding property from off-site impacts such as noise, light or drifting material or to screen open storage or similar uses from view.
- (11) *Soil erosion control.* The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by

the building department.

- (12) *Utilities.* Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.
- (13) *Stormwater management.* Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Stormwater detention/retention facilities shall comply with the applicable requirements of section 14.5-11. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
- (14) *Lighting.* Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted. A minimum level of lighting in parking lots and building entrances shall be provided and maintained. Failure to replace burned out lights will be considered a violation of this section.
- (15) *Noise.* The site shall be designed, buildings are so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.
- (16) *Mechanical equipment.* Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of section 14.5-9.
- (17) *Signs.* The standards of ordinance 6021, sign ordinance, as amended, shall be met.
- (18) *Hazardous materials or waste.* For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.
- (19) *Other agency reviews.* The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the county drain commission, county road commission, the county water and waste and other federal and state agencies, as applicable.

(Ord. No. 5500, § 4.6, 4-17-1995; Ord. No. 5595, § 1, 9-2-2014; Ord. of 8-7-2017(1), § 1, 8-7-2017)

Sec. 14.2-37. - Condition of approval.

- (a) As part of an approval to any site plan, the planning commission may impose any additional conditions or limitation as in its judgment may be necessary to ensure that public services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the planning commission to ensure compliance with the review standards of section 14.2-36, and necessary to meet the intent and purpose of this section.
- (b) Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- (c) A record of conditions imposed shall be recorded on the site plan and maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved.
- (d) A record of the decision of the planning commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the planning commission.
- (e) The building department may require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the planning commission. Should resubmittal be required, the building department shall have

authority to approve the final site plan.

- (f) The building department may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the planning commission to terminate said approval following a public hearing.

(Ord. No. 5500, § 4.7, 4-17-1995)

Sec. 14.2-38. - Validity of approved site plan.

- (a) Approval of the final site plan is valid for a period of one year. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be null and void.
- (b) Upon written application, filed prior to the termination of the one year review period, the planning commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period, the length of which shall be determined by the planning commission but which shall not exceed one year.

(Ord. No. 5500, § 4.8, 4-17-1995)

Sec. 14.2-39. - Appeals of final site plan.

An appeal of a planning commission decision concerning a site plan shall be to the circuit court of the county.

(Ord. No. 5500, § 4.9, 4-17-1995)

Sec. 14.2-40. - Deviations from approved site plan.

Amendments to the approved final site plan may occur only under the following circumstances:

- (1) An applicant or property owner who has been granted final site plan approval shall notify the building department of any proposed amendment to such approved site plan.
- (2) Minor changes may be approved by the building department upon certification in writing to the planning commission that the proposed revision does not alter the basic design, compliance with the standards of section 14.2-36, nor any specified conditions of the plan as agreed upon by the planning commission. In considering such a determination, the building department shall consider the following to be a minor change:
 - a. For residential buildings, the size of structures may be reduced, or increased by up to five percent provided that the overall density of units does not increase;
 - b. Square footage of nonresidential buildings may be decreased, or increased by up to five percent or 10,000 square feet, whichever is smaller;
 - c. Horizontal and/or vertical elevations may be altered by up to five percent;
 - d. Movement of a building or buildings by no more than ten feet;
 - e. Designated "areas not to be disturbed" may be increased;
 - f. Plantings approved in the final site plan landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis;
 - g. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.;

- h. Changes in floor plans which do not alter the character of the use;
 - i. Slight modification of sign placement or reduction of size;
 - j. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design; and
 - k. Changes required or requested by the township for safety reasons shall be considered a minor change.
- (3) Should the building department determine that the requested modification to the approved site plan is not minor, the planning commission shall be notified in writing that the site plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the site plan and submit to the building department for resubmission to the planning commission.
- (4) Should the planning commission determine that the modification to the site plan has an impact off-site, that was originally shown on the site plan, a new submittal shall be required.
- (5) Any deviation from the approved site plan, except as authorized in section 14.2-36(2) shall be considered a violation of this article and treated as a civil infraction.

(Ord. No. 5500, § 4.10, 4-17-1995; Ord. No. 14.2-40(5), § 1, 10-2-2017)

Secs. 14.2-41—14.2-54. - Reserved.

DIVISION 3. - ZONING BOARD OF APPEALS

Footnotes:

--- (3) ---

State Law reference— *Zoning board of appeals, MCL 125.3601 et seq.*

Sec. 14.2-55. - Establishment.

A zoning board of appeals, hereinafter in this division sometimes referred to by the term "board of appeals," is hereby established pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.), the composition, powers and duties of which are prescribed in this division.

(Ord. No. 5500, § 27.1, 4-17-1995)

Sec. 14.2-56. - Applicability of state statute.

Public Act No. 110 of 2006 (MCL 125.3101 et seq.) is hereby adopted and made part of this division and the terms of the statute shall prevail, except as modified by the terms of this chapter which are not in direct conflict thereto.

(Ord. No. 5500, § 27.2, 4-17-1995)

Sec. 14.2-57. - Members.

- (a) The board shall consist of five regular members appointed by the township board. The first regular member shall be a member of the planning commission. One regular member may be a member of the township board. The remaining regular members of the board of appeals and alternate members shall be selected from the electors of the township. The members selected shall be representative of the population distribution and of various interests

present in the township. Terms shall be for three years, except for members serving because of their membership on the planning commission or township board, whose terms shall be limited to the time they are members of the planning commission or township board, respectively, and the period stated in the resolution appointing them.

- (b) The township board may appoint not more than two alternate members for the same term as regular members to the board of appeals. An alternate member may be called by the chairman, or in the absence of the chairman by the vice-chairman, or in the absence of the vice-chairman by the secretary, to serve as a regular member of the board of appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two or more consecutive meetings of the board of appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the board of appeals.
- (c) Any vacancies shall be filled by the township board for the unexpired term.
- (d) A member of the zoning board of appeals may be removed by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(Ord. No. 5500, § 27.3, 4-17-1995)

Sec. 14.2-58. - Meetings; quorum; procedure.

- (a) Meetings of the board of appeals shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of appeals shall be open to the public. The board shall maintain a record of its proceedings which shall be filed in the office of the township clerk and shall be a public record.
- (b) The board is hereby authorized to establish its own rules of procedure and to elect a chairman, vice-chairman and a secretary.
- (c) A board of appeals shall not conduct business unless a majority of the regular members of the board is present.

(Ord. No. 5500, § 27.4, 4-17-1995)

Sec. 14.2-59. - Jurisdiction and duties.

- (a) The board of appeals shall act upon all questions as they may arise in the administration of this chapter, including the interpretation of the zoning map and the precise location of the boundary lines between zoning districts as they are displayed on the zoning map.
- (b) The board of appeals shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative office or body charged with enforcement of this chapter.
- (c) The board of appeals shall hear and decide all matters referred to it or upon which it is required to pass under this chapter.

(Ord. No. 5500, § 27.5, 4-17-1995)

Sec. 14.2-60. - Appeals, how taken.

- (a) An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the township, county or state.
- (b) An appeal shall be taken within such reasonable time as shall be prescribed by the board by general rule, and if no general rule has been adopted, within 60 days of the order, requirements or determination of an administrative official, by the filing with the building department and with the board of a notice of appeal specifying the grounds thereof. The building department shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. Filing with the secretary of the board the notice of appeal, or, in the absence of the secretary filing of the same with the chairman or presiding officer, shall satisfy the provision of this section that a copy of the notice of appeal be filed with the board.

(Ord. No. 5500, § 27.6, 4-17-1995)

Sec. 14.2-61. - Jurisdiction, powers and duties.

The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the zoning board of appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this chapter shall be observed, public safety secured, and substantial justice done. Nothing herein contained shall be construed to give or grant to the board of appeals the authority to make changes in the zoning chapter or the zoning map acting under the authority of appeal board. The power and authority to rezone is reserved to the township board in the manner provided by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 5500, § 27.7(1), 4-17-1995)

Sec. 14.2-62. - Stay.

An appeal stays all proceedings in furtherance of the action appealed from, unless the building department certifies to the board after the notice of appeal shall have been filed with him that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the board or by the circuit court for the county, on application, on notice to the building department.

(Ord. No. 5500, § 27.7(2), 4-17-1995)

Sec. 14.2-63. - Time of hearing; notice of hearing.

The board shall fix a reasonable time for the hearing of the appeal and shall give notice as required by article VI of Public Act No. 110 of 2006 (MCL 125.3601 et seq.).

(Ord. No. 5500, § 27.8, 4-17-1995)

Sec. 14.2-64. - Variance, application.

The following materials shall be filed with the building department with the request for a variance:

- (1) A completed application form signed by the applicant or his agent. Applicants other than the owner of the property must submit evidence that the owner of the property is aware and approves of the application.
- (2) A legal description of the property involved in the request.

(3) A site plan, drawn to scale, sufficient to show the nature and extent of the requested variance.

(Ord. No. 5500, § 27.9, 4-17-1995)

Sec. 14.2-65. - Appearance.

Any interested party may appear and be heard at the board of appeals hearing in person or by any agent or attorney.

(Ord. No. 5500, § 27.10, 4-17-1995)

Sec. 14.2-66. - Limitation on powers of appeal.

(a) The board shall not have the power to alter or change the zoning district classification of any property except as provided in section 14.2-59.

(b) Appeals from decisions of the planning commission regarding special land uses or planned unit developments shall not be permitted.

(Ord. No. 5500, § 27.11, 4-17-1995)

Sec. 14.2-67. - Powers of board of appeals.

(a) The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.

(b) Approval of variance.

(1) Granting of a use variance is essentially the same as changing the zoning of a property. As such they shall be considered in a manner similar to rezoning. Use variances should be evaluated using the following criteria:

- a. Is the proposed use consistent with the uses called for in the master plan for that property?
- b. Is the proposed use compatible with uses on surrounding properties? It is also compatible with all of the other uses permitted in that zoning district?
- c. Is the property capable of being used for a use already permitted within the district? (If so, there is no need for the uses variance.)

(2) No variance from or modification of the provisions or requirements of this chapter shall be authorized by the board unless it shall find from the evidence in the record that practical difficulties or unnecessary hardships exist. The following conditions shall exist in review of a variance request:

- a. That the need to vary or modify the provisions or requirements of this chapter arises from exceptional or extraordinary circumstances or conditions of the subject property, such as exceptional narrowness, shallowness, shape, topography or areas, which are peculiar to the subject property and not generally applicable to other property in the same zoning district.
- b. The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
- c. That the exceptional or extraordinary circumstances or conditions do not result from the actions of the applicant. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- d. That the granting of such variance will not be of substantial detriment to adjoining property or the public good and will not materially impair the intent and purpose of this chapter.

- (c) Reasonable conditions may be required with the approval of a variance. The conditions may include conditions necessary to insure that public services and facilities affected by variance will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
- (1) Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - (3) Be necessary to meet the intent and purpose of the chapter, be related to the standards established in the chapter for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- (d) The conditions imposed with respect to the approval of a variance shall be recorded in the record of the approval action, and shall remain unchanged except upon the consent of the board of appeals following a public hearing. The approving authority shall maintain a record of conditions which are changed.
- (e) Nothing herein contained shall be construed to give or grant to the board of appeals the authority to make changes in the text of this chapter or the zoning map. The power and authority to amend the ordinance from which this chapter is derived is reserved to the township board in the manner provided by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 5500, § 27.12, 4-17-1995)

Sec. 14.2-68. - Decisions.

The decision of the board shall not become final until the expiration of five days from the date of entry of the order, unless the board shall find the immediate effect of the order is necessary for preservation of property or personal rights and shall so certify on the record.

(Ord. No. 5500, § 27.14, 4-17-1995)

Sec. 14.2-69. - Forms of decisions.

In its decisions the board shall state a finding of facts underlying its decisions.

(Ord. No. 5500, § 27.15, 4-17-1995)

Sec. 14.2-70. - Making of record.

Decisions of the board of appeals may be appealed to the appropriate court on the record and for that reason the board shall cause a record to be made of its proceedings.

(Ord. No. 5500, § 27.16, 4-17-1995)

Sec. 14.2-71. - Orders; validity, limitations.

- (a) No order of the board permitting a use of a building or premises shall be valid for a period longer than one year

unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to a completion in accordance with the terms of such permit.

- (b) No order of the board permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that if the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
- (c) The board of appeals may put a time limit on a use variance. If a use authorized by a variance ceases for a period of six months, all rights under the variance are terminated.

(Ord. No. 5500, § 27.17, 4-17-1995)

ARTICLE 3. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 14.3-1. - Districts established.

The township is hereby divided into the following districts:

| | |
|------|-------------------------------|
| R-1A | Single-Family Residential |
| R-1B | Single-Family Residential |
| R-1C | Single-Family Residential |
| R-1D | Single-Family Residential |
| RM-1 | Multiple-Family Residential |
| RMH | Manufactured/Mobile Home Park |
| EH | Elderly Housing Residential |
| O-1 | Office/Service |
| C-1 | Local Business |
| C-2 | General Business |
| C-3 | Highway Service |

| | |
|-----|--------------------------|
| IND | General Industrial |
| AD | Airport Service District |
| P | Parking |

(Ord. No. 5500, § 5.1, 4-17-1995; Ord. No. 5574, § 1, 9-6-2005)

Sec. 14.3-2. - Zoning map.

The boundaries of these districts are shown upon the map attached hereto and made a part of this chapter, which said map is designated as the official zoning map of the township. The zoning map shall be maintained and kept on file with the township clerk, and all notations, references, and other information shown thereon are a part of this chapter and have the same force and effect as if the said zoning map and all such notations, references and other information shown thereon were fully set forth or described herein.

(Ord. No. 5500, § 5.2, 4-17-1995)

Sec. 14.3-3. - Interpretation of district boundaries.

(a) *Interpretation.*

- (1) Where district boundaries are indicated as approximately following street lines, or highway lines, right-of-way of streets or highways, the lines of such streets and highways or the centerline of said streets and highways shall be construed to be such boundaries.
- (2) District boundaries indicated as approximately following lot line, such lot lines shall be construed to be such boundaries.
- (3) Where the boundary of a district follows or terminates at a railroad line, such boundaries shall be deemed to be located or terminated at the rail right-of-way centerline.
- (4) Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be the district boundary line.

- (b) *Questions.* Questions concerning the exact location of district boundary lines shall be determined by the board of appeals after recommendation from the planning commission or the township board, according to rules and regulations which may be adopted by it.

(Ord. No. 5500, § 5.3, 4-17-1995)

Sec. 14.3-4. - Zoning of vacated area.

Whenever any street or other public way within the township is vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands shall automatically and without further governmental action acquire and be subjected to the same zoning regulations as are applicable to the lands to which same shall attach.

(Ord. No. 5500, § 5.4, 4-17-1995)

Sec. 14.3-5. - Schedule limiting height, bulk, density and area by zoning district.

The following regulations regarding lot sizes, yards, setbacks, building heights, and densities apply within the zoning districts as indicated, including the regulations contained in footnotes. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district which such building is located. No portion of a lot used in complying with the provisions of this chapter for yards, courts, lot area occupancy, in connection with on existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist of the same time.

| SCHEDULE OF REGULATIONS | | | | | | | | | | |
|-------------------------|--|--------------|-------------------------|------|--|------------------------------|------------------------|-----------|------|--|
| Zoning District | Minimum Lot Size Per Dwelling Unit Area in sq. ft. | Width in ft. | Maximum Building Height | | Maximum Coverage of Lot By All Bldgs. in Percent of Lot Area | Minimum Yard Setback in feet | | | | Minimum Floor Area Per Unit ^a |
| | | | Stories | Feet | | Front ^j | Least One ^a | Total Two | Rear | |
| R-1A Single-Family Res. | 20,000 | 100 | 2 | 25 | 30 | 40 | 15 | 30 | 50 | 1,400 |
| R-1B Single-Family Res. | 15,000 | 100 | 2 | 25 | 30 | 40 | 10 | 25 | 50 | 1,250 |
| R-1C Single-Family Res. | 10,500 | 80 | 2 | 25 | 30 | 30 | 10 | 20 | 35 | 1,080 |

| | | | | | | | | | | |
|--|--|----|---|----|----|---------|------------|------------|------|-----|
| R-1D Single-Family Res. | 7,200 | 60 | 2 | 25 | 30 | 25 | 5 | 15 | 35 | 960 |
| RMH Manufac./ Mobile Home Res. | Per mobile home commission rules and regulations | | | | | | | | | |
| RM-1 Multiple-Family Res. | b, d | | | | 30 | 50 | d, e, f, g | d, e, f, g | 25 g | a |
| C-1 Local Business | | | | 25 | | 40 h, i | g, h, i | g, h, i | 20 | |
| C-2 General Business | | | | 40 | | 40 h, i | h, i | h, i | 20 | |
| C-3 Highway Service | | | | 40 | | 40 h, i | h, i | h, i | 20 | |
| O-1 Office/ Service | | | | 25 | 30 | 40 | 10 | 20 | 25 | |
| AD Airport Service District | | | | 30 | | 40 h, i | 20 | 40 | 20 | |
| IND General Industrial | | | | 40 | | 40 h, i | 20 | 40 | 20 | |

NOTE: Refer to the township zoning ordinance for further clarification of footnotes to schedule of regulations.

(Ord. No. 5500, § 5.5, 4-17-1995; Ord. No. 5506, § 1(5.5), 6-3-1996)

Sec. 14.3-6. - Footnotes to schedule of regulations.

(a) In single-family residential, multiple-family residential, mobile home residential, local business, general business, highway service, office, industrial and airport districts, the required front yard setbacks shall not be used for off-street parking and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives. All yards abutting public street shall be considered as front yards for setback purposes.

(b) Minimum land area required for each multiple dwelling unit in the RM-1 District shall be:

| | |
|--------------------------------|--------------|
| Efficiency or one bedroom unit | 4,200 sq.ft. |
| Two bedroom unit | 4,900 sq.ft. |
| Three bedroom unit | 6,100 sq.ft. |
| Four or more bedroom unit | 7,300 sq.ft. |

(c) Minimum required floor space per dwelling unit in the RM-1 District each multiple dwelling structure shall be:

| | |
|-------------|------------|
| Efficiency | 450 sq.ft. |
| One Bedroom | 700 sq.ft. |
| Two Bedroom | 900 sq.ft. |

| | |
|----------------------|--|
| <p>Three Bedroom</p> | <p>1,000 sq.ft.plus an additional 100 sq.ft. for each bedroom in excess of three bedrooms in any unit. The minimum required horizontal floor area of any bedroom shall not be less than 100 sq.ft.</p> |
|----------------------|--|

(d) Buildings three stories and higher in the RM-1 District, minimum land area requirements for each multiple dwelling unit shall be:

| | |
|---------------------------------------|---------------------|
| <p>Efficiency or one bedroom unit</p> | <p>900 sq.ft.</p> |
| <p>Two bedroom unit</p> | <p>1,350 sq.ft.</p> |
| <p>Three or more bedroom unit</p> | <p>1,800 sq.ft.</p> |

- (e) Each side yard shall be a minimum of ten feet and this space shall be increased beyond ten feet by two feet for each ten feet or part thereof by which said dwelling structure exceeds 40 feet in overall dimension along the adjoining lot line. Maximum building length shall not exceed 200 feet.
- (f) Where two or more multiple, row or terrace dwelling structures are erected on the same lot or parcel, a minimum distance between any two structures shall be 30 feet plus one foot for each ten feet, or part thereof, by which the total length of that portion of the two structures lies opposite each other.
- (g) Buildings three stories or more in height shall have a minimum yard setback from front, side and rear property lines equal to the height of the building, but in no instance shall any yard setback be less than 50 feet.
- (h) Where residential district exists in the same block, there shall be provided a side yard setback of 20 feet for all

buildings, parking and loading areas. Where a residential district exists adjacent to a business district and on the same side of the street and/or where a residential district exists directly across the street from a business district, there shall be provided a side yard setback of 20 feet for all buildings, parking and loading areas. The required 20 foot setback area shall be open and unoccupied from the ground upward except for landscaping and vehicle access drives.

- (i) Loading space shall be provided in the side or rear yard, as specified in article 7, except that this regulation shall not be applicable to loading space provided totally within a building or structure which has door enclosures facing other than the front property line.
- (j) The front yard setback on Miller and Linden Roads shall be 60 feet but may be reduced by the planning commission if the development places parking on the side and rear of the lot.

(Ord. No. 5500, § 5.6, 4-17-1995; Ord. No. 5506, § 1(5.6), 6-3-1996; Ord. No. 5595, § 1, 9-2-2014)

Secs. 14.3-7—14.3-22. - Reserved.

DIVISION 2. - SINGLE-FAMILY RESIDENTIAL DISTRICTS R-1A, R-1B, R-1C, R-1D

Sec. 14.3-23. - Purpose.

The intent of these districts is to provide for single-family dwellings along with other residential related facilities which serve the residents in the district. Uses and requirements for these districts foster improvement of the living environment and ensure quality development.

(Ord. No. 5500, § 6.1, 4-17-1995)

Sec. 14.3-24. - Principal uses permitted.

Land, buildings and other structures shall be used only for one or more of the following specified uses:

- (1) Single-family dwelling, including manufactured homes. In single-family residential districts, only one principal building shall be placed on a lot of record;
- (2) Adult foster care family home;
- (3) Adult foster care small group home (1—6);
- (4) Foster family homes (1—4);
- (5) Foster family group homes (4—6);
- (6) Family day care home (1—6);
- (7) Family child care homes;
- (8) Essential public services;
- (9) Cemeteries which lawfully occupy land at the adoption of this chapter;
- (10) Public open space; and
- (11) Accessory buildings, structures and uses customarily incidental to any of the principal uses set forth in this section, as defined in section 14.5-6.

(Ord. No. 5500, § 6.2, 4-17-1995; Ord. No. 5506, § 1(6.2), 6-3-1996; Ord. No. 5595, § 1, 9-2-2014)

Sec. 14.3-25. - Special land uses.

The following uses are considered special land uses within these districts and may be approved by the planning commission subject to the applicable general and specific standards in article 6 of this chapter:

- (1) Public and semipublic institutional buildings, structures and uses, and public parks.
- (2) Essential public, semipublic buildings.
- (3) Primary and secondary schools, either public or private, providing general educational instruction as defined by state statutes.
- (4) Group child care homes as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (5) Colleges.
- (6) Home occupations.
- (7) Churches.
- (8) Golf courses and par three courses.
- (9) Bed and breakfast inns.
- (10) Group day care homes (7—12) provided they comply with the following:
 - a. Is located not closer than 1,500 feet to any of the following:
 1. Another licensed group child care home.
 2. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - b. Has appropriate fencing for the safety of the children in the group child care home as determined by the planning commission.
 - c. Maintains the property consistent with the visible characteristics of the neighborhood.
 - d. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10:00 p.m. and 6:00 a.m.
 - e. Meets the sign requirements of this chapter.
 - f. Meets off-street parking requirements of this chapter.
- (11) Accessory buildings, structures and uses customarily incidental to any of the special land uses set forth in this section, as defined in section 14.5-6.
- (12) Other uses of the same nature or class as those listed as either a principal use or special land use in this district which, as determined by the planning commission, are no more intense or detrimental to the surrounding area than those listed.
- (13) Zero lot line attached single-family housing.

(Ord. No. 5500, § 6.3, 4-17-1995; Ord. No. 5506, § 1(6.3), 6-3-1996; Ord. No. 5595, § 1, 9-2-2014)

Sec. 14.3-26. - Site development standards (as applicable).

- (a) Schedule of regulations; article 3, division 1 of this chapter.

- (b) Site plan review standards; article 2, division 2 of this chapter.
- (c) Parking and loading-unloading standards; article 7 of this chapter.
- (d) Sign standards; chapter 13.
- (e) Landscaping and screening; article 8 of this chapter.
- (f) Access management standards; article 9 of this chapter.

(Ord. No. 5500, § 6.4, 4-17-1995)

Secs. 14.3-27—14.3-42. - Reserved.

DIVISION 3. - RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 14.3-43. - Purpose.

The RM-1 multiple-family residential district is designed to permit a more intensive residential use of land with various types of attached single-family homes, townhouses, and garden apartments. These areas would be located near major thoroughfares for good accessibility and between single-family residential areas and other nonresidential uses. Various sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community.

(Ord. No. 5500, § 10.1, 4-17-1995)

Sec. 14.3-44. - Principal uses permitted.

Land, building and other structures shall be used only for one or more of the following specified uses:

- (1) Single-family dwellings, including manufactured homes;
- (2) Two-family dwellings;
- (3) Multiple-family dwellings;
- (4) Housing for the elderly;
- (5) State-licensed residential facilities;
- (6) Family child care homes;
- (7) Essential public services;
- (8) Adult foster care small group homes (7—12);
- (9) Adult foster care large group homes (13—20);
- (10) Accessory buildings, structures and uses customarily incidental to any of the principal uses set forth in this section, as defined in section 14.5-5.
- (11) All principal uses permitted in the R-1B district subject to the schedule of regulations, section 14.3-5.

(Ord. No. 5500, § 10.2, 4-17-1995; Ord. No. 5506, § 1(10.2), 6-3-1996; Ord. No. 5595, § 1, 9-2-2014)

Sec. 14.3-45. - Special land uses.

The following uses are considered special land uses within the district and may be approved by the planning commission, subject to the applicable general and specific standards in article 6 of this chapter:

- (1) Public and semi-public institution buildings, structures and uses, and public parks.
- (2) Essential public, semi-public buildings.
- (3) Primary and secondary schools, either public or private, providing general educational instruction as defined by state statutes.
- (4) Group child care homes as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (5) Colleges.
- (6) Home occupations.
- (7) Churches.
- (8) Golf courses and par three courses.
- (9) Bed and breakfast inns.
- (10) Accessory buildings, structures and uses customarily incidental to any of the special land use set forth in this section as defined in section 14.5-5.
- (11) Other uses of the same nature or class as those listed as either a principal use or special land use in this district which, as determined by the planning commission, are no more intense or detrimental to the surrounding area than those listed.
- (12) Congregate housing for the elderly.
- (13) Zero lot line attached single-family housing.

(Ord. No. 5500, § 10.3, 4-17-1995; Ord. No. 5506, § 1(10.3), 6-3-1996)

Sec. 14.3-46. - Site development standard.

- (a) Schedule of regulations; article 3, division 1 of this chapter.
- (b) Site plan review standards; article 2, division 2 of this chapter.
- (c) Parking and loading-unloading standards; article 7 of this chapter.
- (d) Sign standards; chapter 13.
- (e) Landscaping and screening; article 8 of this chapter.
- (f) Access management standards; article 9 of this chapter.

(Ord. No. 5500, § 10.4, 4-17-1995)

Secs. 14.3-47—4.3-62. - Reserved.

DIVISION 4. - MANUFACTURED HOME/MOBILE HOME PARK RMH

Footnotes:

--- (4) ---

State Law reference— *Mobile home commission act, MCL 125.2301 et seq.*

Sec. 14.3-63. - Purpose.

The intent of this division is to provide for additional variety in housing opportunities and choices in appropriate locations.

(Ord. No. 5500, § 12.1, 4-17-1995)

Sec. 14.3-64. - Principal uses permitted.

Land, building and other structure shall be used only for one or more of the following specified uses:

- (1) Mobile homes;
- (2) Manufactured homes;
- (3) Manufactured home/mobile home parks;
- (4) State-licensed residential facilities; and
- (5) Family child care homes.

(Ord. No. 5500, § 12.2, 4-17-1995)

Sec. 14.3-65. - Group child care homes.

Group child care homes as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206) are considered special land uses within the district and may be approved by the planning commission, subject to the applicable general and specific standards in article 26 of this chapter.

Sec. 14.3-66. - Review standards.

The planning commission shall review and approve procedures for a site plan as part of any rezoning request or prior to any permits being issued for the development of a manufactured or mobile home park. The planning commission shall consider the following:

- (1) Whether the proposal meets all applicable local codes, regulations, and ordinances, and applicable state and federal requirements.
- (2) Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
- (3) Whether the traffic characteristics of the proposed development can be expected to create a hazard or cause traffic operations of adjacent public streets to result in an unacceptable level of service.

(Ord. No. 5500, § 12.3, 4-17-1995)

Sec. 14.3-67. - Site development standard.

- (a) Site plan review standards; article 6 of this chapter.
- (b) Sign standards; chapter 13.
- (c) Landscaping and screening standards; article 8 of this chapter.
- (d) Access management standards; article 9 of this chapter.

(Ord. No. 5500, § 12.4, 4-17-1995)

Secs. 14.3-68—14.3-83. - Reserved.

DIVISION 5. - ELDERLY HOUSING RESIDENTIAL DISTRICT

Sec. 14.3-84. - Purpose.

The elderly housing district (EH) is designed to permit residential use of land, with recreational and cultural facilities and necessary accessory buildings, for uses providing services to the residents who must be 55 years or over, with certain exceptions.

(Ord. No. 5539, § 1(11.1), 12-6-1999)

Sec. 14.3-85. - Uses permitted.

No structure, or part thereof, shall be erected, altered or used, and no land shall be used, except for the following:

- (1) Residential accommodations, including units in apartment houses, garden apartments and townhouses, but not including motels, roominghouses, single-family dwellings, or tourist homes. Dwelling units may be the one-room-efficiency type or may have one or two bedrooms. In no event, however, shall a dwelling unit have more than two bedrooms, nor shall the number of efficiency-type apartments exceed 25 percent of the total dwelling units. All rooms of a dwelling unit must be on one level.
- (2) Recreational and cultural facilities for the sole use of residents and their guests, which may include but are not limited to the following: lakes, golf courses, picnic grounds, sitting areas, group game areas and swimming pools.
- (3) Accessory uses. Necessary accessory buildings for the housing of items related to the operation of the senior housing project. Uses, such as barbershops, cafeterias, libraries, medical offices and other similar on-site services to be rendered for the benefit of the residents. All services must be contained inside the building.
- (4) Occupancy of the dwelling units shall be limited to persons who are 55 years of age or over, with the following exceptions:
 - a. A husband or wife under the age of 55 years who is residing with his spouse who is 55 years of age or over.
 - b. Age limit of children or grandchildren visiting with qualified residents shall be determined by management of the facility.
 - c. Adults under 55 years of age may be admitted as permanent residents if it is established to the satisfaction of the board of appeals that the presence of such person is essential for the physical care or economic support of eligible older persons.

(Ord. No. 5539, § 1(11.2), 12-6-1999)

Sec. 14.3-86. - Site development.

A site development plan shall meet at least the following minimum requirements:

- (1) *Minimum area.* The minimum area shall be five acres, except that an area of less than five acres may be added to an existing elderly housing district if it is adjacent thereto.
- (2) *Residential density.* There shall be a minimum area of 4,200 square feet of land zoned elderly housing district for each dwelling unit.
- (3) *Building area.* Principal and accessory buildings shall together not cover more than 30 percent of the gross area.
- (4) *Habitable area.* Each dwelling unit shall contain the minimum habitable floor area as follows:

| | |
|--------------------------|-----------------|
| One room efficiency unit | 550 square feet |
|--------------------------|-----------------|

| | |
|------------------|-----------------|
| One bedroom unit | 550 square feet |
| Two bedroom unit | 720 square feet |

The planning commission may take into consideration the room sizes based on the overall square footage of the dedicated central area. In no case will the central area be less than 50 square feet per unit.

- (5) *Height.* No building shall exceed two stories and 25 feet in height. There shall be no height limit on flag poles, domes, spires, chimneys, skylights, water tanks, elevator shaft enclosures, television antennas and other necessary appurtenances usually placed above the roof level, provided that they shall be erected only to the minimum height necessary to accomplish the purpose they are intended to serve and which present no hazard to abutting properties. Such bulky appurtenances as elevator shaft enclosures shall be enclosed within walls of material and designed in harmony with the main walls of the building on or near which they are located. All height restrictions are also subject to the airport ordinance.

(Ord. No. 5539, § 1(11.3), 12-6-1999)

Sec. 14.3-87. - Site development standard.

- (a) Schedule of regulations; article 3, division 1 of this chapter.
- (b) Site plan review standards; article 2, division 2 of this chapter.
- (c) Parking and loading-unloading standards; article 7 of this chapter.
- (d) Sign standards; chapter 13.
- (e) Landscaping and screening; article 8 of this chapter.
- (f) Access management standards; article 9 of this chapter.

(Ord. No. 5539, § 1(11.4), 12-6-1999)

Secs. 14.3-88—14.3-104. - Reserved.

DIVISION 6. - OFFICE/SERVICE DISTRICT O-1

Sec. 14.3-105. - Purpose.

The O-1 office district is intended to concentrate a variety of office uses of a business and professional nature, and personal and professional service activities compatible with office uses. This district is intended to provide a transition between commercial districts and the adjacent residential districts.

(Ord. No. 5500, § 13.1, 4-17-1995)

Sec. 14.3-106. - Principal permitted uses.

In the O-1 office district, land, buildings and other structures shall be used for one or more of the following specified uses:

- (1) Banks, savings and loans, and credit unions, including those with drive-through facilities;

- (2) Professional offices such as medical, including clinics, but excluding veterinary clinics, and dental, chiropractors, opt osteopaths and similar or allied professions;
- (3) Professional services such as insurance, real estate, legal, financial, and similar or allied professions;
- (4) Public and semipublic institutional buildings, structures and uses, and public parks;
- (5) Personal service establishments when located within an office building and occupying no more than 25 percent of the gross floor area of the building. Such uses may include snack shops, barber and beauty shops, pharmacy, shoe shine and repair, postal service centers, copy centers, 24-hour banking centers/ready tellers and similar establishments compatible with office uses as determined by the planning commission;
- (6) Exterior 24-hour banking centers/ready tellers which are separate from a financial institution;
- (7) Essential public services;
- (8) Accessory buildings, structures and uses customarily incidental to any of the principle uses, as defined in section 14.5-5.

(Ord. No. 5500, § 13.2, 4-17-1995)

Sec. 14.3-107. - Special land uses.

The following uses shall be considered special land uses within the office-service districts and may be approved by the planning commission subject to the applicable general and specific standards in article 6:

- (1) Hotels and motels.
- (2) Essential public service buildings.
- (3) Restaurants, including drive-through facilities.
- (4) Child care centers.
- (5) Mixed use site condominiums.
- (6) Hospitals.
- (7) Indoor recreational establishments.
- (8) Funeral homes.
- (9) Churches.
- (10) Accessory buildings, structures and uses customarily incidental to any of the special land use as defined in section 14.3-5.
- (11) Other uses of the same nature or class as those listed as either a principal use or special land use in this district which, as determined by the planning commission, are no more intense or detrimental to the surrounding area than those listed.

(Ord. No. 5500, § 13.3, 4-17-1995)

Sec. 14.3-108. - Site development standards.

- (a) Schedule of regulations; article 3, division 1 of this chapter.
- (b) Site plan review standards; article 2, division 2 of this chapter.
- (c) Parking and loading-unloading standards; article 7 of this chapter.
- (d) Sign standards; chapter 13.
- (e) Landscaping and screening; article 8 of this chapter.

(f) Access management standards; article 9 of this chapter.

(Ord. No. 5500, § 13.4, 4-17-1995)

Secs. 14.3-109—14.3-124. - Reserved.

DIVISION 7. - LOCAL BUSINESS DISTRICT C-1

Sec. 14.3-125. - Purpose.

The C-1 local business district is intended for the convenience shopping needs of persons residing in nearby residential areas. The intent of this district is to concentrate businesses that harmonize with the character of the surrounding uses and to prohibit uses which might create traffic hazards, offensive noises and late hours of operation.

(Ord. No. 5500, § 15.1, 4-17-1995)

Sec. 14.3-126. - Principal uses permitted.

In the local business district, land, buildings and other structures shall be used only for one or more of the following specified uses, all such uses shall deal directly with consumers; all business, servicing or processing, except for off-street parking and loading, shall be conducted on the premises within a completely enclosed building:

- (1) Retail food establishments which supply groceries, fresh produce, meats, dairy products, baked goods, confections or similar commodities for consumption off the premises. Food stuffs may be prepared on the premises as an accessory use if sold at retail prices on premises;
- (2) Retail businesses such as drug stores, dry goods, clothing, hardware, music, book stores, and gift shops;
- (3) Personal service establishments such as small electronics repair shops, shoe repair, tailors, hair styling salons, photographers studios, copy centers, postal centers and dry cleaners;
- (4) Essential public services;
- (5) Banks, savings and loans, and credit unions (not including drive-through branches);
- (6) Medical clinics;
- (7) Professional offices such as: medical, dental, chiropractors, osteopaths and similar or allied professions;
- (8) Public and semipublic institutional buildings, structures and uses, and public parks;
- (9) Funeral homes;
- (10) Churches;
- (11) Convenience stores without gasoline service; and
- (12) Accessory buildings, structures and uses customarily incidental to the principal uses set forth in this section, as defined in section 14.5-5.

(Ord. No. 5500, § 15.2, 4-17-1995)

Sec. 14.3-127. - Special land uses.

The following uses are considered special land uses within the local business district and may be approved by the planning commission subject to the applicable general and specific standards in article 6 of this chapter:

- (1) Essential public service buildings.
- (2) Child care centers.
- (3) 24-hour banking centers/ready tellers which are separate from a financial institution.
- (4) Banks, savings and loans, credit unions and other facilities, with drive-through facilities.
- (5) Bed and breakfast inns.
- (6) Accessory buildings, structures and uses customarily incidental to the special land uses set forth in this section, as defined in section 14.5-5.
- (7) Other uses of a similar nature or class as those listed as either a principal use or special land use in this district which, as determined by the planning commission, are no more intense or detrimental to the surrounding area than those listed.

(Ord. No. 5500, § 15.3, 4-17-1995)

Sec. 14.3-128. - Site development standards.

- (a) Schedule of regulations; article 3, division 1 of this chapter.
- (b) Site plan review standards; article 2, division 2 of this chapter.
- (c) Parking and loading-unloading standards; article 7 of this chapter.
- (d) Sign standards; chapter 13.
- (e) Landscaping and screening; article 8 of this chapter.
- (f) Access management standards; article 9 of this chapter.

(Ord. No. 5500, § 15.4, 4-17-1995)

Secs. 14.3-129—14.3-144. - Reserved.

DIVISION 8. - GENERAL BUSINESS DISTRICT C-2

Sec. 14.3-145. - Purpose.

The C-2, general business district is intended to accommodate commercial establishments that serve community-wide shopping and service needs. These districts are intended to create cohesive commercial areas that take advantage of access provided by the township's transportation system. These districts also provide convenient vehicles access between businesses in attractive setting and service to discourage undesirable strip commercial development.

(Ord. No. 5500, § 16.1, 4-17-1995)

Sec. 14.3-146. - Principal uses permitted.

In the general business district land, buildings and other structures shall be used for one or more of the following specified uses:

- (1) Retail food establishments, including convenience stores, whose principal activity is within a wholly enclosed building which supply: groceries, fresh produce, meats, dairy products, baked goods, confections or similar commodities for consumption off the premises. Food stuffs may be prepared on the premises as an accessory use if sold at retail prices on premises.

- (2) Retail businesses conducted entirely within an enclosed building such as: drug stores, liquor, dry goods, clothing, furniture, hardware, music, book stores, and gift shops.
- (3) Personal service establishments such as, but not limited to, small electronics repair shops, shoe repair, tailors, hair styling salons, photographers studios, film processing outlets, copy centers, interior decorators, postal centers, self-service laundry and dry cleaners.
- (4) Newspaper offices, publishing, and commercial printers.
- (5) Churches.
- (6) Restaurants and other establishments serving food and/or beverages, excluding restaurants with drive-in and drive-through facilities.
- (7) Private clubs, lodge halls, theaters, cinemas, and similar such assembly buildings when completely enclosed.
- (8) Funeral homes.
- (9) Indoor recreational establishments.
- (10) Banks, savings and loans, and credit unions, including drive-through facilities.
- (11) Medical clinics.
- (12) Professional offices such as medical and dental, chiropractors, osteopaths, and similar or allied professions.
- (13) Professional services such as insurance, real estate, legal, financial, and similar or allied professions.
- (14) Public and semipublic institutional buildings, structures and uses, and public parks.
- (15) Hotels and motels.
- (16) Video rental establishments.
- (17) 24-hour banking centers/ready tellers which are separate from a financial institution.
- (18) Convenience stores without gasoline service.
- (19) Essential public services.
- (20) Essential public service buildings.
- (21) Essential public service storage yards.
- (22) Accessory buildings, structures and uses customarily incidental to the principal uses set forth in this section, as defined in section 14.5-5.

(Ord. No. 5500, § 16.2, 4-17-1995)

Sec. 14.3-147. - Special land uses.

The following uses shall be considered special land uses within the general business district and may be approved by the planning commission subject to the applicable general and specific standards in article 6 of this chapter:

- (1) Automobile dealerships, new and used car sales.
- (2) Garden centers and nurseries, provided that all outdoor storage areas are screened according to the standards of article 8 of this chapter.
- (3) Building and lumber supply, provided that the use is primarily for the storage and sale of retail goods, and excludes manufacturing, processing, planing or milling operations, provided that all outdoor storage areas are screened according to the standards of article 8 of this chapter.
- (4) Automobile service stations.
- (5) Automobile and body repair stations.

- (6) Restaurants and other business establishments utilizing drive-in or drive-through facilities.
- (7) Golf driving ranges and miniature golf courses.
- (8) Veterinary hospitals, clinics and commercial kennels, provided that all activities are conducted within a completely enclosed building.
- (9) Child care centers.
- (10) Open air businesses.
- (11) Commercial schools including art and dance studios, music and voice schools, business schools, and other types of schools not providing general education instruction.
- (12) Convenience stores, with gasoline service.
- (13) Accessory buildings, structures and uses customarily incidental to the special land uses set forth in this section, as defined in section 14.5-5.
- (14) Other uses of the same nature or class as those listed as either a principal use or special land use in this district which, as determined by the planning commission, are no more intense or detrimental to the surrounding area than those listed.

(Ord. No. 5500, § 16.3, 4-17-1995)

Sec. 14.3-148. - Site development standards.

- (a) Schedule of regulations; article 3, division 1 of this chapter.
- (b) Site plan review standards; article 2, division 2 of this chapter.
- (c) Parking and loading-unloading standards; article 7 of this chapter.
- (d) Sign standards; chapter 13.
- (e) Landscaping and screening; article 8 of this chapter.
- (f) Access management standards; article 9 of this chapter.

(Ord. No. 5500, § 16.4, 4-17-1995)

Secs. 14.3-149—14.3-164. - Reserved.

DIVISION 9. - HIGHWAY SERVICE DISTRICT C-3

Sec. 14.3-165. - Purpose.

The C-3 highway service district is intended to permit more extensive business and entertainment activities than that permitted in the local and general business districts. The permitted uses would need more off-street parking and loading and planning to integrate such districts with adjacent residential areas. Such C-3 districts reflect primarily existing shopping concentrations and other commercial uses along major highway, and at freeway interchanges.

(Ord. No. 5500, § 17.1, 4-17-1995)

Sec. 14.3-166. - Principal uses permitted.

In the highway service district land, buildings and other structures shall be used for one or more of the following specified uses:

- (1) All permitted principal uses in the C-2 district and special land uses.
- (2) Automobile wash establishments.
- (3) Bus passenger stations.
- (4) Outdoor automobile, mobile home, boat, trailer, or home equipment rental or sales.
- (5) Drive-in eating and drinking establishments and outdoor theaters.
- (6) Outdoor display and sale of garages, swimming pools and similar uses.
- (7) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar outdoor recreation uses.
- (8) Theaters, dancehalls, assembly halls or other similar places of assembly.
- (9) Hotels and motels.
- (10) Accessory buildings, structures and uses customarily incidental to the special land uses set forth in this section, as defined in section 14.5-5.
- (11) Other uses of the same nature or class as those listed as either a principal use or special land use in this district which, as determined by the planning commission, are no more intense or detrimental to the surrounding area than those listed.

(Ord. No. 5500, § 17.2, 4-17-1995)

Sec. 14.3-167. - Site development standards.

- (a) Schedule of regulations; article 3, division 1 of this chapter.
- (b) Site plan review standards; article 2, division 2 of this chapter.
- (c) Parking and loading-unloading standards; article 7 of this chapter.
- (d) Sign standards; chapter 13.
- (e) Landscaping and screening; article 8 of this chapter.
- (f) Access management standards; article 9 of this chapter.

(Ord. No. 5500, § 17.3, 4-17-1995)

Secs. 14.3-168—14.3-184. - Reserved.

DIVISION 10. - GENERAL INDUSTRIAL DISTRICT IND

Sec. 14.3-185. - Purpose.

The general industrial district is intended to primarily accommodate research, wholesale and warehouse activities, and light industrial operations whose external, physical effects are restricted to the district and in no manner affect in a detrimental way any of the surrounding districts. The IND, general industrial district is intended for the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted.

(Ord. No. 5500, § 18.1, 4-17-1995)

Sec. 14.3-186. - Principal uses permitted.

In the industrial district, no land or building shall be used and no building shall be erected except for one or more of the following specified uses:

- (1) Warehousing and wholesale establishments, and freight terminals.
- (2) The manufacture, assembly, compounding, processing, packaging or treatment from previously prepared materials, or repair, of such products as, but not limited to:
 - a. Bakery goods and candy;
 - b. Cosmetics, pharmaceuticals, and toiletries;
 - c. Hardware and cutlery;
 - d. Pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas;
 - e. Musical instruments, toys, and novelties;
 - f. Metal or rubber stamps, or other small molded rubber products;
 - g. Electrical appliances, electronic instruments and devices, and electronic consumer products;
 - h. Electric or neon signs;
 - i. Light sheet metal products, including heating and ventilating equipment, siding, and the like;
 - j. Textile goods;
 - k. Apparel and leather goods;
 - l. Furniture and fixtures;
- m. Printing and publishing;
- n. Tool, die, gauge, and machine shops;
- o. Experimental or testing laboratories;
- p. Railroad transfer and storage yards;
- q. Mini- or self-storage warehouses;
- r. Public and semi-public institutional buildings, structures and uses, and public parks;
- s. Essential public services;
- t. Essential public service buildings;
- u. Essential public storage yards; and
- v. Accessory buildings, structures and uses customarily incidental to any of the principal permitted uses set forth in this subsection.

(Ord. No. 5500, § 18.2, 4-17-1995)

Sec. 14.3-187. - Special land uses.

The following uses shall be considered special land uses within the IND, general industrial district and may be approved by the planning commission subject to the applicable general and specific standards in article 6:

- (1) Automobile body repair stations.
- (2) Lumber and planing mills.
- (3) Building materials and lumber supply sales and/or storage.

- (4) Sales, leasing, and storage of contractor's equipment and supplies.
- (5) Truck and trailer rental facilities.
- (6) Truck stops and service facilities.
- (7) Incinerators.
- (8) Metal plating, buffing and polishing.
- (9) Water filtration and wastewater treatment plants.
- (10) The assembly, manufacture, compounding, processing, packaging or treatment from previously prepared materials, or repair, of such products as, but not limited to:
 - a. Food products, excluding bakery goods and candy; and
 - b. Plastics.
- (11) Retail sales of goods assembled, manufactured, compounded, processed, packaged or treated from previously prepared materials, or repaired or stored, on the premises, provided the building floor area devoted to retail sales comprises no more than 25 percent of principal building floor area and the outdoor sales area comprises no more than 25 percent of the minimum required lot area.
- (12) Central dry cleaning plants.
- (13) Commercial outdoor storage.
- (14) The outdoor or indoor storage or parking of recreational vehicles such as antique or racing automobiles, boats, floats, trailers, camping or travel trailers, motorized homes, demountable travel equipment of the type adaptable to light duty trucks and other equipment or vehicles of a similar nature.
- (15) Private clubs, lodge halls, theaters, cinemas and similar such establishments when conducted within an enclosed building.
- (16) Landfills and recycling facilities.
- (17) Cogeneration plants.
- (18) Salvage yards.
- (19) Extractive operations (sand, gravel mining, etc.).
- (20) Accessory buildings, structures and uses customarily incidental to the special land uses set forth in this section, as defined in section 14.5-5.
- (21) Other uses of the same nature or class as those listed as either a principal use or special land use in this district which, as determined by the planning commission, are no more intense or detrimental to the surrounding area than those listed.
- (22) Regulated uses.

(Ord. No. 5500, § 18.3, 4-17-1995; Ord. No. 5586, § 1(18.3), 12-3-2007)

Sec. 14.3-188. - Industrial performance standards.

- (a) All activities and uses within the district shall be subject to such requirements, regulations, and performance standards as established by federal, state, county, and local laws.
- (b) Areas such as noise, water pollution, air contaminants, vibration, radioactive materials, open fires, flammable material, transmission equipment and hazardous waste shall meet standards and regulations established by federal, state, county and local agencies having jurisdiction.

(Ord. No. 5500, § 18.4, 4-17-1995)

Secs. 14.3-189—14.3-204. - Reserved.

DIVISION 11. - AIRPORT SERVICE DISTRICT AD

Footnotes:

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State Law reference— *Aeronautics code, MCL 259.1 et seq.; airport zoning act, MCL 259.431 et seq.*

Sec. 14.3-205. - Purpose.

Airport district is intended to accommodate and regulate those lands where public airports and ancillary facilities are located. It shall encourage desirable and appropriate land uses for areas located in proximity to major airports, to prevent the establishment of air space obstructions near airports, and to be establish other land use controls necessary to protect the health, safety and welfare of the people of the township consistent with the township's master plan.

(Ord. No. 5500, § 19.1, 4-17-1995)

Sec. 14.3-206. - Special land uses.

The following uses shall be considered special land uses within the AD, airport service district and may be approved by the planning commission subject to the applicable general and specific standards in article 6 and section 14.3-207:

- (1) Airport cargo facilities, and uses customarily related to airport operations and expansions.
- (2) Service establishments such as travel agencies, commercial parking lots and garages and automobile service stations.
- (3) Warehousing and storage facilities.
- (4) Industrial uses compatible with airport operations.
- (5) Administrative offices.
- (6) Airport cleaning and/or janitorial services.
- (7) Office buildings related to permitted uses and airport-related facilities.
- (8) Hotels/motels with convention and meeting room facilities.
- (9) Railroad offices and related facilities.
- (10) Buildings and uses of a public works, public service or public utility nature.
- (11) Trucking offices and terminals.
- (12) Other uses of the same nature or class as those listed as a special land use in this district, which as determined by the planning commission, are no more intense or detrimental to the surrounding area than those listed in this subsection.

(Ord. No. 5500, § 19.2, 4-17-1995)

Sec. 14.3-207. - Standards and regulations.

All structures and uses shall observe the following standards and limitations:

- (1) The maximum height of any structure shall be in accordance with current FAA standards and regulations.

- (2) No glare-producing material which is hazardous to aviation shall be used on the exterior of any structure, including building.
- (3) There shall be no display of signs which produce a flashing or blinking effect, nor shall any lighting project upward in a manner that would interfere with aircraft or would make it difficult for aircraft pilots to distinguish between airport lights and other lights.
- (4) Public assembly not associated with or accessory to the primary purpose of the structure or use shall not be permitted except for airport shows and airport related uses.
- (5) The use of the premises shall not create electrical interference with radio communication between the airport and aircraft or create interference with navigational aids employed by the airport or by aircraft.
- (6) The use of the premises shall not create a condition that impairs the visibility of aircraft pilots in the use of the airport.
- (7) No use shall be made of the premises which would endanger the landing, taking off or maneuvering of aircraft.
- (8) No use shall be made of the premises which would otherwise create an airport hazard.
- (9) Such uses shall not be noise sensitive to aircraft noise while taxing, taking off or landing.
- (10) No use shall be made of the premises which would attract birds or other wildlife.
 - a. Area and placement regulation shall be in accordance with the schedule of regulations in article 3 for the IND district of this chapter.
 - b. Parking regulations shall be in accordance with article 7 of this chapter.
 - c. Buffering techniques may be required by the township to separate special approval uses listed in this article from abutting incompatible uses and may include, but are not limited to, the following:
 1. Open outdoor storage is prohibited unless the use is properly screened or fenced.
 2. Berms may be required when the planning commission determines that noise abatement or additional visual screening is required.
 3. Parking lots shall be landscaped.
 - d. Roadway and public access shall be reviewed by the planning commission to consider traffic patterns, to eliminate an unreasonable increase in traffic hazards and assure public safety, for their placement, including the use of service road access.
 - e. Other factors. The planning commission shall consider the character of the flying operations at the airport, the traffic pattern and regulations affecting flying operations at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property is requested to be utilized and is adaptable.
 - f. Conflict. In the event of conflict between these airport zoning regulations and any other zoning regulations applicable to the same area, those limitations or requirements which may be determined by the planning commission to be most conducive to airport and air travel safety shall govern and prevail.

(Ord. No. 5500, § 19.3, 4-17-1995)

Sec. 14.3-208. - Site plan procedures for special land use requests.

Special land uses allowed within this district shall conform to the site plan review requirements of article 2, division 2 of this chapter, and the following procedures:

- (1) Procedures. Prior to approval of any development proposal in the airport zone, the following procedures must be

followed:

- (2) Development plan submission. Prior to submitting a formal application for approval of a proposed development plan, the owners shall confer with the building department to review the relationship between the proposed development plan and the surrounding land usage and the master plan, including:
 - a. The adequacy of the existing and proposed vehicular and pedestrian rights-of-way, utilities and other public facilities and services to service the development.
 - b. The character design and appropriateness of the following factors:
 1. Traffic control.
 2. Noise reduction.
 3. Sign and light control.
 4. Preservation of open space and visual corridors.
 5. Police and fire protection.
 6. Storm drainage.
 7. Landscaping.
 8. Fencing and screening.
 9. Other matters specifically related to the proposed development necessary to foster desirable living and working conditions and compatibility with the airport zone.
 - c. At such conference, the developer shall provide a sketch plan indicating the location of the proposed development and its relationship to surrounding properties. The advisory meeting should provide insight to both the developer and township staff regarding development problems which might otherwise result in costly plan revisions or unnecessary delay in development.
- (3) Preliminary development plan. Subsequent to the preapplication conference, the owner shall submit his formal application with five copies of a preliminary development plan to the planning commission, at least 20 working days prior to the meeting at which it is to be considered. This plan must cover the entire property under consideration. The department shall then schedule the matter to be heard at the next meeting of the planning commission.
- (4) The planning commission shall review the development plan with respect to its design and compatibility with surrounding uses and its conformity with this article. The planning commission may deny, approve, or approve with conditions. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration, which specifies the basis for the decision and any conditions imposed.
- (5) The conditions imposed by the planning commission may include those conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads used by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. The conditions imposed shall meet all of the following requirements:
 - a. Be designed to protect the natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land, use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or

activity.

- c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the airport district for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- d. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the landowner. The planning commission shall maintain a record of conditions which are changed.

(Ord. No. 5500, § 19.4, 4-17-1995)

Sec. 14.3-209. - Site development standards.

- (a) Schedule of regulations; article 3, division 1 of this chapter.
- (b) Site plan review standards; article 2, division 2 of this chapter.
- (c) Parking and loading-unloading standards; article 7 of this chapter.
- (d) Sign standards; chapter 13.
- (e) Landscaping and screening; article 8 of this chapter.
- (f) Access management standards; article 9 of this chapter.

(Ord. No. 5500, § 19.5, 4-17-1995)

Secs. 14.3-210—14.3-224. - Reserved.

DIVISION 12. - PARKING DISTRICT P

Sec. 14.3-225. - Uses permitted.

The following regulations apply to all parking districts P:

- (1) No land shall be zoned as parking district P except in conjunction with other lands in another zoning district which are adjacent or nearby and owned or occupied by the same person, firm or corporation. Lands zoned parking district P shall be limited to the sole use of providing customer or employee parking without charge for the nearby area owned or occupied by the same person, firm or corporation which the parking area serves.
- (2) Limitations.
 - a. No construction of any kind shall be permitted on areas zoned "parking district" except paving, curbing and ornamental tree and shrub plantings.
 - b. Whenever an area shall be zoned a parking district and is adjacent to any residential zoned area a living green screen buffer area at least ten feet in width shall be maintained along all adjacent residentially zoned areas and no parking or other vehicular use shall be permitted on such buffer area.
 - c. A living green screened buffer area shall be required along those areas fronting on a public street. Depth of the required green area shall be determined by the planning commission, however such depth shall not be less than 20 feet.

(Ord. No. 5574, § 2, 9-6-2005)

Secs. 14.3-226—14.3-239. - Reserved.

DIVISION 13. - PLANNED UNIT DEVELOPMENT PUD AND OPEN SPACE COMMUNITY

Footnotes:

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State Law reference— *Planned unit development, MCL 125.3503; open space preservation, MCL 125.3506.*

Sec. 14.3-240. - Purpose.

It is the intent of this division to provide for flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout and type of structure, achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities. In order to accomplish these objectives this division permits the relaxation or waiving of one or more of the zoning district requirements of the underlying district. The PUD also allows the developer the opportunity to mix compatible uses or residential type on a single property. The use of land, and the construction and use of buildings as a planned unit development shall be in conformance with the procedures, standards, requirements and conditions contained in this division.

(Ord. No. 5500, § 20.1, 4-17-1995)

Sec. 14.3-241. - Principal uses permitted.

Principal uses, permitted under the PUD, planned unit development standards are based on the underlying zoning district, as indicated as follows:

- (1) R-1A, R-1B, R-1C, R-1D and RM-1.
 - a. All principal uses of the underlying district shall be permitted. The list of permitted uses includes low density, medium density, multiple family dwellings, or a mixture of single and multiple dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment building, zero lot line configuration or any combination of these residential uses.
 - b. In addition, for sites having a minimum size of 20 acres up to ten percent of the total site acreage may be developed with uses permitted in the C-1 district. Such local business district uses must front a public street and be developed in conjunction with, or following, development of the residential uses.
- (2) C-2, C-3, O-1 and IND. All business, service, professional offices, light manufacturing, and other commercial uses, or any combination of these uses, listed as a principal permitted use in the underlying zoning district shall be permitted. In addition, other business, service, office, light manufacturing and residential uses may be permitted, if determined by the planning commission to be compatible with the other proposed PUD uses and surrounding uses. Location and acreage for each type of use shall be shown on the preliminary PUD site plan.

(Ord. No. 5500, § 20.2, 4-17-1995)

Sec. 14.3-242. - Special land uses.

All uses listed as special land uses in the underlying district shall be special land uses within the planned unit development designation.

(Ord. No. 5500, § 20.3, 4-17-1995)

Sec. 14.3-243. - Qualifying conditions.

The following provisions shall apply to all planned unit developments:

- (1) The planned unit development site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- (2) A PUD may be initiated only by the petitioner.
- (3) The proposed site must be at least ten acres in area.

(Ord. No. 5500, § 20.4, 4-17-1995)

Sec. 14.3-244. - Application and review procedure for preliminary PUD site plan and final pud site plan.

- (a) The application process for a PUD involves a three-step process.
 - (1) An optional preapplication workshop with the planning commission may be requested by the applicant. The purpose of this workshop is to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant requesting such a workshop shall request placement on the planning commission agenda.
 - (2) Submission of a preliminary PUD site plan for approval.
 - (3) Submission of a final PUD site plan for approval.
- (b) The applicant shall prepare and submit to the township clerk 12 copies of a preliminary PUD site plan, meeting the requirements of section 14.3-245 at least 20 days prior to the meeting at which the planning commission shall first review the request.
 - (1) The planning commission shall review the preliminary PUD site plan. During this review, the planning commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of section 14.3-246. The planning commission shall then, within 60 days of the submittal, make a recommendation on the preliminary PUD site plan. The applicant shall incorporate any modifications or conditions prior to submitting a final site plan to the planning commission.
 - (2) If any conditions are imposed upon the approval of the PUD preliminary PUD site plan by the planning commission, a list of those conditions shall be made part of the approval and shall be reflected in the final PUD site plan.
 - (3) Approval of the preliminary PUD site plan by the planning commission shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed three years from date of approval. This period may be extended by the planning commission for an additional three year period.
- (c) The applicant shall submit 12 copies of a detailed final PUD site plan to the township clerk, meeting the requirements of section 14.3-247 for all or any phase of the approved preliminary PUD site plan at least 20 days prior to the planning commission meeting at which the planning commission shall review the request.
 - (1) Upon submission of all required materials and fees, the planning commission shall hold at least one public hearing such as may be required by law, and shall approve, deny, or approve with conditions in accordance with the standards and regulations of this article, the final PUD site plan.
 - (2) If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the prior to the issuance of any building permits.
 - (3) If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final site plan approval may be granted on each phase of the development, provided that each phase contains all the

necessary components to insure the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. Subsequent phases shall also follow the process for final PUD site plan outlined in this section.

(Ord. No. 5500, § 20.5, 4-17-1995)

Sec. 14.3-245. - Preliminary PUD site plan submittal requirements.

The preliminary PUD site plan shall set forth the proposed uses to be developed in the planned unit development and the following specific information on a site plan:

- (1) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- (2) Written documentation that the proposal meets the standards of section 14.3-246.
- (3) A completed application form, supplied by the building department, and an application fee. A separate escrow deposit may be required for administrative charges to review the PUD submittal.
- (4) Sheet size of submitted drawings shall be at least 24 inches by 36 inches, with graphics at an engineers scale of one inch equals 20 feet for sites of 20 acres or less; and one inch equals 40 feet for sites of more than 20 acres.
- (5) Cover sheet providing:
 - a. The applicant's name;
 - b. Name of the development;
 - c. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the state;
 - d. Date of preparation and any revisions;
 - e. North arrow;
 - f. Property lines and dimensions;
 - g. Complete and current legal description and size of property in acres;
 - h. Small location sketch of the subject site and area within one-half; and scale;
 - i. Zoning and current land use of applicants property and all abutting properties and of properties across any public or private street from the PUD site;
 - j. Lot lines and all structures on the property and within 100 feet of the PUD property lines;
 - k. Location of any access points on both sides of the street within 100 feet of the PUD site along streets where access to the PUD is proposed.
- (6) A plan sheet indicating:
 - a. Existing locations of significant natural features, existing drainage patterns, floodplain areas, MDNR designated or regulated wetlands, nonregulated wetland areas two or more acres in size, and a tree survey indicating the location and diameter, in inches, measured four feet above grade, of landmark trees;
 - b. Existing and proposed topography at five foot contour intervals, or two foot contour intervals, two foot intervals required for final site plan, and a general description of grades within 100 feet of the site;
 - c. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths;
 - d. Existing buildings, utility services with sizes, and any public or private easements, noting those which will remain and which are to be removed;

- e. Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For residential developments, the number, type and density of proposed housing units;
 - f. General location and type of landscaping proposed, evergreen, deciduous, berm, etc. noting existing trees and landscaping to be retained; and
 - g. Size, type and location of proposed identification signs.
- (7) If a multi-phase planned unit development is proposed, identification of the areas included in each phase. For residential uses, identify the number, type, and density of proposed housing units within each phase.
- (8) Any additional graphics or written materials requested by the planning commission or township board to assist the township in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers for an average day and peak hour of the affected roadways; impact on significant natural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

(Ord. No. 5500, § 20.6, 4-17-1995)

Sec. 14.3-246. - Standards for approval for preliminary site plan.

Based upon the following standards, the planning commission may recommend denial, approval, or approval with conditions, and the township board may deny, approve, or approve with conditions the proposed planned unit development:

- (1) The planned unit development shall have a minimum size of ten contiguous acres.
- (2) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
- (3) The number and dimension of off-street parking spaces shall be sufficient to meet the minimum required by this chapter. However, where warranted by the shared parking arrangement, the planning commission may reduce the required number of parking spaces.
- (4) All streets and parking areas within the planned unit development shall meet the minimum construction and other requirements of township ordinance and county road commission.
- (5) Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- (6) Judicious effort shall be used to preserve significant natural features and the integrity of the land, including MDEQ-regulated and non-MDEQ-regulated wetlands.
- (7) The site shall have adequate lateral support so as to ensure there will be no erosion of soil or other material. The final determination as to adequate or need for, lateral support shall be made by the building department.
- (8) Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development.
- (9) Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided.
- (10) Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and

efficient traffic operations within the site and at its access points.

(11) The uses proposed shall be consistent with the township master plan.

(12) Sidewalks may be required.

(Ord. No. 5500, § 20.7, 4-17-1995)

Sec. 14.3-247. - Final PUD site plan submittal requirements.

The final PUD site plan shall include all the following information, unless the building department determines that some of the required information is not reasonably necessary for the consideration of the planned unit development:

- (1) The information required for the preliminary PUD site plan, section 14.3-245, including additional detail, as requested by the planning commission.
- (2) Application form and required fee.
- (3) A narrative indicating the period of time within which the project will be completed.
- (4) Building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures; typical layout for condominium projects.
- (5) Proposed locations of utility services with sizes, noting which will remain and which are to be removed, including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements.
- (6) General description and location of stormwater management system including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design slope of any retention/detention ponds. Placement of any stormwater structures or basins, and/or use of a wetland as a retention or detention pond, may require a permit from the MDNR.
- (7) A landscape plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.
- (8) A site grading plan with existing and proposed topography at a minimum of two foot contour intervals and with topography extending a minimum of 50 feet beyond the site in all directions and further where required to indicate stormwater runoff into an approved drain or detention/retention pond.
- (9) Location and method of screening for all refuse storage stations/dumpsters.
- (10) Location and dimensions of parking spaces, loading/unloading areas and calculations to meet the requirements of article 7 of this chapter.
- (11) Details of exterior lighting including locations, height, method of shielding.
- (12) Location of all signs including:
 - a. Location, type, height and method of lighting for identification signs;
 - b. Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the state manual of uniform traffic control devices.
- (13) Details of site circulation and access design, including:
 - a. Indication of street pavement widths and pavement type;
 - b. Street horizontal and vertical dimensions, including curve radii;
 - c. Dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street; and
 - d. Identification of width and material to be used for pedestrian paths.

- (14) Written verification of access easements or agreements, if applicable.
- (15) A note on each plan sheet stating "Not to be used as construction drawings."
- (16) Any additional graphics or written materials requested by the planning commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public primary and secondary schools and utilities; traffic impacts; impact on significant natural features and drainage; impact on the general area and adjacent property; and estimated construction cost.

(Ord. No. 5500, § 20.8, 4-17-1995)

Sec. 14.3-248. - Standards for approval of final site plan.

The planning commission shall use the standards for approval of article 4 of this chapter, site plan review standards, in reviewing the final PUD site plan.

(Ord. No. 5500, § 20.9, 4-17-1995)

Sec. 14.3-249. - Conditions of approval.

Any conditions imposed by the planning commission on the final site plan approval shall follow the procedures of article 2, division 2, site plan review standards, section 14.2-37.

(Ord. No. 5500, § 20.10, 4-17-1995)

Sec. 14.3-250. - Validity of approved final PUD site plan.

- (a) *Project commencement.* Construction on the approved final site plan, or for a phase thereof, shall be commenced and proceed in a reasonably diligent manner, within 18 months of approval. If the planned unit development has not commenced and proceeded beyond site grading to include, at a minimum, installation of footings or foundations and underground utilities at the end of that 18 month period, then the site plan shall be automatically invalid and void.
- (b) *Project completion.* The approved site plan shall remain valid for a three-year period following the date of final site plan approval.
- (c) *Extensions.* The three-year period for project completion may be extended for one year, if applied for by the petitioner and granted by the planning commission in writing following public notice and a public hearing. Failure on the part of the owner to secure the written extension shall result in a stoppage of all construction.

(Ord. No. 5500, § 20.11, 4-17-1995)

Sec. 14.3-251. - Appeals of final PUD.

- (a) An appeal of a planning commission decision concerning a PUD plan shall be to the township board.
- (b) The filing of an appeal of a decision of the planning commission concerning a PUD plan shall act to stay any building permit issued for improvements on the property which is the subject of the appeal.
- (c) On hearing such appeal, the township zoning board of appeals shall review the record before the planning commission and shall determine whether or not there was support on the record for the original decision. The appellant shall not have the right to present new evidence, but shall be bound by the record before the planning commission. The zoning board of appeals shall approve the PUD plan if the requirements of this division and other applicable township ordinances are met, and prepare written findings on its decision on the appeal.

(d) An appeal of a township zoning board of appeals decision concerning a PUD plan shall be to the circuit court of the county (Ord. No. 5500, § 20.12, 4-17-1995; Ord. No. 5500-01, §1.1, 3-4-2002)

Sec. 14.3-252. - Deviations from approved final PUD site plan.

Deviations from the approved final PUD site plan may occur only under the following circumstances:

- (1) An applicant or property owner who has been granted final PUD site plan approval shall notify the building department of any proposed amendment to such approved site plan.
- (2) Minor changes may be approved by the building department upon certification in writing to the planning commission that the proposed revision does not alter the basic design nor any conditions of the plan imposed upon the original approval by the planning commission. In considering such a determination, the building department shall consider the following to be a minor change:
 - a. For residential buildings, the size of structures may be reduced, or increased by five percent provided that the overall density of units does not increase;
 - b. Square footage of nonresidential buildings may be decreased, or increased by up to five percent or 10,000 square feet, whichever is smaller;
 - c. Horizontal and/or vertical elevations may be altered by up to five percent;
 - d. Movement of a building or buildings by no more than ten feet;
 - e. Designated "areas not to be disturbed" may be increased;
 - f. Plantings approved in the final PUD landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis;
 - g. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.;
 - h. Changes of building materials to another of higher quality, as determined by the building department;
 - i. Changes in floor plans which do not alter the character of the use;
 - j. Relocation of sidewalks and/or refuse storage stations;
 - k. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design; and
 - l. Changes required or request by the township board for safety reasons shall be considered a minor change.
- (3) Should the building department determine that the requested modification to the approved final PUD site plan is not minor, resubmittal to the planning commission shall be required.
- (4) Should the planning commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required.
- (5) Any deviation from the approved PUD site plan, except as authorized in section 14.3-251, shall be considered a violation of this division and treated as such. Further, any such deviation shall validate the PUD designation.

(Ord. No. 5500, § 20.13, 4-17-1995)

Sec. 14.3-253. - Open space preservation provision.

- (a) *Intent.* It is the intent of this division to allow flexibility in the regulation of land development beyond that contemplated in section 14.3-240. In addition to the purposes stated in section 14.3-240, it is the intent of this section to assure the permanent preservation of open space and other natural resources, to provide recreational

facilities within a reasonable distance of all residents of an open space community, to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner, and to encourage a less sprawling form of development, thus preserving open space as undeveloped land. In order to achieve this additional flexibility and accomplish the specified purpose this division permits the clustering of new homes on smaller lots. A group of residential structures so clustered is referred to as an open space community. If an open space community is developed this division requires that the home sites in that community be surrounded with permanently preserved open space.

(b) *Site criteria.*

- (1) An open space community may be located on any land zoned for residential development.
- (2) The open space community shall have direct access to an approved public roadway.
- (3) The open space community shall, to the extent possible, preserve significant size trees, mature woodland, wetlands and wildlife habitats.

(c) *Submission requirements.*

(1) *Parallel plan.*

- a. A parallel plan shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which the proposed development is to be located and the requirements of any and all state, county and township subdivision regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainageways, as regulated by federal, state, county or local agencies.
- b. The density within the parallel plan shall be set forth and conform to the following:
 1. Single-family residential/site condominium: lot size to be based on the requirements of the zoning district or as approved by the planning commission.
 2. Multifamily residential: lot size to be based on the requirements of the zoning district or as approved by the planning commission.
- c. It must be determined by the planning commission that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivision regulations should the open space community be denied or not constructed. If there is a question regarding water, sewer, septic, wetlands or floodplains, the planning commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of lots proposed is not feasible the parallel plan shall be revised and resubmitted, minus the necessary number of lots to render the plan feasible.

(2) *Site analysis plan.* A site analysis plan shall be submitted showing the following site features:

- a. Wetlands as determined by the state department of environmental quality;
- b. Water areas such as streams and ponds;
- c. Woodlands and farmlands;
- d. Soils and topography;
- e. Drainage patterns and drains;
- f. Wildlife habitats;
- g. Existing easements of record;
- h. Existing infrastructure; and
- i. Adjacent development within 200 feet.

- (3) *Conservation area analysis.* The site analysis elements listed in subsection (c)(2) of this section shall be used to outline primary and secondary conservation areas. The primary conservation areas include areas where no development is permitted. The secondary conservation areas are areas where development can occur but special care must be taken to minimize impacts.
- a. Primary conservation areas: floodplains, regulated wetlands or any other land that is regulated by the state department of environmental quality, the state department of natural resources, the Army Corps of Engineers, the United States Environmental Protection Agency, or any other regulatory body that has jurisdiction over land that cannot be used for the construction of housing, drainageways, easements, or other exceptional elements.
 - b. Secondary conservation areas: farmlands, woodlands, suspected or marginal wetlands, tree lines, soils sensitive to development, soils prone to flooding, aesthetic views.
 - c. Buildable areas: areas that are not dedicated to primary conservation areas may be treated as buildable areas. Housing sites should be located so as to complement the conservation areas.
- (4) *Open space plan.* An open space plan detailing the proposed housing layout shall be submitted. Housing units depicted on said plan shall not exceed the maximum number of housing units depicted on the parallel plan. All roads providing interior access to home sites shall also be shown. This plan must be drawn to scale but need not be scaled by an engineer or architect at this point in the review process. Furthermore, the open space plan shall, unless otherwise specifically provided for in this section, conform to all other applicable provisions of the township's zoning ordinance including, but not limited to, the use restrictions in the zoning districts and to the following Site design requirements:
- a. *Minimum yard setbacks.* The minimum yard setbacks shall be based on the requirements of the zoning district or as approved by the planning commission.
 - b. *Minimum open space.* A minimum of 50 percent of the gross land area shall be set aside in perpetuity as open space. Open space must remain in an undeveloped state. For purposes of this section, the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway or linear park. Land in an undeveloped state does also not include land within a setback for any specific lot.
 - c. *Maximum amount of unbuildable land used as open space.* A maximum of 50 percent of the total open space allotment may be primary conservation areas.
 - d. *Houses abutting the open space.* A minimum of 50 percent of all dwelling units within the development shall abut or overlook the dedicated open space.
 - e. *Access to open space.* Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to roadways, sidewalks or the remainder of the development.
 - f. *Natural area.* An undisturbed greenbelt shall be required around any natural features or farmland preserved within the common open space areas.
 - g. *Architectural and site element design.* Residential facades shall not be dominated by garages. At least 50 percent of residential units shall have side, rear or recessed entry garages where the front of the garage is at least five feet behind the front line of the living portion of the residence. The intent of encouraging recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the negative aesthetic impact resulting from the close clustering of units allowed under this section. Building elevations

shall be required for all structures other than single-family dwellings. Signage, lighting, entryway features, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and cohesive development. The planning commission may require street or site lighting where appropriate.

h. *Pedestrian circulation.* The open space community shall provide pedestrian access to all open space areas from all residential areas. Trails within the open space community may be constructed of gravel, woodchip or other similar material, but the planning commission may require construction of eight foot wide asphalt bike paths through portions of the development or along any public right-of-way abutting the open space community. Locations for school bus stops shall be provided on the site plan.

(d) *The review process.*

- (1) The planning commission shall determine whether the submitted parallel plan, the site analysis plan, the conservation area analysis and the open space plan meet all applicable regulations of the state land division act and township subdivision regulations.
- (2) The planning commission shall also confirm the accuracy and feasibility of the proposed development.
- (3) Upon determination by the planning commission that the submitted plans meet all applicable state, county and township regulations the developer may undertake the process for development of an open space community.

(e) *Dedication of open space.*

- (1) The minimum of 50 percent of the gross land area that is to be open space shall be set aside in an irrevocable conveyance that is acceptable to the township attorney and approved by the township's board of trustees such as a conservation easement as that term is defined in section 2140 of the natural resources and environmental protection act, MCL 324.2140, a plat dedication, a restrictive covenant, or other legal means that runs with the land.
- (2) The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurances for all open space areas, and facilities, projects and programs that are to take place in the open space areas. Included within that detail shall be methods of collection and payment.

(Ord. No. 5561, § 2, 12-16-2002)

ARTICLE 4. - CONDOMINIUM DEVELOPMENT STANDARDS

Footnotes:

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State Law reference— *Condominium act, MCL 559.101 et seq.*

Sec. 14.4-1. - Purpose.

The intent of this article is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This article is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership.

(Ord. No. 5500, § 24.1, 4-17-1995)

Sec. 14.4-2. - Application information.

The applicant shall furnish the following information:

- (1) All names, address and telephone numbers of:
 - a. The person, firm, corporation or other legal entity with an ownership interest in the land on which the project will be located together with a statement that the entity is a fee owner or land contract purchaser.
 - b. All engineers, attorneys, architects, and licensed land surveyors, involved in the condominium project.
 - c. The developer or proprietor of the project.
- (2) The legal description of the land including tax identification numbers.
- (3) The total acreage.
- (4) The intended use.
- (5) The number of units to be developed.
- (6) A copy of the proposed master deed.
- (7) Condominium project shall contain all information required by the Condominium Act.
- (8) The information shall be filed with the building department at the time the information is filed with the township clerk, and shall be kept current.

(Ord. No. 5500, § 24.2, 4-17-1995)

Sec. 14.4-3. - Condominium subdivision layout, design approval and fees.

- (a) The project developer shall furnish the building department with one copy of the proposed consolidated master deed, one copy of bylaws and two copies of the proposed plans for review for compliance with this chapter.
- (b) All condominium subdivision plans must be reviewed and approved by the Planning commission prior to submission to the township board for final approval.
- (c) All condominium subdivision plans shall conform to the plan preparation requirements, review and approval procedures, design, layout and improvement standards as set forth in section 12.3-2.
- (d) In determining whether to approve a condominium subdivision plan, the planning commission shall consult with and design, and compliance with all requirements of the flint township building department, township attorney, township engineer regarding the adequacy of the master deed, the "Condominium Act."
- (e) Upon approval by the planning commission, the condominium subdivision plan shall be submitted to the township board for final approval.
- (f) Submission of an as built plan of a condominium unit is required prior to occupancy. The building department may allow occupancy of the project before all improvements required are installed, provided that a bond is submitted to the township clerk sufficient in amount and type to provide for the installation of the improvements.
- (g) A fee of \$5.00 per lot in the condominium subdivision plan, but not less than \$350.00, shall be paid to the township at the time the condominium subdivision plan is submitted to the township for review and approval. Fees charged by the township engineer shall be paid separately by the applicant. A fee of \$50.00 shall be required for variance requests.
- (h) Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under article 3 of chapter 12.
- (i) Subdivision of condominium unit sites is prohibited and shall be made as part of the bylaws and recorded as part of the master deed.
- (j) All condominium projects shall comply with federal state and local laws, statutes and ordinances.

- (k) The condominium project shall comply with and meet all federal, state and county standards for a fresh water system a waste water disposal.
- (l) Prior to expansion or conversion of a condominium project to additional land and new phase must be approved by the planning commission.
- (m) A condominium project shall not be constructed in a manner that intentionally creates an encroachment.
- (n) Requests for variations from the road requirements of section 12.3-2(3) may be brought before the planning commission with complete construction drawings pre-approved by the building department.

(Ord. No. 5500, § 24.3, 4-17-1995)

ARTICLE 5. - SUPPLEMENTAL REGULATIONS

Sec. 14.5-1. - Required area or space.

- (a) No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this chapter. If already less than the minimum requirements of this chapter, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this chapter. Lots or yards created after the effective date of the ordinance form which this chapter is derived shall comply with the requirements of this chapter.
- (b) Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this chapter concerning required yards.

(Ord. No. 5500, § 3.1, 4-17-1995)

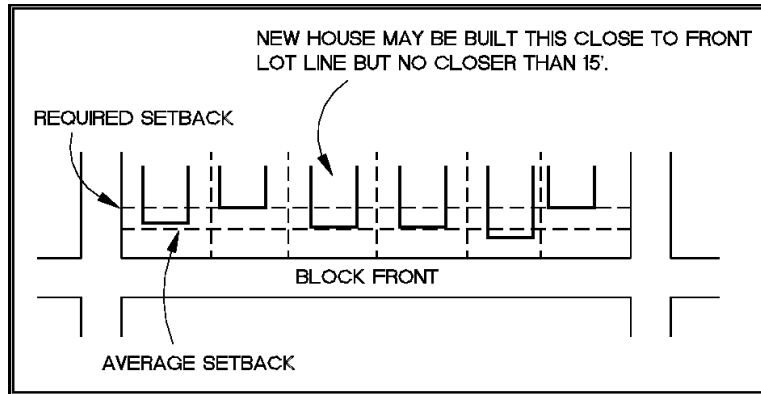
Sec. 14.5-2. - Projections into yards.

- (a) Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters and similar features may project:
 - (1) No further than three feet into a required front yard;
 - (2) No further than five feet into a required rear yard; and
 - (3) No further than two feet into a required side yard.
- (b) An unenclosed stoop, deck, balcony or window awning may project:
 - (1) No further than eight feet into a required front yard, and
 - (2) No further than 15 feet into a required rear yard.

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- (c) *Permitted exceptions to front yard setbacks.* In any residential zoning district the front yard requirements of a lot may be modified so as to equal the average front yard setback of existing principle structures along the same block front (or 200 feet either side of the lot in question, whichever is less) provided that the front yard setback shall not be less than 15 feet (see Figure 3.1).

Figure 3.1



- (d) Projection of such building appurtenances into a required side yard shall be prohibited. In no case shall a balcony, stoop, deck or awning be placed closer than five feet to any front or rear lot line.

(Ord. No. 5500, § 3.2, 4-17-1995; Ord. No. 5595, § 1, 9-2-2014)

Sec. 14.5-3. - Building height.

No building shall be erected, converted, enlarged, reconstructed, structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structure for the housing of elevators, stairways, tank, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than 15 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.

(Ord. No. 5500, § 3.3, 4-17-1995)

Sec. 14.5-4. - Required street frontage.

Any parcel of land which is to be occupied for residential use or building, other than an accessory use or building, shall have frontage upon a public street, right-of-way or legally recorded access easement which meets one of the following conditions:

- (1) A public street with a roadway which has been accepted for maintenance by the county, or
- (2) A permanent and unobstructed private easement which has been recorded prior to the adoption of this chapter, and a roadway meeting county standards for vehicular traffic, leading to a public street as defined under subsection (1) of this section, and sufficient to accommodate a driveway and turning radius consistent with the county road commission driveway permit standards.

(Ord. No. 5500, § 3.4, 4-17-1995; Ord. No. 5506, § 1(3.4), 6-3-1996)

Sec. 14.5-5. - Accessory buildings, structures and uses.

- (a) Accessory buildings, structures and uses are permitted only in connection with, incidental to, and on the same lot, with a principal building, structure or use which is permitted in the particular zoning district.

- (b) An accessory building, structure or use must be in the same zoning district as the principal building, structure or use on
- (c) Where the accessory building, structure or use is structurally attached to a principal building, structure or use, it shall be subject to all the regulations of this section applicable to principal buildings, structure and uses.
- (d) No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. No accessory building, structure or use may be placed on a lot without a principal building, structure or use.
- (e) No detached accessory building, structure or use shall be erected within a public street right-of-way, alley, or easement including all such sides of a corner lot.
- (f) No accessory building, structure or use shall be erected in any required yard except a rear yard, except that accessory buildings, structures and uses may be erected in any required side yard when set back a minimum of 75 feet from the front lot line.
- (g) No detached accessory building shall be located closer than ten feet to any principal building, structure or use, nor shall it be located closer than five feet from any side or rear lot line or public street right-of-way.
- (h) All accessory buildings, structures and uses combined shall cover no more than 30 percent of any rear yard.
- (i) No more than two detached accessory buildings shall be permitted on any lot.
- (j) The maximum building height of any detached accessory building shall be 14 feet, measured from the average height between the eaves and the ridge, except for antennas as in subsection (k) of this section.
- (k) The sum of all attached and/or detached accessory buildings shall not exceed the ground floor area of the dwelling unit.
- (l) Within all residential districts, the operation of garage sales, rummage sales, yard sales, and similar activities is permitted, provided that such sale is not operated for more than three days in a 30 day period and not more than twice per calendar year on the same property.

(Ord. No. 5500, § 3.5, 4-17-1995; Ord. No. 5506, § 1(3.5) 6-3-1996; Ord. of 8-7-2017(1), § 1, 8-7-2017)

Sec. 14.5-6. - Regulations applicable to single-family dwellings.

Any single-family dwelling, whether constructed and erected on a lot or a manufacture home, shall be permitted only if it complies with all of the following requirements:

- (1) If the dwelling unit is a mobile home, the mobile home must either be:
 - a. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or
 - b. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1)a of this section, and found, on inspection by the building department to be in excellent condition and safe and fit for residential occupancy.
- (2) The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the township; provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by township codes, then and in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the building department.
- (3) The dwelling unit shall comply with all restrictions and requirements of this section, including, without limitation,

the minimum lot area, minimum lot width, minimum residential floor area, required yard and maximum building height requirements of the zoning district in which it is located.

- (4) If the dwelling unit is a mobile home, the mobile home shall be installed with the wheels removed.
- (5) The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of 24 feet.
- (6) The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the state construction code for on-site constructed single-family dwellings. If the dwelling unit is a mobile home, its foundation and skirting shall fully enclose the chassis, undercarriage and towing mechanism.
- (7) If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the state mobile home commission, or any similar or successor agency having regulatory responsibility for mobile home parks.
- (8) Storage area within a building with an area of no less than 120 square feet shall be provided. This storage area may consist of a basement, closet area, attic or attached garage in a principal building, or in a detached accessory building which is in compliance with all other applicable provisions of this chapter pertaining to accessory buildings.
- (9) Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than eight inches between the first floor entry of the dwelling unit and the adjacent grade. Railings shall be provided in accordance with township building code.
- (10) The pitch of the main roof of the dwelling unit shall not be less than three feet of rise for each 12 feet of horizontal run.
- (11) The exterior finish of the dwelling unit shall not cause glare or reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
- (12) The dwelling unit shall have no less than two exterior doors, with one being in either the rear or the side of the dwelling unit.
- (13) The dwelling unit shall be aesthetically compatible in design and appearance with other residences in the vicinity.
- (14) Compatibility of design and appearance shall be determined in the first instance by the township building inspector upon review of the plans submitted for a particular dwelling. An aggrieved party may appeal to the zoning board of appeals within a period of 15 days from the receipt of notice of said building inspector's decision. Any determination of compatibility shall be based on the standards as set forth in this chapter, as well as the character, design and appearance of one or more residential dwellings located outside of a mobile home park within 2,000 feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique landscape contour, or relief from the common or standard designed home.

(Ord. No. 5500, § 3.6, 4-17-1995; Ord. No. 5551, § 1, 8-6-2001)

Sec. 14.5-7. - Temporary buildings and structures.

Temporary buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:

- (1) Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facility related to construction activity on the same lot.
- (2) No temporary building or structure shall be used as a dwelling unit.
- (3) The placement of temporary buildings and structures shall be in conformance with the requirements of article 2, division 2 of this chapter. A building permit for such building or structure shall be issued by the building department prior to installation.
- (4) Temporary buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the building department for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

(Ord. No. 5500, § 3.7, 4-17-1995)

Sec. 14.5-8. - Building appearance, structure completion, and personal construction authority.

(a) *Building appearance.* Where a building or accessory building in a nonresidential district is erected on any parcel of land fronting upon any public street, the walls of said building or accessory building shall be constructed in compliance with the following standards:

- (1) A minimum of 60 percent of the front of the structure shall consist of stone, face brick or other ornamental materials approved by the planning commission consistent with neighboring property.
- (2) Siding and trim shall be primarily earth tone colors with primary colors used only for accents for up to ten percent of the surface. Earth tone colors are muted colors ranging from neutral to deep brown. Examples of colors meeting this requirement can be found below.



This standard may be waived or modified by the planning commission based on proposed alternative colors submitted by an applicant using sample materials if the planning commission finds that the proposed color palette would be consistent with the intention of this section.

- (3) No building so situated shall be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material within the limits herein specified.
- (4) The standards above may be modified by the planning commission in cases where the applicant is required to comply with corporate design standards and can demonstrate that the design as proposed is consistent with the character of the area and is an enhancement to the site.

- (b) *Building completion period.* All structures shall be completed within one year of the issue date of the building permit for structure, unless an extension for not more than one additional year is granted for good cause by the building department. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the permit complies with health and fire standards required under this chapter, or any other chapter, regulation, or statute.
- (c) *Personal construction authority.* Nothing in this chapter shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his own building, altering, plumbing, electrical installations, etc., provided the minimum requirements of the electrical and plumbing codes of the state, and the applicable county health department regulations are complied with.

(Ord. No. 5500, § 3.8, 4-17-1995; Ord. No. 5595, § 1, 9-2-2014; Ord. of 8-7-2017(1), § 1, 8-7-2017)

Sec. 14.5-9. - Screening of trash storage areas and mechanical equipment.

- (a) In all RM-1, RMH, EH, C-1, C-2, C-3, I, and AD districts, there shall be provided an outdoor trash storage area. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. The requirement for such a trash storage area may be waived by the planning commission upon a finding that it is unnecessary due to the nature of the use, or owing to provisions for indoor trash storage.
- (1) In no instance shall any such refuse be visible above the required screening.
- (2) A screen wall of six feet in height shall enclose three sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
- (3) Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The planning commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.
- (4) All trash storage areas and/or enclosures shall be located a minimum of ten feet from any building or structure.
- (b) In all districts any unenclosed mechanical equipment such as HVAC shall be screened from public view by obscuring fencing or screening plantings that obscure the equipment all year around. Roof mounted equipment must be screened unless the roof parapet hides the view of the equipment from ground level.

(Ord. No. 5500, § 3.9, 4-17-1995; Ord. No. 5595, § 1, 9-2-2014)

Sec. 14.5-10. - Filling operations.

- (a) It shall be unlawful for any person, firm, corporation, partnership or other organization or entity to use any land for filling with materials of any kind without a permit granted by the planning commission. (Exception: Incidental filling as determined by the building department.)
- (b) An application for a permit to fill shall be filed with the building department, who shall inspect the property to be filled and forward his written recommendation to the planning commission with the application.
- (c) In its consideration of applications for landfill permits the planning commission shall consider whether or not the proposed fill will be in harmony with the general purpose and intent of this chapter, whether or not the proposed fill will be obnoxious, injurious, hazardous or offensive, the suitability of the property, the character of the

neighborhood, the economic and the aesthetic effects of the proposed use, the effect of the proposed fill on the public health, safety, morals and general welfare of the residents of the area, and the interest of the petitioner of the landfill permit.

- (d) The planning commission may require such documents as may be reasonably necessary to assist it in making decision.
- (e) The planning commission may impose such conditions as it deems necessary to safeguard the public health, safety and the general welfare. By way of illustration, and not limitation, the following types of conditions may be imposed:
 - (1) Control over the distance from adjoining property within which no activity may be conducted.
 - (2) The kind and depth of fill material.
 - (3) The kind of depth of the material to be used at the top of the grade.
 - (4) The grade of the area which must be established at the expiration of the permit term.
 - (5) Reasonable measures to prevent air and noise pollution.
 - (6) Reasonable measures to keep public roads free of excavated and fill material. Clean streets as may be required.
 - (7) All existing storm sewers, sanitary sewers and natural watercourses crossing property, shall not be obstructed due to the filling operation or through change in present elevations.
 - (8) Truck beds shall be tight and loads shall be trimmed to minimize spillage.
 - (9) Adequate measures shall be taken to control dust.
 - (10) A restriction of the days of the week and hours of the day during which time a filling operation may be conducted.
- (f) The planning commission may require the posting of a bond in an amount determined by the planning commission running to the township holding the township free of all liabilities incidental to the landfill and to assure the performance of the privileges of the permit according to the ordinances of the township and the special conditions set forth by the planning commission.
- (g) The permits approved by the planning commission in accordance with this article shall be for such period as the planning commission may determine, but may not exceed one year. Permits shall not be automatically renewable.
- (h) In the event the conditions imposed with the issuance of the permit are not substantially performed at the expiration of the permit, the township shall notify the person, firm, corporation, partnership or other organization to whom the permit was issued by certified mail of the default of the conditions of the permit. The owner of the permit shall have 15 days to cure the default. In the event the default is not cured within the 15 days, the township shall cause its agents to enter upon the premises which are the subject of the permit and cure the default.
- (i) In the event the township cures the default, the cost incurred, including a reasonable amount for administrative costs, shall be a lien on the premises which are the subject of the permit and shall be recovered by the township from the bond, if any, and if no bond was posted, the costs as aforesaid shall be entered upon the next tax roll against the premises which are the subject of the permit and said costs, with penalties and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.
- (j) In the event of a default, the notice herein provided shall also be mailed to all the sureties of the bond filed by the owner of the permit.
- (k) The filing of an application for a permit to fill and the acceptance of the permit issued pursuant thereto shall constitute consent by the owner of the premises and the owner of the permit that the township may cause its agents to enter upon the premises to cure any default of the permit.

(Ord. No. 5500, § 3.10, 4-17-1995)

Sec. 14.5-11. - 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 chapter, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the building department; 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, the county, the township, or other governmental agency. No detention facility will be allowed in a front yard unless completely underground. All detention facilities not completely underground must be of a minimum grade of four to one and kept clean of all vegetation except grass.

(Ord. No. 5500, § 3.11, 4-17-1995; Ord. No. 5562, § 1, 2-18-2003; Ord. of 8-7-2017(1), § 1, 8-7-2017)

Sec. 14.5-12. - Exceptions to regulations on excavation.

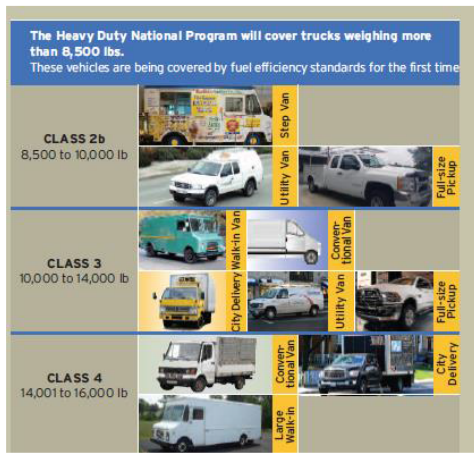
- (a) Excavation required for swimming pools is excepted from excavating provisions of this ordinance provided that all necessary permits are obtained and the pool is constructed within six months of the excavation.
- (b) Excavation and site preparation for building foundations is excepted from the excavating provisions of this chapter provided that such work is considered incidental to building construction and all necessary permits have been obtained.

(Ord. No. 5500, § 3.12, 4-17-1995)

Sec. 14.5-13. - Storage and repair of vehicles.

The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district, when such work is not confined to the interior of the vehicle, shall be subject to the following limitations:

- (1) Procedures exceeding 48 hours in duration or which require the vehicle to be inoperable in excess of 48 hours shall be carried out within an enclosed building. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building
- (2) Parking of commercial vehicles of up to 14,000 pounds gross vehicle weight rating (GVWR) or a weight class of 3 or less is permitted in all districts, except in residential subdivisions or condominiums or multi-family developments, where commercial vehicles are limited to not more than 10,000 pounds GVWR or a weight class of 2b or less. See the figure below for reference.



- (3) It shall be unlawful for the owner, tenant or lessee of any lot in any residential zoning district to permit the open storage or outdoor parking of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use for approve construction on such lot.
- (4) The outdoor storage or parking of recreational vehicles (airplanes, antique or racing automobiles, boats, floats, rafts, trailers, camping or travel trailers, motorized homes, motorcycles, demountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature), in residential zoning districts is limited to the following conditions:
- In the front yard of any residential district vehicles may be parked for a period no greater than seven consecutive days.
 - Vehicles may be parked or stored inside or rear yards (behind the front building line).
 - Vehicles shall be limited to a lot or parcel of land where there is an occupied dwelling unit. The storage or parking of recreational vehicles on vacant land is prohibited.
- (5) Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.

(Ord. No. 5500, § 3.13, 4-17-1995; Ord. No. 5506, § 1(3.13), 6-3-1996; Ord. of 8-7-2017(1), § 1, 8-7-2017)

Sec. 14.5-14. - Swimming pools.

- Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device, below ground or above ground, which contains 24 inches or more of water in depth at any point, shall erect and maintain thereon a fence or enclosure, approved by the building department, surrounding the device sufficient to make such device inaccessible to small children. Such fence or enclosure, including the gates, shall not be less than four feet or greater than six feet above grade. All gates shall be self-latching with latches placed no less than four feet above grade or otherwise made inaccessible from the outside to small children.
- Swimming pools, spas, hot tubs and similar devices shall not be located less than ten feet from any lot line.
- Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.

(Ord. No. 5500, § 3.14, 4-17-1995; Ord. No. 5506, § 1(3.14), 6-3-1996)

Sec. 14.5-15. - Fences, walls, and other protective barriers.

A fence shall be defined, for the purpose of this chapter as any partition, structure, or gate, erected as a dividing marker, barrier, or enclosure.

through lack of maintenance or type of construction or otherwise, imperils life or property, shall be deemed a nuisance. The building department shall notify the owner of the property on which such fence is located of the existence of such nuisance and said nuisance shall be abated within six days after receiving notice.

(6) Lot lines. The building department may require the owner of property upon which a fence is located or is to be located to establish lot lines upon said property through placing of permanent markers located by a licensed surveyor. Said lot lines shall be established within five days after receiving notice.

(7) No building wall, retaining wall, or similar structure shall be considered to be a part of a fence. Said walls shall be constructed in accordance with the requirements of the construction code.

(Ord. No. 5500, § 3.15, 4-17-1995; Ord. No. 5595, § 1, 9-2-2014; Ord. of 8-7-2017(1), § 1, 8-7-2017)

Sec. 14.5-16. - Animals.

No livestock shall be kept or maintained in any zoning district on parcels of land located within a proprietary or assessor's plat or on parcels of less than ten acres in area, except that for each dwelling unit the occupant may keep for his personal use domestic pets provided they are not kept or used for commercial or breeding purposes and do not constitute a kennel.

(Ord. No. 5500, § 3.16, 4-17-1995)

Sec. 14.5-17. - Dish-type satellite signal receiving stations.

- (a) Dish-type satellite signal receiving stations, hereinafter referred to as stations, subject to the following regulations, may be located within the township.
- (b) Stations shall be located in the side or rear yard, as defined in the township zoning ordinance, and behind the front face of the principal dwelling or structure located on the lot and shall be located so that however turned or otherwise used, all parts of the station will be set at least five feet from the interior side yard lines for lots of 60 feet or less in width and ten feet for lots larger than 60 feet in width and shall be set back from the rear lot line not less than ten feet. All yards abutting upon a public street shall be considered as front yards for setback purposes.
- (c) The height of the ground-mounted stations, should the dish be turned perpendicular to the ground, shall not extend above 15 feet and the maximum diameter of any dish antenna shall not exceed 12 feet.
- (d) Stations may be roof-mounted on structures, provided they are anchored in an approved manner as outlined in the construction code.
- (e) All roof-mounted stations shall be considered as a portion of the structure with regard to height limitations of each zoning district as outlined in article 3 entitled of this chapter.

(Ord. No. 5500, § 3.17, 4-17-1995)

Sec. 14.5-18. - Requirements for moving a building or structure.

The intent of this section is to provide a procedure for moving a building or structure into, within, or out of township. This will insure that structures that are relocated do not cause an adverse affect on the character of existing buildings in the neighborhood of the new location in which the structure would be moved.

(1) *Procedure for moving a building or structure into or within the township.*

- a. Before a structure is moved an application for an inspection must be completed and a fee paid by the applicant. Upon completion and payment the application will of to submitted to the building department. The building or structure to be moved will be evaluated by the building department, in order to determine its

condition, its ability to be moved, and its compliance with section 14.5-7. The applicant must present documentation stating that it owns, or is buying, the building or structure to be moved and that it owns, or is buying, the land where the building or structure is to be located.

- b. If the building or structure is approved a written permit authorizing movement shall be issued by the building department.
 - c. If the building department approves moving the building or structure, the building department shall also determine the amount of an irrevocable letter of credit payable to the township, which must be delivered to the building inspector by the applicant prior to moving the building or structure. The amount of the irrevocable letter of credit will be equal to a reasonable estimate of the total expenses to complete the relocation and have the building or structure suitable for occupancy. In the event the applicant does not complete the relocation, restore the original site by completely clearing it and filling it to its original state in accordance with the township specifications, if it is within the township, and if the building or structure is relocated in the township, complete the building or structure so it is suitable for occupancy, the township is authorized to use the irrevocable letter of credit to complete the relocation, restore the original site if within the township and complete the building or structure if it is relocated within the township.
 - d. The applicant shall also need to obtain, prior to moving the building or structure, a demolition permit, building permit and trade permits (i.e., mechanical, plumbing and electrical) for the new location to which the building is to be moved. Prior to the issuance of permits, the following must be provided to the building inspector:
 1. A county road commission special transportation permit on county roads for one move only.
 2. An original copy of the irrevocable letter of credit with appropriate amount specified by the building inspector.
 3. A proposed bid from a qualified moving company.
 - e. If the building department denies a permit to move the building or structure, a notice of such denial will be sent to the applicant by first class mail at the address of the applicant indicated on the application. The denial shall state the reason for the denial. The applicant may appeal the denial to the township's zoning board of appeals. The appeal, which must request a hearing at the next regularly scheduled meeting of the zoning board of appeals, or may request a special meeting of the zoning board of appeals, must be filed with the building department within 14 days of the date the denial was mailed to the applicant.
- (2) *Procedure for moving a building or structure out of the township.* The applicant will need to obtain a demolition permit for the demolition of the existing foundation from which the structure is being moved. Prior to the issuance of the permits, the following must be provided to the building inspector:
- a. A county road commission special transportation permit on county roads for one move only.
 - b. A \$1,000.00 money order payable to the township or an irrevocable letter of credit in the amount of \$1,000.00 payable to the township. In the event the existing site from which the structure is being moved is not completely cleared and filled to its original state in accordance with the township demolition specifications by the applicant, the township is authorized to use the money order or the irrevocable letter of credit to complete the site in accordance with the township demolition specifications.
 - c. A proposed bid from a qualified moving company.

(Ord. No. 5500, § 3.18, 4-17-1995; Ord. No. 5506, § 1(3.18), 6-3-1996; Ord. No. 5551, § 2, 8-6-2001; Ord. No. 5500-A, § 1, 5-9-2005)

Sec. 14.5-19. - Approval of temporary uses.

The township may grant permits authorizing temporary land uses for:

- (1) Temporary outdoor sales of products may be approved by the zoning administrator as an accessory for commercial businesses by issuance of a zoning compliance permit; under the following conditions:
 - a. *Zoning district where permitted.* Temporary uses shall be restricted to nonresidential zoning districts.
 - b. *Application and submittal requirement.* The application for a zoning compliance permit for a temporary use shall be accompanied by plans and specifications including a plot plan, drawn to scale, showing the following:
 1. The shape, location, and dimensions of the lot, including the shape, size, and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes.
 2. The materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands, or display racks.
 3. The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.
 - c. *Time limitations/approvals.*
 1. A temporary use permit for the sale of seasonal items such as Christmas trees and similar uses may be granted by the zoning administrator and shall by its terms be effective for no longer than 45 days.
 2. A temporary use permit for a summer long items such as vegetables, fruit or produce stand, gardening materials or for the sale of firewood or similar use shall, by its terms, be effective for no longer than four months.
 3. A temporary use permit to allow sidewalk or tent sales shall be issued by the zoning administrator for a maximum of two weeks up to four times a year.
 - d. *Annual review.* Permits for seasonal or summer long outdoor sales are only required for the initial request, but are subject to annual review by the zoning administrator to verify compliance with the conditions of the original approval.
- (2) To be an accessory use the product sold outdoors must be of a type similar to those sold by the business indoors. Sales by third party vendors is prohibited.
- (3) Permit uses which do not require the erection of any capital improvement of a structural nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), not to exceed 12 months. In classifying uses as not requiring capital improvement, the zoning administrator shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as, but not limited to golf driving range and outdoor archery courts, or structures which do require foundations, heating systems, or sanitary connections.
- (4) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- (5) The zoning administrator may seek the review and recommendation of the planning commission prior to the taking of any action.
- (6) The fee for a permit authorizing a temporary land use shall be set by the township board by resolution.
- (7) Signage for a temporary use shall comply with the requirements of chapter 13 of the Township Code of Ordinances, sign ordinance, as amended.

(Ord. No. 5500, § 3.19, 4-17-1995; Ord. No. 5527, § 1, 7-6-1998; Ord. No. 5595, § 1, 9-2-2014; Ord. of 8-7-2017(1), § 1, 8-7-2017)

Sec. 14.5-20. - Withholding of approval.

The planning commission or board of trustees may withhold granting of approval of any use, site plan, PUD plan or other approval required by this chapter pending approvals which may be required by county, state or federal agencies or departments.

(Ord. No. 5500, § 3.20, 4-17-1995)

Sec. 14.5-21. - Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses.

(Ord. No. 5500, § 3.21, 4-17-1995)

Sec. 14.5-22. - Voting place.

The provisions of the chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with the township or other public election.

(Ord. No. 5500, § 3.22, 4-17-1995)

ARTICLE 6. - SPECIAL LAND USES

Footnotes:

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State Law reference— *Special land uses, MCL 125.3502 et seq.*

Sec. 14.6-1. - Purpose.

This article provides for regulatory procedures and standards for uses which are essentially compatible with uses permitted by right in a given district. These uses by reason of the special nature of such uses require a stricter level of review by the township. It is the intent of this article to allow reasonable uses of land while maintaining adequate provisions for the protection of the health, safety and welfare of the community.

(Ord. No. 5500, § 21.1, 4-17-1995)

Sec. 14.6-2. - Application procedures.

- (a) Any person owning or having an interest in the subject property may file an application for a special land use permit.
- (b) The following materials shall be submitted to the building department prior to the meeting at which the planning commission first considers the application:
 - (1) Copies of a site plan meeting the requirements of article 2, division 2 of this chapter.
 - (2) Payment of the required fee.
- (c) An analysis of the planning implications of the proposed development may be required by the planning commission. The methodology of how the planning implications were determined should be included. The analysis shall be carried out by qualified individuals and shall include, but need not be limited to:

- (1) Estimated population holding capacity of any residential land uses to be included in the proposed development and impact on community facilities such as primary and secondary schools and parks.
- (2) A traffic analysis which relates the trip generation of the proposed development to existing and projected traffic capacities, volumes and patterns on surrounding streets.
- (d) Upon receipt of an application for a special land use, procedures outlined in Public Act No. 110 of 2006 (MCL 125.3101 et seq.) must be followed.

(Ord. No. 5500, § 21.2, 4-17-1995; Ord. No. 5506, § 1(21.2), 6-3-1996)

Sec. 14.6-3. - Designated review authority and approval procedures.

- (a) The planning commission shall have final review authority for all special land uses.
- (b) Following the submission of the required application material the planning commission shall hold a public hearing in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (c) The planning commission shall review the application in terms of the requirements of this article and shall approve, deny or approve with conditions the application.
- (d) Upon approval of an application, the building department shall ensure a special land use permit. The building department shall be responsible for insuring that any conditions to the approval are adhered to.

(Ord. No. 5500, § 21.3, 4-17-1995)

Sec. 14.6-4. - Standard for approval.

- (a) Prior to approving a special land use application, the planning commission shall require that the following general standards, in addition to any of the specific standards in section 14.6-9 are satisfied. The proposed use or activity shall:
 - (1) Be compatible and in accordance with the goals, objectives, policies, and strategies of the Township master plan and promote the intent of the zoning district in which the use is proposed.
 - (2) Be constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
 - (3) Be serviced adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities and primary and secondary schools.
 - (4) Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisances.
- (b) Properties for which application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of article 2, division 2 of this chapter, site plan review.

(Ord. No. 5500, § 21.4, 4-17-1995)

Sec. 14.6-5. - Conditions of approval.

- (a) Prior to granting any special land use permit, the planning commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations of section 14.6-4, and the applicable regulations of section 14.6-9 are met.

- (b) Approval of a special land use, including conditions made as part of the approval, is attached to the property described of the application and not to the owner of such property.
- (c) A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the special land use permit is approved.
- (d) A record of the decision of the planning commission, the reasons for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the planning commission.
- (e) The building department shall make periodic investigations of developments authorized by special land use permit to determine continued compliance with all requirements imposed by the planning commission and this chapter. Noncompliance with the requirements and conditions approved for the special land use shall constitute grounds for the planning commission to terminate said approval following a public hearing. Such hearing shall be held in accordance with the procedures used for the original hearing as required by this chapter.

(Ord. No. 5500, § 21.5, 4-17-1995)

Sec. 14.6-6. - Validity of special land use permit.

- (a) In cases where actual physical construction of a substantial nature of the structures authorized by a special land use permit has not commenced within one year of issuance, and a written application for extension of the approval has not been filed as provided in subsection (b) of this section, the permit shall automatically become null and void and all rights thereunder shall terminate.
- (b) Upon written application filed prior to the termination of the one-year period, the planning commission may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction with the one year extension.
- (c) The granting of a special land use permit shall allow that particular use to be conforming on the subject property, as long as the standards of this article are maintained.
- (d) Any use for which a special land use permit has been granted and which ceases to continuously operate for a six-month period shall be considered abandoned and the special land use permit shall become null and void.
- (e) No application for a special land use permit which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the planning commission.

(Ord. No. 5500, § 21.6, 4-17-1995)

Sec. 14.6-7. - Appeals of special land use.

- (a) An appeal of a planning commission decision concerning a special land use shall be to the township board.
- (b) The filing of an appeal of a decision of the planning commission concerning a special land use shall act to stay any building permit issued for improvements on the property which is the subject of the appeal.
- (c) On hearing such appeal, the township zoning board of appeals shall review the record before the planning commission and shall determine whether or not there was support on the record for the original decision. The appellant shall not have the right to present new evidence, but shall be bound by the record before the planning commission. The zoning board of appeals shall approve the special use if the requirements of this article and other applicable township ordinances are met, and prepare written findings on its decision on the appeal.
- (d) An appeal of a township zoning board of appeals decision concerning a special land use shall be to the county circuit

court.

(Ord. No. 5500, § 21.7, 4-17-1995; Ord. No. 5500-01, § 1.2, 3-4-2002)

Sec. 14.6-8. - Deviations from approved special land use permit.

Amendments to approved special land use permits shall only be granted in conformance with section 14.2-40, site plan review.

(Ord. No. 5500, § 21.8, 4-17-1995)

Sec. 14.6-9. - Special land use specific requirements.

- (a) *Uses and requirements enumerated.* The general standards and requirements of section 14.6-4, are basic to all uses authorized by a special land use permit. However, certain special land uses, because of their unique character and potential impact on the welfare of adjacent properties and the township, require additional specific requirements. Such uses are listed in the table provided in this section with specific standards and regulations that must be met in addition to the general standards of section 14.6-4 and other sections of this chapter. Special land uses with specific site and/or use standards as described on the following pages:

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|-----|--|
| (1) | Automobile car dealerships (new and/or used). |
| (2) | Automobile used car lots. |
| (3) | Automobile service stations. |
| (4) | Automobile washes, automatic or self-service. |
| (5) | Banks, credit unions, savings and loan institutions with drive-through facilities. |
| (6) | Churches. |
| (7) | Congregate housing for the elderly. |

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| (8) | Convenience store with gasoline service. |
| (9) | Essential public service buildings and structures such as electric substations, gas regulators, radio, television and cellular phone towers. |
| (10) | Extractive uses (commercial mining of sand, gravel, stone and similar materials). |
| (11) | Funeral homes. |
| (12) | Garden centers and nurseries. |
| (13) | Golf courses, par three golf courses. |
| (14) | Home occupations. |
| (15) | Hospitals. |
| (16) | Indoor recreation: such as bowling alleys, indoor tennis, indoor skating and similar uses, indoor theaters and cinemas. |

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| (17) | Kennels. |
| (18) | Mini- or self-storage warehouses. |
| (19) | Open air business. |
| (20) | Restaurants and other establishments with drive-in facilities or drive through windows. |
| (21) | Salvage yard. |
| (22) | Schools, primary and secondary schools, commercial schools and colleges |
| (23) | Veterinary clinics (animal hospitals). |
| (24) | Zero lot line attached single-family housing. |

(1) *Automobile car dealerships.*

- a. Automobile dealerships shall only be located where they can be accessed by major traffic routes as classified by the township master plan.
- b. The design shall ensure that vehicular circulation patterns eliminate potential conflicts between traffic generated on site and traffic on adjacent streets.
- c. The principal buildings shall be set back 150 feet from any public right-of-way or property line.
- d. Maximum lot coverage of all buildings shall be 30 percent of all buildings, maximum parking and paved areas shall be 80 percent of the site.
- e. Only one ingress/egress driveway shall be permitted on any single street.

(2) *Automobile used car lots.*

- a. Automobile used car lots shall only be located where they can be accessed by major traffic routes as classified by the master plan.
 - b. The design shall ensure that vehicular circulation patterns eliminate potential conflicts between traffic generated on site and traffic on adjacent streets.
 - c. The principal buildings shall be set back 150 feet from any public right-of-way or property line.
 - d. Maximum lot coverage of all buildings shall be 30 percent of all buildings, maximum parking and paved areas shall be 80 percent of the site.
 - e. Only one ingress/egress driveway shall be permitted on any single street.
- (3) *Automobile service stations.*
- a. There shall be a minimum lot area of 12,000 square feet and minimum lot width of 250 feet.
 - b. Pump islands shall be a minimum of 15 feet from any public right-of-way or lot line.
 - c. Access driveways shall meet the standards of article 9 of this chapter, and under no circumstances shall access be located at closer than 25 feet from the intersection of any street or any other driveway.
 - d. Where adjoining residentially zoned or used property, a solid fence or wall six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
 - e. All repair work shall be conducted completely within an enclosed building.
 - f. There shall be no storage of vehicle components and parts, trash, supplies or equipment outside of a building.
 - g. In the event that an automobile service station use has been abandoned or terminated for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises.
- (4) *Automobile washes, automatic or self-service.*
- a. Only one ingress/egress driveway shall be permitted on any single street.
 - b. Where adjoining residentially zoned or used property a solid fence or wall six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
- (5) *Banks, credit unions, savings and loan institutions with drive-through facilities.*
- a. Only one ingress/egress driveway shall be permitted on any single street. If the use is located on a corner lot access to the drive-up facility shall be derived only from the street which carries the least amount of traffic at the time the application is approved, except that such access from any other street may be shared with an adjoining property.
 - b. Standards contained in section 14.7-6 shall be maintained.
- (6) *Churches.* A building where the primary use is for the regular assembly of persons for religious worship or services, together with accessory uses. Churches and other facilities incidental thereto subject to the following:
- a. The site shall be adjacent to a primary thoroughfare as defined in the township's master plan and all ingress and egress shall be limited to, and directly upon, said thoroughfare.
 - b. Buildings exceeding 25 feet in height shall be permitted, providing the front, side and rear yard setbacks are increased one foot for each foot the building exceeds 25 feet.
 - c. A continuous and uninterrupted obscuring wall shall be provided along sides of the off-street parking area when adjacent properties are zoned residential. The height of the obscuring wall is determined by section 14.8-5.
 - d. A minimum of three acres shall be provided.

- e. The front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

(7) *Congregate housing for the elderly.*

- a. All such congregate developments shall have ingress and egress from a site directly onto a major or secondary thoroughfare having existing or planned right-of-way of at least 100 feet.
- b. The site shall contain at least 1,200 square feet of land area for each dwelling unit to be built on the site.
- c. The minimum setback from a public thoroughfare for any building shall be 50 feet. The minimum setback between any building and the nearest side or rear property line shall be 50 feet.
- d. No building on the site shall exceed two stories or 30 feet in height.
- e. The land area coverage by all buildings shall not exceed 30 percent of the site.
- f. The minimum distance between structures shall be 30 feet plus one foot for each ten feet, or part thereof, by which the total length of that portion of the structures lies opposite each other, either on a perpendicular or parallel plane.
- g. The minimum useable floor area per dwelling unit shall be 550 square feet for a one-bedroom unit and 650 square feet for a two-bedroom unit. In the interest of promoting and protecting the health, safety, comfort, convenience, and general welfare of elderly residents by providing adequate living space, efficiency units are not permissible for congregate housing for the elderly.
- h. All sides of the development shall be screened from any single-family residential zoned property by providing a continuous masonry wall six feet in height measured from the grade of the property required to provide the wall, or by six-foot ornamental fence along with a minimum 20 feet wide greenbelt projecting inward from the fence onto the property being developed along with planting sufficient to screen the development from adjacent area.
- i. There shall be no parking within 20 feet of any building.
- j. The required 50-foot setback from any public thoroughfare shall not be used for off-street parking and shall remain as open space unoccupied from the ground upward except for landscaping, plant materials and vehicle access drives for ingress and egress.
- k. The facility shall provide a central dining room, central lounge, library, arts and crafts workshop and laundry facility for the benefit of the residents and their guests, the total area of which shall equal not less than 50 square feet for each dwelling unit. Other services customarily accessory to and incidental to such a use shall be permitted.
- l. All medical waste facilities shall be secured and meet the requirements of the state health department.
- m. Walkways shall be provided from the main building entrance to any sidewalks along the adjacent public street.

(8) *Convenience store with gasoline service.*

- a. There shall be a minimum lot area of 12,000 square feet and minimum lot width of 250 feet.
- b. Pump islands shall be a minimum of 15 feet from any public right-of-way or lot line.
- c. Access driveways shall meet the standards of article 7, and under no circumstances shall access be located at closer than 25 feet from the intersection of any street or any other driveway.
- d. Where adjoining residentially zoned or used property, a solid fence or wall six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
- e. All repair work shall be conducted completely within an enclosed building.

- f. There shall be no storage of vehicle components and parts, trash, supplies or equipment outside of a building.
 - g. In the event that an automobile service station use has been abandoned or terminated for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises.
- (9) *Essential public service buildings and structures, such as electric substations, gas regulators, radio, television and cellular phone towers.*
- a. The minimum lot size shall be one acre.
 - b. The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than 1½ times the height of each tower above the ground.
 - c. In any residential district, towers shall not exceed 100 feet in height.
 - d. An open air fence six feet in height shall be constructed on the boundary property lines.
 - e. Such facilities shall not be located on any lot which is closer than 150 feet from any lot occupied by a residential use or located in a residential zoning district.
 - f. Electric or gas regulator equipment and apparatus shall be set back a minimum of 30 feet from all lot lines.
- (10) *Extractive uses (such as commercial mining of sand, gravel, stone and similar materials).*
- a. Extractive operations reasonably related to site development for building foundations, parking lot grading and preparation, grading for approved detention or retention ponds and/or intended to accommodate swimming pools, as determined by the building department, shall not require a special land use permit.
 - b. All extractive uses shall be established and maintained in accordance with all applicable state statutes.
 - c. The applicant shall submit a written statement describing:
 - 1. The equipment to be used and the process involved;
 - 2. A time period by which the excavation shall be completed, including a specified extension period should undue weather conditions arise;
 - 3. Indication of the proposed use of the property following the extraction;
 - 4. An approved reclamation plan;
 - 5. An agreement to conform to the standards of the zoning ordinance;
 - 6. Documentation that demonstrates to the satisfaction of the planning commission that the extractive activities will not produce any serious consequences which will adversely affect the natural topography, drainage patterns, water bodies, floodplains, street conditions, nearby property values or use of adjacent land. The planning commission may require separate environmental, engineering, traffic impact or marketing studies supporting the need for and minimal consequences of such extraction.
 - d. The planning commission may require a performance bond or other guarantee to ensure compliance with the standards of this article. In addition, the planning commission may require an occupancy permit to allow extractive activities for a time not exceeding one year. The permit may be renewed upon the finding by the building department that the applicant has complied with the requirements by the township and other appropriate agencies.
 - e. In order to ensure sublater support, no machinery shall be erected or maintained within 50 feet of any property line or street right-of-way; or within 200 feet of any residential district.
 - f. Stormwater runoff shall be accommodated in a manner approved by the building department.
 - g. Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrologic studies that the water can be maintained in a nonpolluted condition, and that the applicant

meets any requirements by the state department of environmental quality.

- h. Truck routing shall be restricted to those streets designed to accommodate truck traffic on a yearround basis. The planning commission may restrict access routes to protect the character or surrounding areas and/or street pavement and base conditions.
- i. A reclamation plan shall be provided indicating final grades which are harmonious with surrounding grades and not in excess of five percent unless demonstrably necessary for the proposed reclamation land use. No topsoil shall be removed from the site; topsoil shall be redistributed properly upon completion of the extractive activities, or phase thereof.
- j. The planning commission may require that the site be enclosed with a six foot high security fence with a locking access gate. Such fences shall be placed no closer than 50 feet to the top or bottom of any slope.
- k. No slope shall exceed an angle with the horizontal of 45 degrees.
- l. No building or structure shall be erected on the site, except as may be permitted in that zoning district or if approved as a temporary structure for machinery of field office.
- m. Proper measures shall be utilized to minimize the nuisance of noise and dust or airborne materials, as determined by the building department, and may include requirements on stockpiling size and/or covering of stockpiles.

(11) *Funeral homes.*

- a. Minimum lot area shall be two acre and minimum lot width shall be 150 feet.
- b. A holding tank for contaminated biomedical waste shall be required

(12) *Garden centers and nurseries.*

- a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
- b. All loading activities and parking areas shall be provided on the same premises.
- c. The storage of any soil, fertilizer, or similar loosely package materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

(13) *Golf courses, par three golf courses.*

- a. Minimum lot size shall be 30 acres.
- b. The principal and accessory buildings, including maintenance sheds, shall be set back at least 75 feet from all property and street lines.
- c. Accessory buildings, structures and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way.
- d. Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the planning commission to protect nearby residential districts.

(14) *Home occupations.*

- a. No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.
- b. The use of the dwelling for the home occupation shall be clearly accessory, incidental and subordinate to its use for residential purposes, and not more than 20 percent of the floor area of the dwelling shall be used for the conduct of the home occupation.
- c. There shall be no change in the outside appearance of the dwelling or any other visible evidence of the

conduct of the home occupation provided, however, that there may be one sign, not exceeding two square feet in area, nonilluminated, and mounted flat against the wall of the dwelling.

- d. Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, or in any case no more than ten vehicular trips per day. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment, by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.
- e. The home occupation shall be conducted entirely within the confines of the dwelling.
- f. There shall be no sale of products or service on the premises where the home occupation is located except those that are produced or used in the normal conduct of the home occupation.
- g. Any necessary parking spaces for vehicles generated by the conduct of the home occupation, as calculated by article 7, parking and loading-unloading standards, shall be provided on the site, but not within any required yard area.
- h. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes or odors detectable to the normal senses off of the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.
- i. Maximum inventory stored indoors shall be 100 cubic feet.

State Law reference— Single-family residence, instruction in craft or fine art as home occupation, MCL 125.3204.

(15) *Hospitals.*

- a. All such hospitals shall be developed only on sites consisting of at least five acres in area.
- b. The proposed site shall have at least one property line abutting an arterial street, as identified in the township master plan.
- c. Front, side, rear and yard minimum setbacks shall be 50 feet.
- d. Parking setback shall be forth 40 feet in the front yard, 20 feet for side and rear yards.
- e. Emergency room, ambulance and delivery areas shall be screened from public view with an obscuring wall and/or landscaping a minimum of six feet in height.
- f. Auxiliary uses, such as a pharmacy, gift shop, cafeteria and similar customary hospital related uses shall be allowed.
- g. Parking for professional and outpatient buildings, or sections of a hospital building, shall be calculated as separated uses as noted in article 7 of this chapter. Only one-half of the total number of parking spaces within gated or restricted physician parking lots shall be included in parking calculations.

(16) *Indoor recreation, such as bowling alleys, indoor tennis, indoor skating, indoor theater, cinemas and similar uses.*

- a. The principal and accessory buildings and structures shall be not be located within 100 feet of any residential district or permitted use.
- b. All uses shall be conducted completely within a fully enclosed building.

(17) *Kennels.*

- a. For kennels housing dogs, the minimum lot size shall be two acres for the first four dogs and an additional one-third acre for each one additional dog.

- b. Building wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet from the line and shall not be located in any required front, rear or side yard setback area.
- c. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements).

(18) *Mini- or self-storage warehouses.*

- a. Minimum lot size shall be three acres.
- b. Minimum building and parking setback shall be 50 feet from any public street right-of-way line, 50 feet setback from any residential district and 25 feet from any nonresidential zoning district.
- c. The front yard and any side yards adjacent to residential districts shall include wrought iron or similar decorative fencing and evergreen plantings spaced a maximum of ten feet apart on center.
- d. All storage shall be completely within enclosed buildings or structures, unless a separate special land use permit is granted for commercial outdoor storage on the premises, in accordance with section 14.6-7.
- e. A structure for a resident manager may be allowed on the site.
- f. The use shall be limited to storage only.

(19) *Open air business.*

- a. Minimum lot area shall be one acre.
- b. Minimum lot width shall be 200 feet.
- c. A five foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises, except as provided otherwise in this chapter.
- d. All open air business shall comply with all applicable county and state health department regulations regarding sanitation and general health.
- e. A building of not less than 500 square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open air business.
- f. The planning commission or building department may require the permittee to furnish a surety bond executed by a reputable surety company authorized as to do business in the state, in an amount determined by the planning commission to be reasonably necessary to insure compliance hereunder. In fixing the amount of such surety bond, the planning commission or building department shall take into account the size and scope of the proposed open air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.
- g. The lot area used for parking shall be limestone or equivalent and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- h. All lighting shall be shielded from adjacent residential areas.

(20) *Restaurants and other establishments with drive-in and drive-through facilities.*

- a. The main and any accessory buildings shall be set back 50 feet from any adjacent public right-of-way line or property line.
- b. Only one access shall be provided onto any street.
- c. Such businesses constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.

- d. A six foot high obscuring wall, fence or landscaping shall be provided along any property line adjacent line adjacent to a residential zoning district.
- e. Standards contained in, section 14.7-6 shall be maintained.

(21) *Salvage yard.*

- a. The salvage yard shall be enclosed on all sides by a solid wall or fence at least six feet in height. The wall or fence shall be maintained in good repair and shall be free of handbills or other advertising except for approved signs. Nontransparent gates not exceeding 48 feet in width shall be permitted in the enclosure.
- b. Vehicles or vehicle bodies shall be stored in rows with a minimum of 20-foot continuous loop drives separating each row of vehicles.
- c. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- d. No vehicle, bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street from a height at or below the top of the fence enclosing the yard.
- e. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
- f. The property shall include at least six acres.
- g. The front obscuring fence shall be set back the same distance as a building in the industrial zoning district, and all such fences shall be set back a minimum of 500 feet from any residential use or district.
- h. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federally recognized holidays.
- i. The applicant must demonstrate that the activities of the salvage yard will comply with all local, state and federal regulations.
- j. The planning commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the township. These conditions can include a provision for an annual inspection by the building department to ensure continuing compliance with the standards of this subsection (21).

(22) *Schools, primary and secondary schools, commercial schools and colleges.*

- a. At least one street access shall be onto an arterial or collector street as classified by the township master plan.
- b. All play areas adjacent to a residential district must be fenced.
- c. Bus and automobile drop off and pick up drives shall be separate from, and not conflict with, through travel lanes of any street classified as an arterial, collector or local street in the township master plan.

(23) *Veterinary clinics; animal hospitals.*

- a. The principal accessory building or structure shall be set back 75 feet from the front property line and 50 feet from all other property lines.
- b. All principal use activities shall be conducted within a totally enclosed principal building.
- c. Parking lots, the nearest edge of which is 50 feet or nearer to a residential district or use, shall be effectively screened by a buffer strip, wall or fence at least three feet above the highest point of the parking lot which it screens. It shall be designed so as not to present a safety hazard for vehicles entering or leaving the site.

(24) *Zero lot line single-family housing.* The following apply only to R-1C and R-1D, single-family residential districts. Sing attached dwelling units, designated for individual ownership in fee simple of the dwelling unit and appurtenant land upon the following conditions:

- a. Each dwelling unit, including the appurtenant land areas, shall be platted pursuant to Public Act No. 288 of 1967 (MCL 560.101 et seq.), or condominium pursuant to Public Act No. 59 of 1978 (MCL 559.101 et seq.).
- b. Each proposal shall first be properly submitted to the planning commission for review and recommendations. To be properly submitted an application shall include:
 1. A complete site plan of the areas to be developed or divided.
 2. A copy of the deed restrictions which apply to the project and which are to be recorded at the county registrar of deeds. These restrictions provide for, but are not limited to, the continued maintenance of the exterior surface of the building structure, dedicated unobstructed access to all rear yard areas, and the care of any and all common areas.
 3. A written statement by the developer or divider explaining why the type of development proposed is superior to other types of development upon the subject property, the nature of surrounding properties and the impact of the proposed development upon the surrounding properties.
- c. The minimum distances between buildings contained in section 14.3-5 shall apply. For purposes of this section, all required distances shall apply regardless of actual fee title ownership.
- d. The minimum floor area per dwelling unit contained in R-1C and R-1D under section 14.3-5 shall apply.
- e. Each dwelling unit, including the appurtenant land areas, shall have direct frontage upon a properly dedicated public street. The minimum street frontage shall be 24 feet.
- f. No building structure shall be divided into more than four dwelling units.
- g. The planning commission shall have the authority to determine whether a development, as proposed, shall be constructed or whether an existing development shall be divided.
- h. Each building site shall have a yard of ten feet at each end of the building structure.
 - i. Each building site being divided into four lots shall have a minimum area of 14,000 square feet; each building site being divided into three lots shall have a minimum area of 11,520 square feet; each building site being divided into two lots shall have a minimum of 8,640 square feet.
 - j. Off-street parking shall be provided in the ratio of two spaces per dwelling unit.
- k. Accessory buildings and uses customarily incidental to the uses set forth in this subsection, subject to provisions contained in section 14.5-5.

(b) *Regulated uses.*

(1) *General requirements for regulated uses.*

- a. It is recognized that there are some uses, which because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than two such uses within 1,500 feet of each other which would create such adverse effect(s)). Uses subject to these controls are as follows:
 1. Sexually oriented businesses (as defined in subsection (2)(b) of this section.)

2. Medical marihuana businesses (as defined in subsection (3)(b) of this section.)
 - b. *Locational requirements for regulated uses.* The planning commission must find that there is not presently more than one such regulated use within 1,500 feet of the boundaries of the site of the proposed regulated uses.
 - c. *Conditions of approval.* In determining approval of a request, the planning commission may only use the standards and requirements in this section. The planning commission may impose conditions necessary to assure compliance with the standards and requirements in subsection (b)(2) of this section. Any evidence and guarantee may be required as proof that the conditions stipulated in the connection therewith will be fulfilled.
 - d. *Time limits for review.* The following time limits shall apply to the review of an application by the township planning commission for approval or denial of regulated uses.
 1. The planning commission shall publish notice and hold a public hearing as required for special land use approval within 60 days of receiving a completed special land use application and site plan as required by article 21 of the zoning ordinance.
 2. The planning commission shall rule on the special land use application for sexually oriented business at the next regularly scheduled meeting of the planning commission following the public hearing held to review the application.
 3. Failure of the township to act within the above specified time limits shall be deemed to constitute granting of special approval of the regulated use.
 - e. *Effect of denial.* No applicant for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions.
 - f. *Revocations.* In any case where a building permit for a regulated use is required and has not been obtained within six months after the granting of special land use approval by the township planning commission, the grant of special approval shall become null and void.
 - g. *Reconstruction of damaged regulated uses.* Nothing in this section shall prevent the reconstruction, repairing or rebuilding and continued use of any building or structure, the use of which makes it subject to the controls of this section, which is damaged by fire, collapse, explosion or act of God, provided that the expense of such reconstruction does not exceed 60 percent of the reconstruction cost of the building or structure at the time such damage occurred, provided that where the reconstruction repair or rebuilding exceeds the expense set forth in this subsection, the reestablishment of the use shall be subject to all provisions of this section and further provided, that the reestablished use complies with the off-street parking requirements of article 7 of this chapter.
- (2) *Requirements for sexually oriented businesses.*
- a. *Purpose and intent.* It is the purpose of this section to regulate sexually oriented businesses to promote and protect the health, safety, morals and general welfare of the citizens of the Charter Township of Flint and to establish reasonable and uniform regulations to prevent a concentration of sexually oriented businesses within the township. These regulations are intended to control the negative secondary impacts such businesses have been documented to have on the surrounding area and the community. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this

section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

- b. *Definitions.* The following definitions shall apply to sexually oriented businesses contained within this subsection (b)(2):

Achromatic means colorless or lacking in saturation or hue. The term includes but is not limited to grays, tans and light earth tones. The term does not include white, black or any bold coloration that attracts attention.

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of sexually explicit activities or specific anatomical areas.

Adult bookstore or *adult video store* means a commercial establishment which offers for sale or rental for any form of consideration, occupying 15 percent or more of the floor area of the establishment, any one or more of the following:

- (i) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions slides or other visual representation which depict or describe "sexually explicit activities" or "specified anatomical areas"; or
- (ii) Instruments, devices or paraphernalia which are designed for use in connection with "sexually explicit activities."

Adult cabaret means a nightclub, bar restaurant or similar commercial establishment which regularly features:

- (i) Persons who appear in a state of restricted nudity;
- (ii) Live performance which are characterized by the partial exposure of specified anatomical areas; or
- (iii) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or specified anatomical areas.

Adult motel means a hotel, motel or similar commercial establishment which:

- (i) Offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproduction which are characterized by the depiction or description of sexually explicit activities or specific anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
- (ii) Permit patrons to be filmed or photographed performing sexually explicit activities or displaying specified anatomical areas for electric transmission over the World Wide Web;
- (iii) Offer a sleeping room for rent for a period of time that is less than ten hours; or
- (iv) Allow a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of sexually explicit activities or specified anatomical areas.

Adult theater means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by the performance of sexually explicit activities.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

Establishment means and includes any of the following:

- (i) The opening or commencement of any sexually oriented business as a new business;
- (ii) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
- (iii) The location or relocation of any sexually oriented business.

Nude model studio means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a state of nudity means the appearance of a human bare buttock, anus, male genitals, female genitals or female breast, as defined by MCL. 41.181(3).

Seminude means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sex explicit activities means and includes any of the following:

- (i) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (ii) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (iii) Masturbation, actual or simulated;
- (iv) Excretory function as part of or in connection with any of the activity set forth in this definition; or
- (v) Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires.

Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (i) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (ii) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude or permits patrons to display or to be filmed or photographed performing sexually explicit activities or displaying specified anatomical areas for electronic transmission over the World Wide Web.

Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or similar establishment or any place that permits patrons to be filmed or photographed performing sexually explicit activities or displaying specified anatomical areas for electronic transmission over the World Wide Web.

Specified anatomical areas means and includes and of the following:

- (i) Less than completely and opaquely covered human genitals, public region or pubic hair; buttock; or

female breast or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing; or

- (ii) Human genitals in a state of sexual arousal, even if opaquely and completely covered.

Substantial enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than ten percent, as the floor area exists on December 3, 2007.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- (i) The sale, lease or sublease of the business;
- (ii) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- (iii) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

c. *Classification.* Sexually oriented businesses are classified as follows:

1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion picture theaters;
6. Adult theaters;
7. Escort and escort agencies;
8. Nude model studios;
9. Sexual encounter centers; and
10. Other sexually oriented business, as determined by the township board.

d. *Location of sexually oriented business.*

1. A sexually oriented business site shall not be located closer than 1,500 feet to the property line of any of the following:
 - (i) A church;
 - (ii) A public or private elementary or secondary school;
 - (iii) A residential zoning district;
 - (iv) A public park;
 - (v) An existing sexually oriented business;
 - (vi) A child care facility, nursery or preschool.
2. A person is in violation of this chapter if he causes or permits the operations, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,500 feet of another sexually oriented business.
3. A person is in violation of this chapter if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure or portion thereof or the substantial enlargement of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

4. For the purposes of subsection (b)(2)d.1 of this section, measurement shall be made in a straight line, without intervening structures or objects, from the nearest portion of the building or adjacent parking lot a sexually oriented business to the nearest property line of the premises of any use, district or right-of-way listed in subsection (b)(2)d.1 c
 5. For purposes of subsection (b)(2)d.1 of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the building or adjacent parking lot of each business.
 6. Any business now classified as a sexually oriented business lawfully operating on December 3, 2007, that is in violation of a subsections (b)(2)d.1 through d.3 of this section shall be deemed a nonconforming use.
 7. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to special approval and site plan approval of the sexually oriented business, of any use listed in subsection (b)(2)d.1 of this section 1,500 feet of the sexually oriented business.
- e. *Exterior display and signs.* A sexually oriented business is in violation of this section if:
1. The merchandise or activities of the establishment are visible from any point outside the establishment; or
 2. The exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawing or pictorial representatives of any specified anatomical area or sexually explicit activity as defined in this section.
- f. *License required to operate a sexually oriented business.* Special approval and site plan approval shall be granted on the condition that the operator or owner of a sexually oriented business obtains a license to operate the business as required by.
- g. *Enforcement.* A violation of the provisions of this section shall result, in addition to the remedies to provided herein, in possible criminal violations consisting of a fine of \$500.00 or a jail term of 90 days, or both.
- h. *Injunction.* In addition to the provisions of this section, the township at its option may commence proceedings in the circuit court under the appropriate court rule or statute to enjoin any activity conducted by a sexually oriented business that is deemed to be in violation of these provisions.
- (3) *Requirements for medical marihuana businesses.*
- a. *Purpose and intent.* It is the purpose of this section to regulate medical marihuana businesses to promote and protect the health, safety, morals and general welfare of the citizens of the Charter Township of Flint and to establish reasonable and uniform regulations to prevent a concentration of medical marihuana businesses within the township. These regulations are intended to control the negative secondary impacts such businesses have been documented to have on the surrounding area and the community. The growing of marihuana by a qualifying patient for his/her own use will not be regulated by this section. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by any adult and/or qualified patients to materials protected by the First Amendment.
 - b. *Definitions.* The following definitions shall apply to medical marihuana businesses:
 1. "Primary caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
 2. "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.
 3. "Medical marihuana business" for the purposes of this chapter means:

- (i) A primary caregiver.
 - (ii) A commercial establishment which offers for sale for any form of consideration any drug paraphernalia as defined in 21 USC 863 or as it may be amended from time to time.
 - (iii) Other medical marihuana businesses, as determined by the township board.
 - (iv) The Michigan Medical Marihuana Act does not authorize marihuana stores, dispensaries, compassion centers or any medical marihuana business that may market to a wide customer base.
- c. *Exterior display and signs.* A medical marihuana business is in violation of this section if:
- 1. The merchandise or activities of the establishment are visible from any point outside the establishment; or
 - 2. The exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawing or pictorial representatives of any specific illegal paraphernalia, drugs or illegal activity as defined in 21 USC 863.
- d. *Location of medical marihuana business.* A medical marihuana business site shall not be located closer than 1,500 feet to the property line of any of the following:
- 1. A church;
 - 2. A public or private elementary or secondary school;
 - 3. A residential zoning district and/or a parcel with residential use;
 - 4. A public park;
 - 5. An existing regulated use;
 - 6. A child care facility, nursery or preschool;
- (4) *Violations, licensing and penalties.*
- a. A person is in violation of this section if he/she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a regulated use within 1,500 feet of another regulated use without permission of the planning commission.
 - b. A person is in violation of this section if he/she causes or permits the operation, establishment, or maintenance of more than one regulated use in the same building, structure or portion thereof or the substantial enlargement of any regulated use in any building, structure or portion thereof containing another regulated use.
 - c. For the purposes of subsection (1) above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the property boundary to property boundary.
 - d. Any business now classified as a regulated use lawfully operating as of the date of adoption of the amendment, that is in violation of subsections (1), (2) or (3) above shall be deemed a nonconforming use.
 - e. A regulated use lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to special approval and site plan approval of the regulated use, of any use listed in subsection (1) above 1,500 feet of the regulated use.
 - f. License required to operate a regulated use: Special approval and site plan approval shall be granted on the condition that the operator or owner of a regulated use obtains a license to operate the business as required by chapter 4, articles 2 and 3.
 - g. Enforcement. A violation of the provisions of this section shall be deemed a municipal civil infraction.

ARTICLE 7. - OFF-STREET PARKING AND LOADING-UNLOADING STANDARDS

Sec. 14.7-1. - Purpose.

The purpose of this article is to provide in all districts at the time of erection, enlargement or change in use of any principal building or structure, automobile off-street parking space with adequate access to all spaces. Off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

(Ord. No. 5500, § 22.1, 4-17-1995)

Sec. 14.7-2. - General requirements.

- (a) The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
- (b) The off-street parking facilities required for all other uses shall be located on the lot or within 500 feet of the permitted uses requiring such off-street parking, such distance to be measured along line of public access to the property between the nearest point of the parking facility to the building to be served.
- (c) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided elsewhere, or the parking requirements of the site change.
- (d) The use of required parking areas for the storage of material, refuse dumpsters, or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited. The use of semitrailers for storage purposes on the premises for five or more consecutive days is prohibited.
- (e) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced by up to ten percent if a signed agreement is provided by the property owners, and the planning commission determines that the peak usage will occur at different periods of the day and there is potential for a parker to visit two or more uses.
- (f) Where two or more uses are present on the premises, parking requirements shall be calculated for each use, unless specifically provided otherwise herein.
- (g) Parking lot deferment. Where the property owner can demonstrate that the required amount of parking is excessive, the planning commission may approve a smaller parking area, provided that area of sufficient size to meet the parking space requirements of this article is retained as open space, and the owner agrees to construct the additional parking at the direction of the planning commission based on observed usage within six months of being informed of such request in writing by the building department. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.
- (h) During construction, off-street parking shall be provided on site for all construction vehicles and employees.
- (i) Carports and garages or multiple-family dwellings shall be calculated as parking spaces on a one to one basis. Carports and garages in multiple-family dwelling developments shall have a maximum height of 14 feet, measured from the grade to the peak of the structure. Carports shall be enclosed or obscured at least 25 percent along all sides visible from public streets, residential districts or vehicular drives within the site.
- (j) For uses not specifically listed, the requirements for off-street parking facilities shall be in accordance with a similar use or based on documentation regarding the specific parking needs for the particular use, as determined by the

planning commission.

- (k) It shall be unlawful for any person, firm, or corporation to park or store any motor vehicle on any private property, without the expressed or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. Complaint for the violation of this section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.
- (l) Nonresidential uses are eligible for a ten percent reduction in required parking spaces if all spaces are located to the side or rear of the principle building.

(Ord. No. 5500, § 22.2, 4-17-1995; Ord. No. 5595, § 1, 9-2-2014)

Sec. 14.7-3. - Parking units of measurement.

- (a) Where floor area is the unit for determining the required number of off-street parking and loading spaces, said unit shall mean the gross floor area (GFA), unless otherwise noted.
- (b) Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas nor intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be 85 percent of the gross floor area.
- (c) In calculating bench seating for places of assembly, each 24 inches of benches, pews or other such seating, shall be counted as one seat.
- (d) Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
- (e) When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction shall be counted as one additional space.

(Ord. No. 5500, § 22.3, 4-17-1995)

Sec. 14.7-4. - Parking space numerical requirements.

The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule. For uses not specifically listed in this section, the required parking shall be in accordance with that of a similar use as determined by the building department, or determined by the planning commission based on documentation regarding the specific parking needs of the use. For uses with two or more activities, minimum parking shall be calculated separately and combined, unless noted specifically listed in this section or the additional uses are defined as "accessory uses" by the building department.

| | |
|--|---|
| Single- and two-family dwellings | 1.0 space per dwelling unit |
| Multiple-family dwellings | 1.5 spaces per each efficiency or one bedroom dwelling unit, 2.0 spaces per each unit with two or more bedrooms |
| Manufactured homes in a mobile home park | 2.0 spaces per each manufactured/mobile home unit or site |

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| Senior independent units | 1.5 spaces per unit |
| Senior "interim care" and "intermediate care" units retirement villages, etc. | 1.0 space per each room or two beds, whichever is less, plus 1.0 space per each employee expected during the peak shift |
| Convalescent homes, nursing home sanitariums, rest homes, etc. | 1.0 space per each 3 beds or 2 rooms, whichever is less, up to 120 beds; plus 3.0 spaces per each additional eight beds over 120 beds |
| Churches, place of worship | 1.0 space per each three seats |
| Municipal office buildings | 4.0 spaces per 1,000 sq. ft. gross floor area |
| Hospitals, including emergency rooms but excluding areas devoted to outpatient care | 2.5 spaces per each licensed bed; or 1.0 space per each two licensed beds, plus 1.0 space per each staff doctor and employee during peak shifts, whichever is greater (requirements for out-patient care listed separately) |
| Child care centers | 2.0 spaces plus 1.0 additional space for each eight children of licensed authorized capacity |
| Primary schools (elementary and junior) | 1.0 space per each instructor, plus 1.0 space per each employee and administrator, plus spaces required for any assembly hall, auditorium, and/or outdoor arena |
| Secondary (high) schools, commercial schools, colleges required for any assembly hall, auditorium, outdoor arena | 1.0 per each instructor, plus 1.0 per each employee and administrator, plus 5.0 spaces per each classroom, plus parking |
| Auditoriums, assembly halls and outdoor arenas | 1.0 space per each three seats plus one for each two employees |
| Public recreation centers | 5.0 spaces per 1,000 sq. ft. of gross floor area |
| Dancehalls and union halls, fraternal orders, civic clubs and similar uses | 1.0 space per every two persons of capacity authorized by the state construction code |
| Medical/dental clinic/office | 1.0 space per 100 sq. ft. useable floor area |

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| General office building | 1.0 space per 300 sq. ft. gross floor area |
| Branch bank, credit union or savings and loans | 1.0 space per 200 sq. ft. gross floor area plus 4.0 for each teller station |
| Appliance store | 1.0 space per 250 sq. ft. gross leasable floor area |
| Auto service station and auto care centers without convenience goods | 2.0 spaces per each service bay, plus 1.0 space per employee, plus 1.0 space per each tow truck, plus 1.0 space for each 500 sq. ft. devoted to sales of automotive goods |
| Automobile sales | 1.0 space per 200 sq. ft. gross leasable floor area, plus 3.0 spaces per each auto service bay |
| Automobile wash | 2.0 spaces, plus 1.0 space per each employee on peak shift |
| Barbershop/beauty salon | 2.5 spaces per each barber or beautician's chair/station |
| Conference rooms, exhibit halls and similar uses | 1.0 space per every two persons of capacity authorized by the construction code, or 10.0 spaces per 1,000 sq. ft. gross floor area, whichever is greater |
| Convenience store, with or without gasoline service | 1.0 space per 250 sq. ft. gross leasable floor area, plus spaces required for an auto service station, activities or gasoline sales |
| Discount store | 1.0 space per 200 sq. ft. gross leasable floor area |
| Dry cleaners | 1.0 space per 500 sq. ft. gross leasable floor area |
| Equipment repair | 1.0 space per 800 sq. ft. gross leasable floor area |
| Funeral homes | 1.0 space per 50 sq. ft. of service parlors, chapels and reception area, plus 1.0 space per each funeral vehicle stored on the premises |
| Furniture/carpet store | 1.5 spaces per 1,000 sq. ft. gross leasable floor area |
| Hardware/paint/home improvement store | 1.0 space per 300 sq. ft. gross leasable floor area |

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| Laundromat | 1.0 space per each two washing machines |
| Mini-storage, self-storage warehouse | 6.0 spaces minimum |
| Motel/hotel with lounge, restaurant, conference or banquet rooms or exhibit | 1.0 space per guest room plus 10.0 spaces per 1,000 sq. ft. of lounge, restaurant, conference or banquet rooms or exhibit space |
| Motel with restaurant/lounge | 1.0 space per guest room, plus 12.0 spaces per 1,000 sq. ft. of restaurant/lounge space |
| Motel without restaurant/lounge; bed and breakfast inn | 1.0 space per guest room, plus 2.0 spaces |
| Recreational vehicle, boat, mobile | 1.0 space per 800 sq. ft. gross leasable floor area, plus 2.0 spaces per each vehicle sales service bay |
| Restaurant-sit down type | 1.0 space for each two seats, 1.0 space for each one employee |
| Restaurant-fast food with drive-through window | 1.0 space per 50 sq. ft. of eating area, plus 1.0 space for each employee on peak shift |
| Restaurant-take out with less than six tables and/or booths | 6.0 spaces plus 1.0 space for each employee on peak shift |
| Shopping center with less than 400,000 sq. ft. gross leasable floor area | 4.0 spaces per 1,000 sq. ft. gross leasable floor area, plus spaces required for supermarket, if included |
| Shopping center with 400,000 sq. ft. or more gross leasable floor area | 4.5 spaces per 1,000 sq. ft. gross leasable floor area, plus spaces required for supermarket, if included |
| Showroom of a plumber, decorator or similar trade | 1.0 space per 800 sq. ft. gross leasable floor area |
| Supermarket | 2.0 spaces per 500 sq. ft. gross leasable floor area |
| Hypermarket (combined grocery and department store) | 5.0 spaces per 1,000 sq. ft. gross leasable floor area |
| Video rental establishments | 1.0 space per 100 sq. ft. gross leasable floor area, with a minimum of 8.0 spaces provided |

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| Other general retail uses not specified | 1.0 space per 300 sq. ft. gross leasable floor area |
| Batting cages | 3.0 spaces per cage |
| Bowling centers | 5.0 spaces per lane plus 25 percent of the required parking for any lounge |
| Commercial outdoor recreation centers | 5.0 spaces per 1,000 sq. ft. gross floor area |
| Golf course driving range | 1.0 space per tee |
| Golf course, miniature | 1.0 space per each course hole |
| Golf course, par three | 3.0 spaces per each course hole |
| Golf course | 6.0 spaces per each course hole |
| Golf course banquet hall/lounge | 0.5 spaces per seat, less spaces required for golf course |
| Health fitness centers without swimming pool | 5.0 spaces per 1,000 sq. ft. gross leasable floor area |
| Ice/roller skating rink | 6.0 spaces per 1,000 sq. ft. gross floor area |
| Swimming pool | 1.0 space per each three persons of capacity authorized by the construction code |
| Theater, cinema | 1.0 space per each four seats, plus 4.0 spaces per screen or stage |
| Racquetball/tennis | 1.0 space per 1,000 sq. ft. gross floor area or 6.0 spaces court, whichever is greater |
| Video Arcade | 1.0 space per 50 sq. ft. gross leasable floor area, with minimum of 6.0 spaces required |
| Light industrial, manufacturing, testing labs, research and development centers | 1.5 spaces per 1,000 sq. ft. gross floor area, or 1.2 spaces employee at peak shift, whichever is greater; plus 1.0 space for each corporate vehicle |

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|-------------|--|
| Warehousing | 1.0 space for each 1,500 sq. ft. gross floor area, or 1.0 space per employee at peak shift, whichever is greater; plus 1.0 space for each corporate vehicle (separate standard provided for ministorage) |
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(Ord. No. 5500, § 22.4, 4-17-1995; Ord. No. 5506, § 1(22.4), 6-3-1996)

Sec. 14.7-5. - Barrier free parking requirements.

Barrier free parking space requirements shall be in accordance with the state department of labor and economic growth, construction code commission, barrier free design division.

(Ord. No. 5500, § 22.5, 4-17-1995)

Sec. 14.7-6. - Stacking space requirements.

(a) Separate outdoor stacking spaces, which will not conflict with traffic accessing the use, shall be 15 feet in length and shall be provided for the following uses:

| | | |
|-------------------------------------|---|----------------------------|
| Automobile repair station | = | one space per bay |
| Automobile service station | = | two spaces per pump island |
| Convenience store drive through | = | two spaces |
| Drive-through financial institution | = | four spaces per window |

| | | |
|---------------------------------|---|--------------------------|
| Drive-through food service | = | five spaces |
| Dry cleaning dropoff station | = | two spaces |
| Fully automatic car wash | = | 16 spaces per bay |
| Self-serve car wash | = | two spaces per bay |

(b) Stacking spaces which block access to parking spaces shall not be included in calculating the required number of spaces.

(Ord. No. 5500, § 22.6, 4-17-1995)

Sec. 14.7-7. - Off-street loading and unloading areas.

On-premises space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods.

- (1) The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.
- (2) Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.
- (3) Loading/unloading areas and docks shall not be provided in the front yard or on any building side facing and directly visible to a public street.
- (4) Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping.
- (5) Required loading areas shall not be included in calculations for off-street parking space requirements.
- (6) The size of all required loading/unloading spaces shall be at least ten feet by 50 feet or 500 square feet in area, with a clearance of at least 14 feet in height.
- (7) Loading dock approaches shall be constructed of an asphalt or Portland cement binder with a base sufficient to accommodate expected vehicle weight.
- (8) The minimum number of loading spaces shall be provided in accordance with the following schedule:

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|---|
| Institutional, Commercial and Office Uses |
|---|

| | | |
|-----------------------------------|---|--|
| 5,001 to 60,000 sq. ft. GFA | = | 1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA |
| 60,001 sq. ft. GFA and over | = | 3.0 spaces, plus 1.0 space per each additional 50,000 sq. ft. GFA |

(Ord. No. 5500, § 22.7, 4-17-1995)

Sec. 14.7-8. - Off-street parking construction and operation.

- (a) The construction of any parking lot shall be in accordance with the requirements of the state construction code and the provisions of this chapter and such construction shall be completed and approved by the building department before actual use of the property as a parking lot. Plans for the development of any parking lot must be submitted to the building department, prepared at a scale of not less than 50 feet equals one inch and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons competent in such work.
- (b) All such parking lots shall be hard-surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property.
- (c) All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than 20 feet above the parking lot surface.
- (d) Required parking lots shall be installed and completed within six months of receipt of a building permit and before issuance of an occupancy permit. The building department may grant a single extension for an additional six months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.
- (e) The visibility of pavement markings delineating parking spaces and directional control shall be maintained.

(Ord. No. 5500, § 22.8, 4-17-1995)

Sec. 14.7-9. - Off-street parking space design standards and setback requirements.

- (a) Where required, off-street parking facilities for uses other than single family and duplex residences shall be designed, constructed and maintained according to the following standards and regulations:
 - (1) Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. All driveways and parking lots shall have a concrete or asphalt surface. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
 - (2) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
 - (3) All parking lot or display lighting shall be designed, located and/or shielded to prevent spillover onto adjacent

properties, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roadways. The maximum height of parking lot light fixtures shall be 20 feet for any lot within 150 feet of a residential district, and a maximum height of 40 feet in all other parking lots.

- (4) Curbing or bumper blocks shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas.
- (5) Parking lots shall be designed to prevent vehicles from backing into the access roads.
- (6) Parking lots shall be prohibited in the required front yard setback.
- (7) Required parking lot setback areas shall be landscaped according to the standards of article 5.

(8) Dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

| Parking Pattern | Maneuvering Lane Width (feet) | | Parking Stall Width (feet) | Parking Stall Depth 90 Degree (feet) | Total Depth of 1 Tier of Spaces Plus Maneuvering Lane (feet) | Total Depth of 2 Tiers of Spaces Plus Maneuvering Lane (feet) |
|-------------------|-------------------------------|-------|----------------------------|--------------------------------------|--|---|
| | 2-Way | 1-Way | | | | |
| 0 degree Parallel | 24 | 12 | 8.0 | <u>22</u> | 20 | 40 |
| 45 degree | <u>23</u> | 12 | 9.5 | 13 | 25 | 49 |
| 60 degree | 24 | 16 | 9.5 | 16 | 32 | 56 |
| 90 degree | 25 | N/A | 9.5 | 18 | 43 | 61 |

(b) Minor adjustments of the dimensions prescribed in this section may be authorized by the building department if consistent with generally recognized design standards for off-street parking facilities.

(Ord. No. 5500, § 22.9, 4-17-1995; Ord. No. 5595, § 1, 9-2-2014)

Sec. 14.7-10. - Landscaping of off-street parking areas.

Any continuous off-street parking area containing 100 or more parking spaces shall be constructed in conformance with the following provisions:

- (1) In off-street parking areas containing 100 or more parking spaces, an area equal to at least five percent of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be

arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area, through the even distribution of the landscape effort across the total off-street parking area, rather than to concentrate all effort in one location.

- (2) Parking lot landscaping shall be not less than five feet in any single dimension and not less than 150 square feet in any single island area. Not more than two landscaped units of 150 square feet may be combined in plans designed to meet the minimum requirements.
- (3) The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
- (4) Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
- (5) A minimum of one deciduous tree shall be planted in each landscaped area.

(Ord. No. 5500, § 22.10, 4-17-1995)

ARTICLE 8. - LANDSCAPING STANDARDS

Sec. 14.8-1. - Purpose.

Township landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. The purpose of this article is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

(Ord. No. 5500, § 25.1, 4-17-1995)

Sec. 14.8-2. - Scope of application.

- (a) The requirements set forth in this article shall apply to all uses, lots, sites, and parcels which are developed or expanded following the effective date of the ordinance from which this section is derived. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this article. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this article have been met or a performance bond has been posted in accordance with the provisions set forth in section 14.2-9.
- (b) In cases where the use of an existing building changes or an existing building is changed or otherwise altered or reoccupied, all of the standards set forth herein shall be met.
- (c) The requirements of this article are minimum requirements, and nothing herein shall preclude a developer and the township from agreeing to more extensive landscaping.

(Ord. No. 5500, § 25.2, 4-17-1995)

Sec. 14.8-3. - Landscaping design standards.

Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards:

- (1) *General landscaping.* All portions of the lot or parcel area not covered by buildings, paving, or other impervious surf be landscaped with vegetation ground cover and other ornamental materials as required in this subsection, except specific landscape elements, such as a greenbelt, berm, or screening are required:
 - a. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with planning commission approval.
 - b. A mixture of evergreen and deciduous trees shall be planted at the rate of one tree for each 1,000 square feet or portion thereof of landscaped open-space area.
 - c. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
 - d. The landscaped area shall include a greenbelt of a minimum ten foot width, located and continually maintained along a public right-of-way.
 - e. In consideration of the overall design and impact of the landscape plan, the planning commission may reduce or waive the requirements outlined herein for general landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of this chapter, and more specifically, with the purpose stated in section 14.8-1.
 - f. The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.
- (2) *Greenbelt buffer.* Where required, greenbelts and greenbelt buffers shall conform to the following standards:
 - a. A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular and pedestrian access.
 - b. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
 - c. A minimum of one deciduous tree or evergreen tree shall be planted for each 50 lineal feet or portion thereof of required greenbelt length. Required trees shall be at least five feet tall and may be planted at uniform intervals, at random, or in groupings.
 - d. Two 18-inch-high or -wide shrub shall be required for each 15 linear feet of greenbelt area. Required shrubs may be planted at uniform intervals, at random, or in groupings.
- (3) *Berms.* Where required, earth berms or landscaped berms shall conform to the following standards:
 - a. The berm shall be at least three feet above the grade elevation, and shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal. For the purposes of this subsection, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
 - b. The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
 - c. A minimum of one deciduous or evergreen tree shall be planted for each 30 linear feet or portion of required berm.
 - d. Eight shrubs per tree may be planted as substitute for trees (see subsection (3)c of this section).
 - e. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
 - f. For the purpose of determining required plant material, required berm length shall be measured along exterior periphery of the berm.
- (4) *Evergreen screening.* Where required, evergreen screening shall consist of closely-spaced plantings which form a visual barrier that is at least eight feet above ground level within five years of planting.

- (5) *Landscaping of rights-of-way and other adjacent public open-space areas.* Public rights-of-way and other public open areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts
- (6) *Regulations pertaining to landscaping areas used for sight distance.*
- a. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described in subsection (6)b of this section shall permit unobstructed crossvisibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than two feet above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall also not exceed a height of two feet above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Landscaping, except grass or ground cover, shall be located closer than three feet from the edge of a driveway.
 - b. The triangular areas referred to in subsection (6)a of this section are:
 1. The area formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being ten feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.
 2. The area formed at a corner intersection of two public right-of-way lines, the two sides of the triangular area being 25 feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two sides.
- (7) *Maintenance of landscaping.* All required landscape areas shall be planted and maintained with living plant materials. Failure to maintain required landscaped areas, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this chapter.

(Ord. No. 5500, § 25.3, 4-17-1995)

Sec. 14.8-4. - Plant materials.

Whenever in this chapter planting is required, it shall be planted within six months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials. Plastic and other nonorganic, nonliving plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this chapter.

- (1) *Plant material spacing.*
- a. Plant materials shall not be placed closer than four feet from the fence line or property line except that shrubs may be planted no closer than two feet from the fence or property line.
 - b. Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
 - c. Evergreen trees shall be planted not more than 30 feet on centers, except as provided in section 14.8-3.
 - d. Narrow evergreens shall be planted not more than three feet on centers.
 - e. Deciduous trees shall be planted not more than 30 feet on centers.
 - f. Treelike shrubs shall be planted not more than ten feet on centers.
 - g. Large deciduous shrubs shall be planted not more than four feet on centers.
- (2) *Suggested plant materials, minimum size.*

| Suggested Plant Materials | Minimum Size |
|-------------------------------|----------------------------|
| Evergreen trees: | Six feet in height |
| Hemlock | |
| Fir | |
| Pine | |
| Spruce | |
| Douglas-Fir | |
| Narrow evergreens: | Four feet in height |
| Column Honoki Cypress | |
| Blue Columnar Chinese Juniper | |
| Pyramidal Red Cedar | |
| Irish Yew | |
| Douglas Arborvitae | |
| Columnar Giant Arborvitae | |
| Treelike shrubs: | Six feet in height |
| Flowering Crab | |
| Russian Olive | |
| Mountain Ash | |
| Dogwood | |
| Redbud | |
| Rose of Sharon | |
| Hornbeam | |
| Hawthorn | |
| Magnolia | |
| Large deciduous shrubs: | Four feet in height |
| HoneysuckleViburnum | |
| Mock-Orange | |
| Forsythia | |
| Lilac | |
| Cotoneaster | |
| Hazelnut | |
| Euonymus | |
| Privet | |
| Buckthorn | |
| Sumac | |
| Deciduous trees: | Three-to four-inch caliper |
| Oaks | |

| | |
|------------------------------|--|
| Hard Maple | |
| Hackberry | |
| Birch | |
| Planetree (Sycamore) | |
| Ginkgo (male) | |
| Beech | |
| Sweet Gum | |
| Honeylocust | |
| Hop Hornbeam | |
| Linden | |
| Trees not permitted: | |
| Box Elder | |
| Ginkgo | |
| Honeylocust (with thorns) | |
| Mulberry | |
| Poplars | |
| Black Locust | |
| Willows | |
| American Elm | |
| Siberian Elm | |
| Slippery Elm | |
| Red Elm | |
| Chinese Elm | |
| Cottonwood | |

(3) *Existing plant materials.*

- a. In instances where healthy plant material exists on a site prior to its development, the building department may adjust the application of the standards of subsection (2) of this section to allow credit for such plant material if such an adjustment is in keeping with, and will preserve, the intent of this section.
- b. All existing plant materials must first be inspected by the building department to determine the health and desirability of such materials. In the event plant materials are to be saved, prior approval must be obtained from the building department before any delimiting, root pruning, or other work is done.
- c. If such existing plant material is labeled "To Be Saved" on site plans, protective techniques, such as, but not limited to, fencing placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.
- d. In the event that healthy trees labeled "To Be Saved" on the approved site plan are destroyed or damaged, as determined by the building department, the owner, developer or contractor shall replace said trees with trees of comparable type.

(Ord. No. 5500, § 25.4, 4-17-1995)

Sec. 14.8-5. - Screening walls.

- (a) For the use districts and uses listed in the table in this subsection, there shall be provided and maintained on those side abutting or adjacent to a single or multifamily residential district, an obscuring wall. The height of the wall shall be measured from the surface of the parking area or land on the nonresidential side of the wall:

| Use | Minimum height requirements |
|--|---|
| Off-street parking area | 4 feet-6 inches high wall |
| RM-1, C-1, C-2, C-3, IND and AD | 4 feet-6 inches high wall |
| Open storage areas and loading and unloading zones | 4 feet-6 inches to 8 feet-0 inches high wall or fence |
| Trash receptacles | 6 feet-0 inches high wall |
| Utility buildings, stations, and substations | 6 feet-0 inches high wall or fence |

- (b) In the case of the variable wall height requirement in subsection (c) of this section, the extent of obscuring wall shall be determined by the planning commission on the basis of land usage; provided further, that no wall or fence shall be less than the required minimum, nor greater than the required maximum height.
- (c) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with yard setback lines. Upon review of the site plan, the planning commission may approve an alternate location for the wall, or may modify the wall requirement by approving either an earth berm or evergreen screen in its place. The planning commission may also waive the wall requirement if, in specific cases where cause can be shown, no good purpose would be served by the screening requirement.
- (d) Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the planning commission. All walls herein required shall be constructed of materials approved by the building department to be durable, weather resistant, and easily maintained.
- (e) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than 200 feet from abutting residential district or across the street from a residential district.

(Ord. No. 5500, § 25.5, 4-17-1995; Ord. No. 5506, § 1(25.5), 6-3-1996)

ARTICLE 9. - ACCESS MANAGEMENT AND DRIVEWAY STANDARDS

Sec. 14.9-1. - Purpose.

The purpose of this article is to provide access standards which will facilities traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

(Ord. No. 5500, § 26.1, 4-17-1995)

Sec. 14.9-2. - Application of standards.

- (a) The standards of this section shall be applied to the following major traffic routes identified in the township master plan.
 - (1) Miller Road.
 - (2) Linden Road.
 - (3) Corunna Road.
 - (4) Lennon Road.
 - (5) Bristol Road.
 - (6) Ballenger Hwy.
 - (7) Dye Road.
 - (8) Beecher Road.
- (b) The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the state department of transportation and the county road commission.
- (c) The standards contained in this section shall apply to all uses, except permitted single-family and two-family dwelling units.
- (d) For expansion and/or redevelopment of existing sites where the planning commission determines that compliance with all the standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this article may be accepted by the planning commission, provided that the applicant demonstrates all the following:
 - (1) Size of the parcel is insufficient to meet the dimensional standards.
 - (2) The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
 - (3) There is no other reasonable means of access.

(Ord. No. 5500, § 26.2, 4-17-1995)

Sec. 14.9-3. - Number of driveways.

- (a) Access to a parcel shall consist of either a single two-way driveway or a pair of one-way driveways wherein one driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.
- (b) Where parcel frontage is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.
- (c) Where parcels have frontage along two streets, access should be provided only along the street with the lower average daily traffic volume, unless the planning commission determines this would negatively affect traffic

operation or surrounding land uses.

- (d) Where the property has continuous frontage of over 300 feet and the applicant can demonstrate, using the Institute of Transportation Engineers Trip Generation Manual or another accepted reference, that a second access is warranted, the planning commission may allow an additional access point. Where possible, this access should be spaced according to the standards contained herein, located on a side street, shared with an adjacent property, and/or be designed to restrict one or both left turn movements.
- (e) Where the property has continuous frontage of over 600 feet, a maximum of three driveways may be allowed, with at least one such driveway being designed and signed for right-turns-in, right-turns-out only.

(Ord. No. 5500, § 26.3, 4-17-1995)

Sec. 14.9-4. - Shared access; joint driveways; frontage roads; parking lot connections; and rear service drives.

- (a) Shared use of access between two or more property owners should be encouraged through use of driveways; constructed along property lines; connecting parking lots; and construction of frontage roads and rear service drives, particularly within one-quarter mile of major intersections. Sites that have dual frontage, where frontage dimensions are less than 300 feet, or at locations with sight distance problems, and/or along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed.
- (b) In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility may be required by the planning commission.
- (c) In cases where a site is adjacent to undeveloped property, the site should be designed to accommodate a future frontage road, parking lot connection or rear service drive.
- (d) The applicant shall provide the township with letters of agreement or access easements from all affected property owners.

(Ord. No. 5500, § 26.4, 4-17-1995)

Sec. 14.9-5. - Driveway spacing from intersections and freeway ramps.

- (a) Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the intersecting street's right-of-way line.
- (b) In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:
 - (1) For locations in the vicinity of intersections experiencing congestion and/or a significant number of traffic accidents (five or more annually), the planning commission may require that access be constructed along the property line furthest from the intersection.
 - (2) For locations within 200 feet of any signalized or four-way stop intersection, driveways shall be spaced a minimum of 150 feet from the intersection. Where this spacing cannot be provided, driveways designed for "right-turn in, right-turn out only" movements may be allowed, with a minimum spacing of 75 feet from the intersecting street right-of-way.
- (c) One hundred feet for locations not addressed by subsection (b)(2) of this section.
- (d) Driveways shall be spaced a minimum of 300 feet from the centerline of expressway (I-75 and I-69) on and off ramps.

(Ord. No. 5500, § 26.5, 4-17-1995)

Sec. 14.9-6. - Driveway spacing from other driveways.

- (a) Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.
- (b) Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each particular frontage, as follows:

| Posted speed (mph) | Minimum driveway spacing (feet) |
|--------------------|---------------------------------|
| 25 | 100 |
| 30 | 125 |
| 35 | 150 |
| 40 | 185 |
| 45 | 230 |
| 50 | 275 |
| 55 | 350 |

- (c) Driveways shall be directly aligned with those across the street or, where offset, the minimum driveway spacing from driveways across the street shall be 150 feet, excluding when one or both driveways are designed and signed for right-turn-in, right-turn-out only.

(Ord. No. 5500, § 26.6, 4-17-1995)

Sec. 14.9-7. - Driveway design; channelized driveways; deceleration lanes and tapers; bypass lanes.

- (a) Driveways shall be designed to the standards of the county road commission, except where stricter standards are included herein.
- (b) Driveway width and radii.
 - (1) The typical driveway design shall include one ingress and one egress lane, with a combined maximum throat width of 30 feet, measured from face to face of curb.
 - (2) Wherever the planning commission determines that traffic volumes or conditions may cause significant delays for traffic exiting left, two exit lanes may be required.
 - (3) For one-way paired driveway systems, each driveway shall be 16 feet wide, measured perpendicularly.
 - (4) In areas with pedestrian traffic, the exit and enter lanes may be separated by a median with a maximum width of ten feet.
 - (5) Driveways shall be designed with a 25-foot radii; 30-foot radii where daily semi-truck traffic is expected.
- (c) Directional driveways, divided driveways and deceleration tapers.
 - (1) Directional driveways, divided driveways, and deceleration tapers and/or bypass lanes may be required by the planning commission where they will reduce congestion and accident potential for vehicles accessing the proposed use or site.
 - (2) Right-turn tapers shall be a minimum of 75 feet in length and at least 11 feet wide.

- (3) Design of directional and divided driveways shall be in accordance with the designs of the following exhibits:

EXHIBIT 1

Design of Frontage Roads, Rear Service Drives and Parking Lot Connections.

Frontage roads, rear service drives and drives connecting two or more parking lots shall be constructed in accordance with the following standards:

- a. Pavement width shall be a maximum of 30 feet, measured face of curb to face of curb; intersection approaches may be widened to 39 feet for a left turn lane.
- b. Frontage road access to public streets shall be spaced according to the standards of section 14.9-6.
- c. Frontage roads shall have a minimum setback of 30 feet between the outer edge of pavement and the right-of-way line, with a minimum 60 feet of uninterrupted queuing (stacking) space at the intersections.
- d. Parking along or which backs into a frontage road shall be prohibited.
- e. For properties which are currently developed or are adjacent to developed uses, and the standards set forth in this exhibit are determined by the planning commission to be too restrictive, frontage roads can be defined through parking lots by raised and/or painted islands, as shown, provided that at least every third end island is raised.

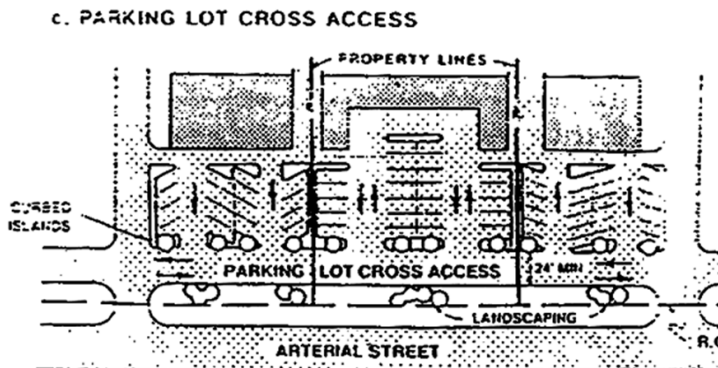
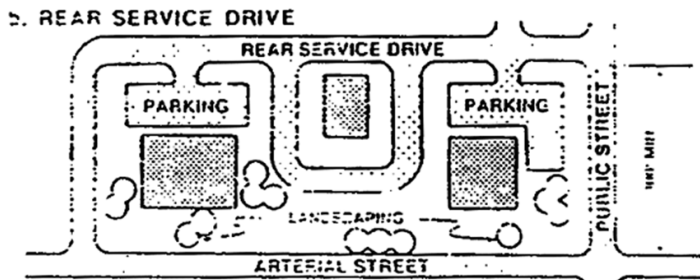
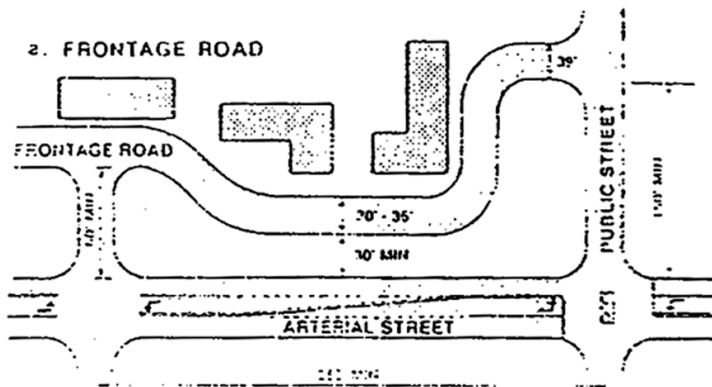
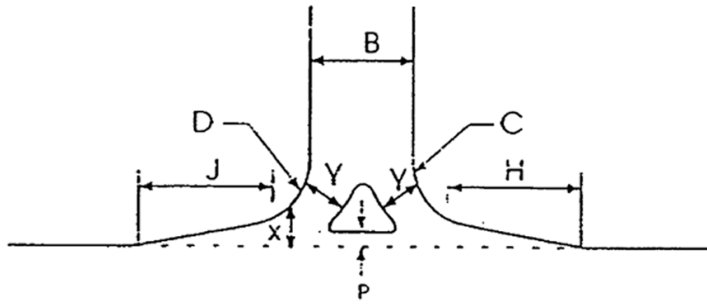


EXHIBIT 2

Directional Driveway Standards

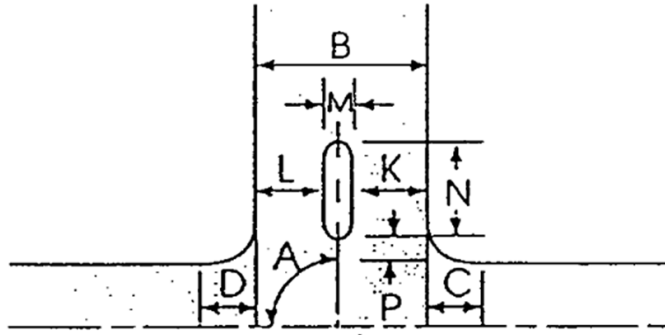


| Directional Driveway | | | |
|-----------------------------|---|-----------------|---------------|
| Design features | | Required (feet) | Range* (feet) |
| Driveway width | B | 30 | 25—30 |
| Entering radius | C | 30 | 25—40 |
| Exiting radius | D | 30 | 25—35 |
| Entering taper | H | 75 | 50—100 |
| Exiting taper | J | 75 | 50—100 |
| Nose offset | P | 4 | 4—10 |
| Taper offset | X | 12 | 12 |
| Entering/exiting lane width | Y | 15 | 14—18 |

* The "required" dimension shall be used unless the township specifies, or the applicant demonstrates technical justification for, a different value. The range in dimensions indicates the working values for each design feature.

EXHIBIT 3

Divided Commercial Driveway Standards



| Divided Commercial Driveway | | | |
|-----------------------------|---|------------|------------------|
| Design features | | Required | Range* (feet) |
| Intersecting angle | A | 90 degrees | --- |
| Driveway width | B | 48 feet | 46 to 78 |
| Entering radius | C | 30 feet | 25 to 40 |
| Exiting radius | D | 25 feet | 20 to 35 |
| Entrance drive width | K | 16 feet | 16 to 27 |
| Exit drive width | L | 22 feet | 20 to 27 |
| Island width | M | 10 feet | 6 to 24 |
| Nose offset | P | 12 feet | 6 to 18 |
| Island length | N | 35 feet | 30 to 100 |

* The "required" dimension shall be used unless the township specifies, or the applicant demonstrates technical justification for, a different value. The range in dimensions indi-

cates the working values for each design feature.

(Ord. No. 5500, § 26.7, 4-17-1995)

ARTICLE 10. - NONCONFORMING LOTS, USES OF LAND, STRUCTURES, USES OF STRUCTURES AND PREMISES

Footnotes:

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State Law reference— *Nonconforming uses or structures, MCL 125.3208.*

Sec. 14.10-1. - Purpose.

Upon the adoption of the ordinance from which this article is derived or subsequent amendments, there may exist lots, structures, and uses of land and structures which were lawful prior to the adoption of the ordinance, or amendment thereto, but which are not in conformance with the provisions of the ordinance, or amendment thereto. It is the intent of this article to permit these nonconforming lots, structures and uses to continue, but not to encourage their prolonged existence, because nonconforming lots, structures and uses, so long as they exist, prevent the full realization of the goals and policies of the township master plan, the spirit of this chapter is to reduce, rather than increase such nonconformance.

(Ord. No. 5500, § 23.1, 4-17-1995)

Sec. 14.10-2. - Nonconforming lots.

- (a) 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 at the effective date of adoption or amendment of the ordinance from which this chapter is derived may be utilized for single residence purposes, provided the width and depth is not less than 66 2/3 percent of that required by this chapter. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. 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 and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- (b) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the ordinance from which this chapter is derived, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

(Ord. No. 5500, § 23.2, 4-17-1995)

Sec. 14.10-3. - Nonconforming uses of land.

Where, at the effective date of the ordinance from which this article is derived or amendment thereto, lawful use of land exists that is made no longer permissible under the provisions of this chapter as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following limitations:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived.
- (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived.
- (3) If any such nonconforming use of land ceases for any reason for a period of more than one year any subsequent use of such land shall conform to the regulations specified by this article for the district in which such land is located.
- (4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

(Ord. No. 5500, § 23.3, 4-17-1995)

Sec. 14.10-4. - Nonconforming structures.

Where a lawful structure exists at the effective date of adoption of the ordinance from which this article is derived that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provision:

- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity with the provision of this article.
- (2) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement value at time of destruction, it shall not be reconstructed except:
 - a. In conformity with the provisions of this chapter.
 - b. Where a single-family residential use exists as a legal non-conforming use. The residence and/or any residential accessory structures can be rebuilt unless the use has been discontinued for more than one year.
- (3) Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (4) Should such structure shall be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, shall not be later reestablished or increased.

(Ord. No. 5500, § 23.4, 4-17-1995; Ord. of 12-2-2013, § 1)

Sec. 14.10-5. - Nonconforming use of structures.

If lawful use involving individual structures with an assessed value of \$500.00 or more or of structure and premises in combination, exists at the effective date of adoption of the ordinance from which this article is derived, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.
- (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one year, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent of more than 50 percent of the replacement value at time of destruction.

(Ord. No. 5500, § 23.5, 4-17-1995)

Sec. 14.10-6. - Repairs and maintenance.

- (a) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 20 percent of the current assessed value of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.
- (b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the building department to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulation of the district in which it is located.

(Ord. No. 5500, § 23.6, 4-17-1995)

Sec. 14.10-7. - Structures under construction.

Any structure on which actual construction was lawfully begun prior to the effective date of the ordinance from which this chapter is derived, or amendment thereto, shall be considered existing and lawful. Nothing in this article shall be deemed to require any change in the plans, construction or use of such structure. Actual construction is hereby defined to include the placing of construction material in a permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to reconstruction, such demolition or removal shall be deemed actual construction.

(Ord. No. 5500, § 23.7, 4-17-1995)

Sec. 14.10-8. - Certificate of occupancy.

(a) Notification of nonconforming use.

- (1) At any time after the adoption of the ordinance from which this article is derived should the township become aware of a nonconforming use, the owner of said nonconforming use shall be notified by the building department of the provisions of this section that his property constitutes a nonconforming use. Within 30 days after receipt of said notice, the owner shall apply for and be issued a certificate of occupancy for the nonconforming use. The application of such certificate shall designate the locations, nature, and extent of the nonconforming use and such other details as may be necessary for the issuance of the certificate of occupancy.
 - (2) If the owner of a nonconforming use fails to apply for a certificate of occupancy within 30 days after receipt of the foregoing notice, the use ceases to be nonconforming and is hereby declared to be in violation of this ordinance. The building department and the township attorney shall take appropriate action to enjoin such violation.
- (b) If the building department shall find, upon reviewing the application for a certificate of occupancy, that the existing use is illegal or in violation of any other ordinance or law or if he finds that the building for which the certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the construction code or the zoning ordinance in effect at the time of construction or alteration, he shall not issue the certificate of occupancy but shall declare such use to be in violation of this chapter.
- (c) The certificate of occupancy issued by the building department for a nonconforming use shall state the use may be continued for a period of 12 months. The certificate of occupancy may be renewed.
- (d) After the adoption of the ordinance from which this article is derived, or any amendments thereto, the building department shall prepare a record of all known nonconformity uses and occupations of lands, buildings, and structures, including tents and trailer coaches, existing at the time of such ordinance or amendment. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the township clerk.

(Ord. No. 5500, § 23.8, 4-17-1995)