

Appendix A - ZONING

ZONING ORDINANCE

CHARTER TOWNSHIP OF VIENNA

Footnotes:

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Editor's note— *Printed in this appendix is the zoning ordinance of the township. The original organization and section numbers have been retained. It has been edited to be consistent with the style of the Code of Ordinances chapters. The appendix is being adopted as part of the Code of Ordinances.*

State Law reference— *Michigan zoning enabling act, MCL 125.3101 et seq.; township planning, MCL 125.321 et seq.*

ARTICLE 1. - INTRODUCTION

Sec. 100. - Title.

An ordinance enacted under Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended, governing the unincorporated portions of the Township of Vienna, Genesee County, Michigan, for the purposes of providing for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated. In these districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that may be erected or altered after the effective date of this ordinance; designing the use of certain state licensed residential facilities; providing for a method for the adoption of this ordinance and amendments thereto; providing for the acquisition by purchase, condemnation, or otherwise of nonconforming property; providing for the administering of this ordinance; providing for conflicts with other acts, ordinances, or regulations; providing penalties for violations; providing for the collection of fees for permits as required by this ordinance; providing for petitions and public hearings, and referenda; providing for appeals; and providing for the repeal of acts in conflict with this ordinance.

(Ord. of 3-21-2005, § 100)

Sec. 105. - Preamble.

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the township; to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and by providing a growth management framework through which the township can reasonably respond to the service requirements of growth; and by other means, all in accordance with a comprehensive general development plan; now therefore;

(Ord. of 3-21-2005, § 105)

Sec. 110. - Enacting clause.

Vienna Township ordains:

(Ord. of 3-21-2005, § 110)

Sec. 115. - Short title.

This ordinance shall be known and may be cited as the Charter Township of Vienna Zoning Ordinance.

(Ord. of 3-21-2005, § 115)

Sec. 120. - Intent and purpose.

1. The intent of this ordinance is to call on the concepts of the master plan for future land use of the township. The purpose of the master plan for future land use is to provide definitive standards for determining the most appropriate pattern of land use so that new growth can be shaped in spatial patterns to produce the greatest cost effectiveness for eventual supporting infrastructure, such as sewers, water and community services.
2. The purpose of this ordinance is to provide the rules by which the development of the township, in accordance with the master plan for future land use, can be achieved. In so doing, to provide for the health, safety, and welfare of the township by dividing it into zoning districts which will best promote efficiency and economy in the process of development, and reduce congestion on public streets, reduce hazards, and conserve property values. Further, the purpose is to provide for the orderly expansion of public utilities and facilities.

(Ord. of 3-21-2005, § 120)

Sec. 125. - Construction.

This ordinance shall be liberally construed to be constructed as to best fulfill its purpose and those of the master plan for future land use. When interpreting and applying the provisions of this ordinance, the requirements shall be held to be minimum for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare. The provisions of this ordinance shall be compatible and consistent with each other, provided however, that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provisions shall control and prevail.

(Ord. of 3-21-2005, § 125)

ARTICLE 2. - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Sec. 200. - Applicable rules of construction.

The following rules of construction apply to the text of this ordinance:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
4. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The word "building" includes the word "structure." A building or structure includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "neither ... or," the conjunction shall be interpreted as follows:
 - a. *And.* "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. *Or.* "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. *Either ... Or.* "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. of 3-21-2005, § 200)

Sec. 205. - Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or accessory means a use that is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in the text, it shall have the same meaning as "accessory use." An "accessory use" includes, but is not limited to, the following:

1. Swimming pools for use of the occupants of a residence, or their guests;
2. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure;
3. Home occupations when carried on by the owner resident of the dwelling and when no physical or visual affects are observed beyond the walls of the residence;
4. A newsstand primarily for the convenience of the occupants of a building, located on the same lot as the principal use and within ten feet of the principal building;
5. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations;
6. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations;
7. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located;
8. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located; and
9. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
10. Private solar energy collector systems, subject to the applicable zoning district regulations.

Aircraft landing strip means the use of land for the landing or taking off of aircraft, as an accessory use to a dwelling or housing unit on the same zoning lot, including facilities for the shelter of aircraft but not including the boarding or care of aircraft owned by others.

Airport and related facilities, commercial (public or private), means the use of land for the landing or taking off of aircraft, which provides facilities for shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities.

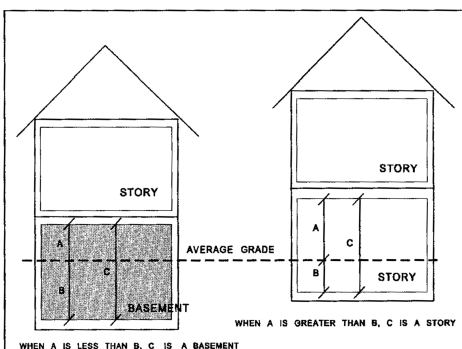
Alley means any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

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 or partitions, columns, beams or girders, the consummated acts of which may be referred to herein as "altered" or "reconstructed."

Automobile repair, general, includes engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile repair, light, includes repair or replacement of automotive components for maintenance purposes, such as tires, mufflers, glass, etc. This does not include any item described by the definition of general automotive repair.

Basement means that portion of a building between the floor and ceiling, which is partly or wholly below grade, and located so that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling. A basement shall not be considered as a story.



Bed and breakfast means a secondary use that is subordinate to the principal use of a single-family dwelling where sleeping rooms and board are provided to transient guests.

Block means the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such 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, or corporate boundary lines of the township.

Building means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. A "building" shall not include such structures as billboards, fences or radio towers, or structures with interior areas not normally accessible for human use, such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

Building envelope means the area defined by lines drawn parallel to the front, rear, and side area lines, at a distance designated by the setback requirements of the zoning district and within which the main building shall be located.

Building height means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; or to the peak or ridge for all other roof types. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building line means a line formed by the face of the building, and for the purposes of this ordinance, a minimum building line is the same as a front setback line.

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

Building-mounted solar energy collector system means a solar energy collector system attached to the roof or wall of a building, or which serves as a roof, wall, or window or other element, in whole or in part, of a building.

Caliper means the diameter of a tree trunk measured six inches above ground level up to and including four-inch caliper size and 12 inches above ground level for larger sizes.

Clinic means an establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists or similar professions.

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

Collector road means roads that are designed to collect traffic from local or minor streets and carry it to major or secondary thoroughfares and indicated as collector roads in the township's master plan for future land use.

Condominium lot means all areas bounded by the front yard area line, the rear yard area line and the side yard area lines.

Convalescent or nursing home means a structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

Court means an open space, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

Development means the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Diameter breast height (DBH) means the diameter of a tree measured at four feet above the natural grade.

District means a portion of the unincorporated area of the township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.

Drive-in or drive through 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 while in a building or structure.

Dwelling includes the following:

1. *One-family dwelling* means a building designed exclusively for and occupied exclusively by one family.
2. *Two-family dwelling* means a building designed exclusively for occupancy by two families living independently of each other.
3. *Multiple-family dwelling* means a building or portion thereof, designed exclusively for occupancy by three or more families, living

independently of each other.

Dwelling unit means a building or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

1. *Manufactured dwelling unit.* A dwelling unit that is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.
2. *Site built dwelling unit.* A dwelling unit that is substantially built, constructed, assembled, and finished on the premises that are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of pre-cut materials, and panelized wall, roof, and floor sections when such sections require substantial assembly and finishing on the premises that is intended to serve as its final location.

Elderly housing includes the following:

1. *Dependent* means elderly housing provided in a multiple family housing form with central dining facilities provided as a basic service to each unit. Each dwelling unit may or may not contain cooking facilities. Includes assisted living.
2. *Independent* means elderly housing provided for in a multiple family housing form with full facilities for self-sufficiency in each individual unit, and no central dining facility.

Erected means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhanging electrical, steam fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation means any breaking of ground, except common household gardening and ground care.

Exception. Exceptions are intended to accommodate instances where the provisions of this ordinance are not precise enough to cover all situations without interpretation. The granting of an exception does not require a finding of undue hardship but is permitted only when specifically referenced in the zoning ordinance and only after review of an application by the board of appeals or planning commission.

Facade means the exterior of the wall or all walls of a building extending in one direction. For purposes of sign regulation, there shall not be more than four facades for each building.

Family means:

1. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children or domestics of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are living and cooking as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Farm means all of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant-farmer, by such person's own labor or with the assistance of members of the household or hired employees: provided, however, that land to be considered a farm hereunder shall include a continuous parcel of more than ten acres in area: provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping fur-bearing animals, public riding or boarding stables, commercial dog kennels, shall not be considered farms hereunder unless combined with bona fide farm operations on the same continuous tract of land. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish or offal or as rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises prior thereto and for the use and consumption of persons residing on the premises.

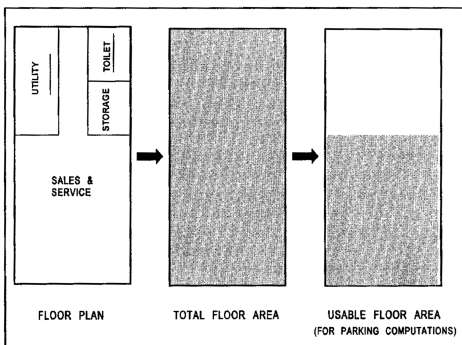
Fence means a manmade, unroofed barrier which may act as an enclosure or which is decorative or ornamental.

Floor area means, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of the several floors of the building shall be measured from the interior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of basements, unfinished attics, attached garages, breezeways, unenclosed porches and enclosed porches.

Floor area, gross, means the sum of the horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls, including basements or mezzanines. Unfinished attics, attached garages, breezeways and areas included in structures or buildings providing parking for motor vehicles shall not be included.

Floor area ratio (FAR) means an intensity measured as a ratio derived by dividing the gross floor area of a building by the area of the zoning lot.

Floor area, usable, means, for the purposes of computing off-street parking requirements, the 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 that is used or intended to be used principally for the storage or processing of merchandise, for hallways or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal area of the several floors of the building, measured from the interior faces of the exterior walls.



Gasoline service station means a space, building or structure designed or used for the retail sales or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles.

General commons area means all areas outside of the condominium lots including right-of-way.

Grade means the ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and taking the average of the total averages.

Ground-mounted solar energy collector system means a solar energy collector system that is not attached to and is separate from any building on the parcel of land on which the solar energy collector system is located.

Home occupation means an occupation that is a secondary use, which is clearly subservient or incidental to the use of a one-family dwelling unit for residential purposes, subject to the conditions of [section 410](#).

Industrial solar energy collector system means a utility-scale ground mounted solar energy collector system with the primary purpose of wholesale or retail sale of generated electricity, commonly referred to as solar farms.

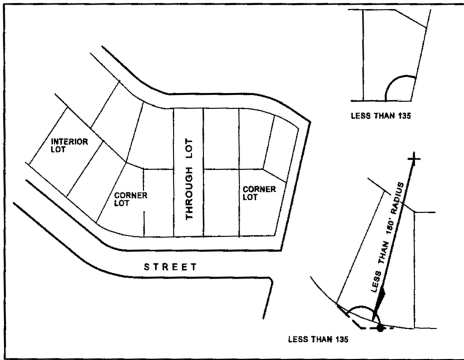
Junkyard means an open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes automobile wrecking yards and 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.

Kennel, commercial, means any lot or premises on which four or more dogs, cats or other household pets are either permanently or temporarily boarded.

Limited commons area means the areas within a condominium lot that are outside of the building envelope.

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

Lot means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records.



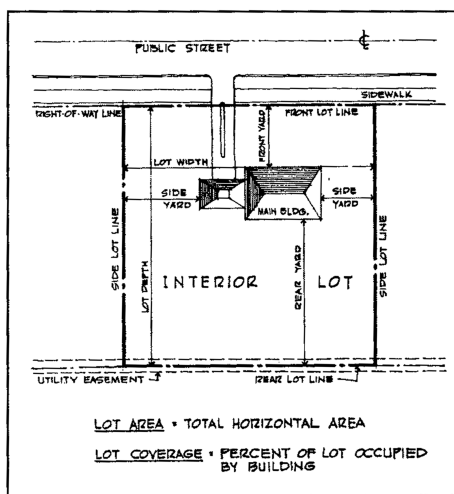
1. *Corner lot* means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.
2. *Interior lot* means any lot other than a corner lot.
3. *Through lot* means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. Lot lines abutting streets shall be considered front lot lines and front yard setbacks shall be provided as required.
4. *Zoning lot* means a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A "zoning lot" shall satisfy this ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a "lot of record" as filed with the county register of deeds, but may include one or more lots of record.

Lot area means the total horizontal area within the lot lines of the lot.

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

Lot depth means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot lines means the lines defining the limits of a lot as described herein:



1. *Front lot line* means, in the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.
2. *Rear lot line* means that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
3. *Side lot line* means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is an exterior

side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record means a parcel of land, the dimensions of which are described in a document or shown on a map on file with the county register of deeds or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot width means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines.

Main use means the principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major thoroughfare means an arterial street which is intended to serve as a large volume traffic way for both the immediate township area and the region beyond, and may be designated as a major thoroughfare, boulevard, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the major thoroughfare plan in the township master plan for future land use. Any street with a width, existing or proposed, of 120 feet or more shall be considered as a major thoroughfare.

Master deed means the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the plan for the project.

Master plan for future land use means the comprehensive plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings, and all physical development of the township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

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

Ministorage facility means self-storage spaces designed and used for the purpose of renting or leasing individual storage space to tenants who have access to such space for the purpose of storing and removing personal property.

Mobile home means a manufactured dwelling unit, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile home does not mean a recreational vehicle.

Mobile home park means a parcel or tract of land under the control of a person upon which three or more mobile 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 therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use, incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Motel means a series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

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

Nonconforming use means a use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nuisance means an offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being; or the generation of an excessive or concentrated movement of people or things, such as:

- (a) Noise;
- (b) Dust;
- (c) Smoke;
- (d) Odor;
- (e) Glare;
- (f) Fumes;
- (g) Flashes;
- (h) Vibration;

- (i) Shock waves;
- (j) Heat;
- (k) Electronic or atomic radiation;
- (l) Objectionable effluent;
- (m) Noise of congregation of people, particularly at night;
- (n) Vehicular traffic;
- (o) Invasion of nonabutting street frontage by traffic.

Nursery, plant material, means a space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

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 entrance and exit for the parking of more than two vehicles, except in one-family residential districts.

Open front store means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations or automobile service stations.

Open space means the part of a zoning lot, including courts or yards, which is open and unobstructed from the ground upward, except as otherwise provided in this ordinance.

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 storage or parking of permitted vehicles.

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

Private solar energy collector system means a solar energy collector system used exclusively for private purposes and not utilized for any commercial resale of any energy except for the sale of surplus electrical energy back to the electrical grid.

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

Recreational equipment means travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, snowmobiles, horse trailers, dune buggies or other similar equipment.

Replacement tree means any woody plant having at least one well-defined stem at least three inches in caliper for deciduous trees and the ten-foot height for evergreen trees.

Restaurant means an establishment for serving food and beverages for immediate consumption.

1. *Restaurant, carryout*, means a restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption off the premises.
2. *Restaurant, drive-in*, means a restaurant at which any patrons are served from a drive-by window or while within a motor vehicle or where food is consumed within the motor vehicle on the premises.
3. *Restaurant, fast food*, means a restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption on the premises.

Room means, for the purpose of determining lot area, requirements and density in a multiple-family district, a living room, dining room, and bedroom, equal to at least 80 square feet in area. A "room" shall not include the area in the kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one, two, or three bedroom units and including a den, library or other extra room shall count such extra room as a "bedroom" for the purpose of computing density.

Secondary thoroughfare means a major street used primarily to carry intra-county or intra-township traffic and designated as such on the master plan for future land use.

Service drive means a service roadway parallel to a feeder road and which provides access to abutting properties and protection from through traffic.

Setback means the distance required to obtain minimum front, side or rear yard open space provisions of this ordinance. Setbacks from a public street shall be measured from the existing or proposed future right-of-way; whichever is greater. Setbacks from a private street or easement shall be measured from the easement or private right-of-way.

Site condominium means a single-family condominium where the condominium unit and adjacent limited common elements consist of a dwelling unit and exterior yards of a minimum size corresponding to the lot area requirements established in this ordinance for the district in which it is located.

Solar energy collector system means a panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electrical power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

Special land use means a use permitted in a zoning district when the use is specified in article 22 as permitted at the discretion of the planning commission, provided that all review criteria are met.

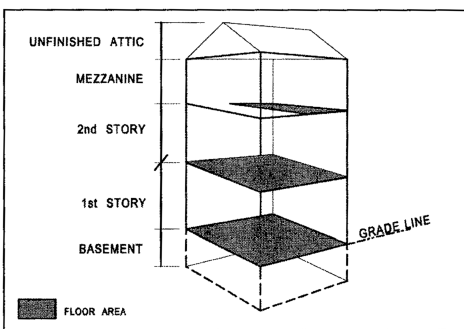
Specified anatomical areas means:

1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region and buttock; or
 - b. Female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or other erotic touching of human genitals, public regions, buttocks or female breast.

Story means the part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A "basement" shall not be counted as a story.



Street means a dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property, or a freeway.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Temporary use or building means a use or building permitted by the board of appeals or building inspector to exist during a specified period of time.

Use means the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance means a modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship or practical difficulty owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are:

- (a) Undue hardship;
- (b) Unique circumstances; and

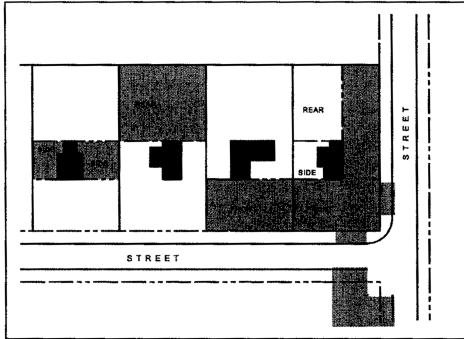
(c) Applying to property.

A variance is not justified unless all three elements are present. A variance is not an exception.

Vienna Charter Township. Whenever in this ordinance reference is made to the "municipality," "Vienna Township," or the "township," it shall mean Vienna Charter Township.

Yard area lines means in reference to site condominium developments, yard area lines are considered equal to lot lines as defined in this ordinance.

Yards means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein.



1. *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. All yards abutting on a street shall be considered as front yards for setback purposes.
2. *Rear yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.
3. *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

(Ord. of 3-21-2005, § 205; Ord. No. 449, §§ 2.1, 2.2, 8-12-2019)

ARTICLE 3. - ZONING DISTRICTS AND MAP

Sec. 300. - Districts established.

For the purpose of this ordinance, the township is hereby divided into the following districts:

RSA	One-family residential suburban district
RU-1	One-family residential urban district
RMC	Multiple-family condominium residential district
RM	Multiple-family residential district
MHP	Mobile home park district
AR	Agricultural residential district
OST	Office service transition district
OR	Office research district

C-1	Local commercial district
C-2	General commercial district
C-3	Shopping center commercial district
C-4	Highway commercial district
I-1	Limited industrial district
I-2	General industrial district
P-1	Vehicular parking district

(Ord. of 3-21-2005, § 300)

Sec. 305. - District boundaries.

The boundaries of these districts are hereby established as shown on the Zoning District Map, Charter Township of Vienna Zoning Ordinance, which accompanies this ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this ordinance as if fully described herein. The official zoning district map shall be identified by the signature of the township supervisor attested by the township clerk, under the following words:

This is to certify that this is the official zoning district map referred to in section 305 of the zoning ordinance of the township.

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning district map, such changes shall be made on a master of the official zoning district map after the amendment has been approved by the township board. Two copies of the official zoning district map are to be maintained and kept up to date: one in the township clerk's office, accessible to the public and shall be the final authority as to the current zoning status of lands, buildings, and other structures in the township.

(Ord. of 3-21-2005, § 305)

Sec. 310. - District boundaries, interpretation.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning district map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following the township limits shall be construed as following such township limits;
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks;
5. Boundaries indicated as following shorelines or river banks shall be construed to follow such shorelines or river banks, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;

Where said extensions of districts create a conflict as the specific boundaries of said land extensions, the areas in conflict shall automatically be classified as an RSA one-family residential district, until a zoning map for said areas has been adopted by the township board. The township planning commission shall recommend appropriate zoning for such area within three months after the matter is referred to the township board;
6. Boundaries indicated as parallel to or extensions of features indicated in rules "1" through "5" above shall be so construed.

Distances not specifically indicated on the official zoning district map shall be determined by the scale of the map or by reference to district boundaries shown on quarter section parcel identification maps on file in the township offices;

7. Where physical or natural features existing on the ground are at variance with those shown on the official zoning district map, or in other circumstances not covered by rules "1." through "6." above, the board of appeals shall interpret the district boundaries;
8. Where, due to lack of scale, lack of detail, or illegibility of the zoning district map accompanying this ordinance, there is uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location shall be determined by the board of appeals; and
9. Where the boundary line between zoning districts is unclear, the requirements of the most restrictive district shall determine the regulation applicable. In any event, the township shall maintain an up-to-date record of zoning district lines on quarter section maps on file in the township offices and these shall be construed to delineate the zoning district lines between different zoning districts and parcel specific zoning.

(Ord. of 3-21-2005, § 310)

Sec. 315. - Zoning of vacated areas.

Wherever any street, alley or other public way within the township have been vacated 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 formerly within such vacated street, alley, or public way shall automatically, and without further action of the township board, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this ordinance for such adjoining lands.

(Ord. of 3-21-2005, § 315)

ARTICLE 4. - RSA AND RU-1 ONE FAMILY RESIDENTIAL DISTRICTS

Sec. 400. - Purpose.

The RSA and RU-1 one-family residential districts are designed to be the most restrictive of the residential districts. The purpose is to provide for an environment of predominantly low-density single unit dwellings along with other residentially related facilities that serve the residents in the district.

(Ord. of 3-21-2005, § 400)

Sec. 405. - Principal uses permitted.

In a one-family residential district (RSA and RU-1), no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

1. One-family detached dwellings, site built;
2. Agricultural uses including the growing of crops, vegetables or fruit shall be permitted on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat and having area of not less than ten acres;
3. Municipal buildings and publicly owned and operated libraries, parks, parkways and recreational facilities; subject to the conditions of section 415;
4. Cemeteries; subject to the conditions of section 415;
5. Temporary buildings and uses for construction purposes for a period not to exceed one year; or
6. Accessory structures and uses customarily incident to any of the above uses.

(Ord. of 3-21-2005, § 405)

Sec. 410. - Accessory uses permitted subject to special conditions.

The following accessory uses shall be permitted in RSA and RU-1 districts, subject to the conditions hereinafter imposed for each use:

1. Private swimming pools shall be permitted as an accessory use within the rear yard or within a side yard, provided that if the pool is located within a side yard, the outside of the pool wall shall not be located fewer than 35 feet from any side lot line; if the pool is located in the rear on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the outside of the pool shall not project beyond the front yard setback required on the lot in the rear of such corner lot.
2. In a one-family residential condominium development which is not a site condominium, private swimming pools may be permitted to the rear of a building or to the side of a building, provided that it is not located within 25 feet of a private road or street or within 25 feet of any wall of a separate building if that wall contains windows or doors.
3. Home occupations, including uses involving the use of business mailing addresses and business telephone numbers in residences, shall be permitted subject to the following conditions:
 - a. All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling.
 - b. No sign accessory to the home occupation shall be permitted.
 - c. Traffic and delivery of goods created by the home occupations shall not exceed that normally created by residential uses.
 - d. The home occupation shall not service more than one client or customer at a time on the premises.
 - e. No employees, other than residents of the dwelling unit, shall be employed at or be otherwise located on the premises, and no vehicles owned or operated by employees other than said residents shall be parked on or near the premises.
 - f. The total floor area of the residence used for the home occupation, including storage of materials, supplies, etc., shall not exceed 15 percent of the floor area of the individual dwelling unit.
 - g. There shall be no outside storage of any kind related to the home occupation.
 - h. Accessory buildings shall not be used to conduct the home occupation except for storage.
4. Home occupations, not meeting the above criteria, may be permitted as a special land use when such use is not in conflict with the overall residential character of the area, and subject to any conditions the planning commission may impose. Noncompliance with the above criteria or requirements imposed by the planning commission shall constitute immediate suspension of the home occupation and shall furthermore be subject to section 2210(1).
5. State-licensed family day care homes, subject to the following conditions:
 - a. The licensee shall occupy the dwelling as a residence.
 - b. The licensee shall register with the township clerk and the licensed premises shall be subject to a fire department inspection and shall provide a smoke detector in all daytime sleeping areas.
 - c. The hours of operation shall be limited to the period between 6:00 a.m. and 7:00 p.m.
 - d. No sign accessory to the day care shall be permitted.
6. State-licensed group day care homes, subject to the following conditions:
 - a. The conditions of paragraph 5 above, applicable to family day care homes.
 - b. All access to the site shall be in accordance with section 2020.3 and driveways shall be designed so that vehicles can exit the site without having to be backed onto a major or secondary thoroughfare or collector road.
7. State-licensed adult foster care family home for fewer than seven persons.
8. Farm recreation animals with nonfarm residence. For persons not engaged in the commercial breeding and raising of animals as herein further provided and residing in a nonfarm residence having a lot of record which may be less than ten acres in area:
 - a. The minimum size of a parcel of land on which recreation animals may be kept shall be three acres. Any parcel of land ten or more acres in area is exempted from the provision of this subsection and for all intents and purposes relative to the keeping of recreation animals shall be considered a farm even though farming activities within the meaning of the definition are not taking place.
 - b. Three horses, mules, donkeys, goats or sheep or a combination of any of the above or a combination of other domesticated animals when raised and kept as a pet or for recreation purposes shall be permitted to occupy that portion of the land stipulated in an approved site development plan and subject further to state and local health regulations.
 - c. Outbuildings or exercise area for recreation animals shall not be located within 100 feet of any existing nonfarm residence or residential district.
 - d. One additional animal as described above may be kept for each additional one acre of land over the minimum herein

prescribed.

(Ord. of 3-21-2005, § 410)

Sec. 415. - Principal uses permitted subject to conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and to the conditions of section 420:

1. Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit;
2. Manufactured one-family detached dwelling units:
 - a. Manufactured one-family detached dwellings in all residential districts shall be subject to the following standards:
 - (1) Such dwelling units shall conform to all current building code and all other applicable township codes and ordinances.
 - (2) Such dwelling shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations that are not at the perimeter of the dwelling, a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance that is compatible with the dwelling and with site-built homes in the area.
 - (3) Such dwellings shall provide a minimum width and depth of at least 22 feet over 80 percent of any such width or depth.
 - (4) Such dwellings shall have an overhang or eave as required by the building code of residential dwellings or similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the R district.
 - (5) Such dwelling units shall be provided with exterior finish materials similar to the site built dwelling units on adjacent properties or in the surrounding residential neighborhood in the one-family residential district.
 - (6) Such dwelling units shall be provided with roof designs and roofing material similar to the site built dwelling units on adjacent properties or in the one-family residential district.
 - (7) Such dwellings shall have an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed four to one, or is in reasonable conformity with the configuration of site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the RSA an RU-1 districts.
 - (8) All portions of any hitches or other transporting devices which extend beyond the vertical plane formed by the outer sidewalls of the dwelling shall be removed to a point where they will be totally obscured by a perimeter foundation or finished exterior wall.
 - b. Proposals for manufactured one-family detached dwelling units shall follow the procedures set forth below:
 - (1) Application to permit manufactured one-family detached dwelling units shall be submitted to the building inspector who may require the applicant to furnish such plans, photographs, elevations and similar documentation as deemed necessary to permit a complete review and evaluation of the proposal.
 - (2) In reviewing any such proposed dwelling unit with respect to items 2a.(5) through 2a.(8) above, architectural variation shall not be discouraged but reasonable compatibility with the character of residential dwelling units shall be provided, thereby protecting the economic welfare and property value of surrounding residential areas and of the township at large.
 - (3) Should the building inspector find that any such dwelling unit does not conform with all of the above conditions and standards, the proposal shall be denied. The applicant may appeal the building inspector decision by requesting approval of a special land use by the planning commission.

(Ord. of 3-21-2005, § 415)

Sec. 420. - Required conditions.

Uses permitted in section 415, except for manufactured one-family detached dwelling units, shall be subject to the following conditions:

1. Access to the site shall be in accordance with section 2020.3.
2. Buildings shall have the minimum setback required for each use or as required by the formula contained in section 1805 footnote (e), whichever is the greater.

3. The use shall be subject to the review and approval of the site plan by the planning commission pursuant to section 2810, site plan review (Ord. of 3-21-2005, § 420)

Sec. 425. - Principal uses permitted subject to special approval.

The following uses may be permitted by the planning commission, pursuant to article 22 special land uses:

1. Churches and other facilities normally incidental thereto;
2. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations;
3. Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool clubs;
4. Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit;
5. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit;
6. Hospitals, provided that the following conditions are met;
7. Convalescent and/or nursing homes;
8. State licensed adult foster care group home for seven to 20 adults;
9. Greenhouses and truck gardens;
10. Funeral homes; and
11. Bed and breakfast.

(Ord. of 3-21-2005, § 425)

Sec. 425. - Required conditions.

Uses permitted in section 425 shall be subject to the following conditions:

1. All access to the site shall be in accordance with section 2020.3.
2. Buildings shall have a minimum setback required for each use or as required by the formula contained in section 1805, footnote (e), whichever is the greater.

(Ord. of 3-21-2005, § 425)

Sec. 435. - Area, height, bulk, density and placement regulations.

Area, height, bulk, density and placement requirements, unless otherwise specified, shall be as provided in article 18, schedule of regulations.

(Ord. of 3-21-2005, § 435)

Sec. 440. - Residential development options.

See section 1810 subdivision open space plan, section 1815 one-family cluster option and article 23, planned unit development.

(Ord. of 3-21-2005, § 440)

ARTICLE 5. - RMC MULTIPLE-FAMILY CONDOMINIUM RESIDENTIAL DISTRICTS

Sec. 500. - Purpose.

The RMC multiple-family condominium residential districts are designed to provide sites for medium density multiple-family dwellings and condominiums and related uses that will generally serve as zones of transition between the nonresidential districts and lower density residential districts.

(Ord. of 3-21-2005, § 500)

Sec. 505. - Principal uses permitted.

In the RMC districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

1. Site built, one-family detached site condominium or plats with a minimum lot area of 6,000 square feet per site or lot and a lot width of at least 55 feet. All other regulations of the RU-1 district shall apply.
2. All other than one-family residential uses permitted and as regulated in the one-family residential districts except as hereinafter modified. The area and bulk requirements of the RMC district shall apply.
3. Two-family dwellings, site built, with a minimum lot area of at least 5,000 square feet per dwelling unit and a lot width of at least 50 feet per dwelling unit.
4. Multiple-family dwellings, site built.
5. Accessory structures and uses customarily incident to any of the above uses.

(Ord. of 3-21-2005, § 505)

Sec. 510. - Principal uses permitted subject to conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and to the conditions of section 515:

1. Nursery schools, day nurseries, and child care centers subject to the conditions that outdoor play space shall have a minimum area of 5,000 square feet or 150 square feet for each child cared for, whichever is the greater;
2. Independent housing for the elderly. A community center for this overall development may be provided; and
3. Dependent housing for the elderly. A community center for the overall development shall be provided to support recreational and social activities.

(Ord. of 3-21-2005, § 510)

Sec. 515. - Required conditions.

Uses permitted in section 505 and 510, except one and two-family dwellings, shall be subject to the following conditions:

1. All access to the site shall be in accordance with section 2020.3.
2. The use shall be subject to the review and approval of the site plan by the planning commission, pursuant to section 2810, site plan review.
3. All developments shall be provided with public utilities for sanitary sewer and water.

(Ord. of 3-21-2005, § 515)

Sec. 520. - Area, height, bulk and placement regulations.

Area, height, bulk and placement requirements, unless otherwise specified, shall be as provided in article 18, schedule of regulations.

(Ord. of 3-21-2005, § 520)

ARTICLE 6. - RM MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 600. - Purpose.

The RM multiple-family residential districts are designed to provide sites for multiple-family dwelling structures, including condominiums, and related uses, which may serve as zones of transition between the nonresidential districts and lower density residential districts. The multiple-family districts are further provided to serve the needs for the multiple-type unit in an otherwise medium - low density, single-family community.

(Ord. of 3-21-2005, § 600)

Sec. 605. - Principal uses permitted.

In the RM districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

1. All principal uses permitted and as regulated in sections 505, 510 and 515 RMC multiple-family condominium residential districts.
2. Accessory structures and uses customarily incident to any of the above uses.

(Ord. of 3-21-2005, § 605)

Sec. 610. - Area, height, bulk and placement regulations.

Area, height, bulk and placement requirements, unless otherwise specified, shall be as provided in article 18, schedule of regulations.

(Ord. of 3-21-2005, § 610)

ARTICLE 7. - MHP MOBILE HOME PARK DISTRICTS

Footnotes:

--- (2) ---

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

Sec. 700. - Purpose.

The MHP mobile home park districts are designed to provide for the appropriate location of and requirements for mobile home parks. Mobile home parks possess characteristics of site development, use and density that are unique. Such characteristics are more intensive than those of one-family residential districts and, therefore, mobile home parks are treated as a distinct zoning district.

(Ord. of 3-21-2005, § 700)

Sec. 705. - Principal uses permitted.

The following regulations shall apply in all MHP districts and no building, structure or premises shall be erected, altered or used except for one or more of the following uses, unless otherwise provided by this ordinance:

1. Mobile home parks, together with accessory buildings and uses customarily incident thereto, including a residence for the mobile home park owner or operator and family, but excluding any retail sales of mobile homes unless the same are located upon a developed mobile home site; subject, however, to the following conditions and limitations of section 710.

(Ord. of 3-21-2005, § 705)

Sec. 710. - Conditions, limitations, regulations, area, height, bulk, density and placement.

1. All mobile home parks shall comply with the requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.), as amended and with any and all regulations promulgated thereunder by the state mobile home commission and the state department of labor and economic growth.
2. Signs shall be permitted in the MHP district subject to the applicable provisions of article 24.

(Ord. of 3-21-2005, § 710)

ARTICLE 8. - AR AGRICULTURAL RESIDENTIAL DISTRICTS

Footnotes:

--- (3) ---

State Law reference— *Right to farm act, MCL 286.471 et seq.*

Sec. 800. - Intent.

The AR agricultural residential districts are designed to apply to the rural agricultural areas of the township that should not develop for urban purposes in the foreseeable future. These districts are also intended to provide protection to the agricultural areas from the encroachment of untimely and unplanned urban uses which could create conflicts with agricultural activities and which could create a premature demand for urban services. The districts also provide for the establishment of uses that require large land areas and which, because of their nature, can be developed in rural areas.

(Ord. of 3-21-2005, § 800)

Sec. 805. - Principal uses permitted.

In an AR agricultural residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this ordinance and subject to the conditions set forth in section 815:

1. Farms, provided that the slaughtering of animals shall not be permitted for other than the use of and consumption by, persons residing on the premises. Farms operated wholly or in part for the disposal of garbage, sewage, rubbish, offal and waste from rendering plants shall not be permitted;
2. Public or private stables;
3. Cemeteries;
4. Public utility and public service buildings and uses;
5. Nurseries or greenhouses;
6. Temporary or permanent roadside stands for the purpose of selling produce raised or produced on the same zoning lot, which stand shall not be more than one story high and which shall be located not fewer than 30 feet from the road right-of-way;
7. One-family detached dwellings, site built;
8. Manufactured one-family detached dwelling units subject to requirements of paragraph 2a and 2b of section 415; and
9. Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. of 3-21-2005, § 805)

Sec. 810. - Principal uses permitted subject to special approval.

The following uses may be permitted by the planning commission, pursuant to article 22 special land uses and subject to the applicable provisions of section 815:

1. Intensive agriculture, including feedlots or the confinement of livestock or poultry in preparation for distribution;
2. Commercial kennel;
3. Penal institutions;
4. Private or public golf course;
5. Par 3 golf course or golf driving range;
6. Veterinary hospital or clinic for small animals;
7. Apple cider mill as an accessory use to an apple farm;
8. Recreation vehicle campground;
9. Outdoor theaters;
10. Commercial or public television or radio towers, public utility transmitting towers, public utility microwaves;
11. Solid waste or sanitary landfill;
12. Natural resource recovery, earth removal;
13. Private recreation park, sports stadium;
14. Airport, commercial landing field;
15. Aircraft landing strip, private;
16. Forestry, logging;

17. Publicly owned and operated utility; negative impact;
18. Accessory buildings and uses customarily incident to any of the above permitted uses; and
19. Bed and breakfast.
20. Industrial solar energy collector system.

(Ord. of 3-21-2005, § 810; Ord. No. 449, §§ 3.01, 8-12-2019)

Sec. 815. - Special conditions for selected principal uses permitted in the AR districts.

Uses permitted in sections 805 and 810 and listed below shall be subject to the area and setback requirements of the schedule of regulations, article 18 or to the following requirements, whichever are the greater:

Permitted By	Permitted Uses	Min. Area	Bldg. Setback	Confine. Setback	Pkg. Load. Setback	Vehicle. Access
Section		(a)	(b)	(c)	(d)	(e)
<u>805</u>	2. Public or private stables	10	150	150	50	yes
<u>805</u>	3. Cemeteries	40	100	-	50	yes
<u>805</u>	5. Nurseries or greenhouses	10	150	-	50	yes
<u>810</u>	1. Intensive agriculture	40	150	150	50	-
<u>810</u>	2. Commercial kennel	10	150	150	50	yes
<u>810</u>	3. Penal institution	160	1,000	500	300	yes
<u>810</u>	4. Private/public golf course	80	100	-	50	yes
<u>810</u>	5. Par 3 golf course/drive range	20	100	-	50	yes
<u>810</u>	6. Veterinarian hospital/clinic	3	150	150	50	yes
<u>810</u>	7. Apple cider mill	10	200	-	50	yes
<u>810</u>	8. Recreation vehicle campground	20	150	-	50	yes
<u>810</u>	Uses No. 9 through 20	See <u>article 22</u>				

(Ord. of 3-21-2005, § 815; Ord. No. 449, § 3.02, 8-12-2019)

Sec. 820. - Footnotes to special conditions for selected uses permitted in the AR districts.

- (a) The minimum zoning lot in acres; excluding dedicated road right-of-way.

- (b) The minimum setback in feet of any principal or accessory building to a residential district or to a zoning lot that is occupied by a residential dwelling that is not a farm.
- (c) The minimum setback of any area intended for the enclosure of animals or the tethering of animals to a residential district or to a zoning lot that is occupied by a residential dwelling.
- (d) The minimum setback of any off-street parking lot or loading/unloading area to a residential district or to a zoning lot that is occupied by a residential dwelling.
- (e) Vehicular access shall be subject to the requirements of section 2020.3.

(Ord. of 3-21-2005, § 820)

Sec. 825. - Area, height, bulk, density and placement regulations.

- 1. Area, height, bulk, density and placement requirements, unless otherwise specified, shall be as provided in article 18 schedule of regulations.
- 2. Open space preservation as stipulated by Section 506 of Public Act No. 110 of 2006 (MCL 125.3506) shall be permitted at the request of the developer subject to the standards set forth in section 1810 subdivision open space plan.

(Ord. of 3-21-2005, § 825)

ARTICLE 9. - OST OFFICE SERVICE TRANSITION DISTRICTS

Sec. 900. - Purpose.

The OST office service transition districts are designed to accommodate small offices for sales, medical and other professions; personal services and institutional uses. These use districts are intended to provide land areas for concentrated locations of the uses permitted and to provide transitional land use areas that will serve as buffers between one-family residential districts and uses and commercial or industrial districts and uses.

(Ord. of 3-21-2005, § 900)

Sec. 905. - Principal uses permitted.

In the OST districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

- 1. Office buildings for any of the following occupations: executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales;
- 2. Medical offices including clinics;
- 3. Banks, credit unions, savings and loan associations with drive-in facilities as accessory use only;
- 4. Art, photographic and interior decorating studios;
- 5. Personal service establishments including barbershops, beauty shops, health salons, fitness centers, tailor shops and shoe, watch or small electronic equipment repair;
- 6. Laundry or dry cleaning establishments dealing directly with the consumer. Central dry cleaning plants servicing more than one retail outlet shall not be permitted;
- 7. Publicly owned buildings and public utility offices; not including storage yards, transformer stations, substations, gas regulator stations or post offices;
- 8. Dependent housing for the elderly;
- 9. Convalescent or nursing homes;
- 10. Churches;
- 11. Nursery school, day nurseries or day care centers;
- 12. Private clubs or lodge halls, provided that main buildings shall have a minimum setback of 100 feet from a one-family residential

district unless the district is separated from the use by a major or secondary thoroughfare or collector street;

13. Mortuary establishments;
14. Other uses similar to those listed above; and
15. Accessory structures and uses customarily incident to any of the above uses.

(Ord. of 3-21-2005, § 905)

Sec. 910. - Secondary uses permitted subject to conditions.

A secondary use which is accessory to and located in the same building as a principal use permitted by this article, such as but not limited to: pharmacies, stores which supply corrective garments or bandages, optical services, office supplies and office service establishments shall be permitted subject to the following conditions:

1. Such uses shall be permitted only in a building with not fewer than 50,000 square feet of floor area.
2. The floor area devoted to such secondary uses in a building shall not exceed ten percent of the total floor area of the building.
3. All secondary uses shall have at least one customer entrance from the interior of the principal building in which located.
4. All secondary uses shall provide off-street parking spaces in accordance with one-half of the number of spaces required for the use by section 1900.

(Ord. of 3-21-2005, § 910)

Sec. 915. - Required conditions.

1. No interior display shall be visible from the exterior of the building.
2. The outdoor storage of goods or materials shall be prohibited.
3. Warehousing or indoor storage of goods or materials, beyond that normally incidental to the uses permitted in this article, shall be prohibited.
4. The use shall be subject to the review and approval of the site plan by the planning commission, pursuant to section 2810, site plan review.
5. Loading and unloading space shall be provided as set forth in section 1910.

(Ord. of 3-21-2005, § 915)

Sec. 920. - Area, height, bulk and placement regulations.

Area, height, bulk and placement requirements, unless otherwise specified, shall be as provided in article 18, schedule of regulations.

(Ord. of 3-21-2005, § 920)

ARTICLE 10. - OR OFFICE RESEARCH DISTRICTS

Sec. 1000. - Purpose.

The OR office research districts are designed to provide for large offices, technology or research buildings in areas which have significant highway or road visibility, thereby encouraging uses which have a relatively high value per acre of land and that will supplement the township's tax and employment base.

(Ord. of 3-21-2005, § 1000)

Sec. 1005. - Principal uses permitted.

In the OR districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinances:

1. Any use which is charged with the principal function of research, testing, design, technical training or experimental product

development, subject to the following:

- a. Manufacturing shall not be an assembly-line type and shall be limited to prototype equipment, products or materials for experimental purposes that are not generally for sale. Repair work shall be limited to prototypes, or products being tested, designed, or experimentally produced, and shall not be for customer services; and
- b. Warehousing or storage of products for distribution to outlets at other locations shall not be permitted as an accessory use;
2. Data processing and computer centers;
3. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales;
4. Medical offices, including clinics, hospitals and medical laboratories;
5. Banks, credit unions, savings and loan associations and similar uses with drive-in facilities as an accessory use only;
6. Publicly owned buildings and public utility offices; not including storage yards, transformer stations, substations, gas regulator stations or post offices;
7. Other uses similar to the above uses; and
8. Accessory structures and uses customarily incident to any principal use permitted.

(Ord. of 3-21-2005, § 1005)

Sec. 1010. - Uses permitted subject to conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use:

1. A secondary use which is accessory to and located in the same building as a principal use permitted by this article, such as, but not limited to: pharmacies, apothecary shops, stores limited to corrective garments or bandages, optical services, restaurants, barbershops, beauty shops, physical fitness clubs, nursery schools, day nurseries and day care centers subject to the conditions of section 910.
2. Public utility buildings, telephone exchange buildings, electric transformer stations and substations without storage yards; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.

(Ord. of 3-21-2005, § 1010)

Sec. 1015. - Required conditions.

1. Uses permitted in this article shall be subject to the conditions of section 915.
2. Uses permitted in this article shall also be subject to the conditions of section 1410, service drives.

(Ord. of 3-21-2005, § 1015)

Sec. 1020. - Area, height, bulk and placement regulations.

Area, height, bulk and placement requirements, unless otherwise specified, shall be as provided in article 18, schedule of regulations.

(Ord. of 3-21-2005, § 1020)

ARTICLE 11. - C-1 LOCAL COMMERCIAL DISTRICTS

Sec. 1100. - Purpose.

The C-1 local commercial districts are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

(Ord. of 3-21-2005, § 1100)

Sec. 1105. - Principal uses permitted.

In the C-1 districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

1. Generally recognized retail business which supplies commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions, or hardware;
2. Personal service establishments which perform services on the premises, such as but not limited to; repair shops (watches, radio, television, shoe) tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries and dry cleaners;
3. Laundry, dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited;
4. Office buildings for any of the following occupations; executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales;
5. Medical offices including clinics;
6. Banks, credit unions, savings and loan associations and similar uses with drive-in facilities as an accessory use only;
7. Local governmental office buildings, serving persons living in the township area;
8. Churches;
9. Other uses similar to those listed above; and
10. Accessory structures and uses customarily incidental to any of the above permitted uses.

(Ord. of 3-21-2005, § 1105)

Sec. 1110. - Principal uses permitted subject to special approval.

The following uses may be permitted by the planning commission pursuant to article 22, special land uses and subject further to the following conditions:

1. Publicly owned buildings, public utility buildings and telephone exchange buildings, electric transformer stations and substations and gas regulator stations, water and sewage pumping stations; without storage yards.

(Ord. of 3-21-2005, § 1110)

Sec. 1115. - Required conditions.

In addition to other applicable provisions of this ordinance, all uses permitted within the C-1 district must adhere to the following:

1. All business establishments shall be retail or service establishments dealing directly with consumers.
2. All goods produced on the premises shall be sold at retail on the premises.
3. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
4. The use shall be subject to the review and approval of the site plan by the planning commission, pursuant to section 2810, site plan review.
5. Loading and unloading space shall be provided as set forth in section 1910.

(Ord. of 3-21-2005, § 1115)

Sec. 1120. - Area, height, bulk, and placement regulations.

Area, height, bulk and placement requirements, unless otherwise specified, shall be as provided in article 18, schedule of regulations.

(Ord. of 3-21-2005, § 1120)

ARTICLE 12. - C-2 GENERAL COMMERCIAL DISTRICTS

Sec. 1200. - Purpose.

The C-2 general commercial districts are designed to provide sites for diversified business types and are often located so as to serve passer-by traffic. The general business districts are thus typically located along major and secondary thoroughfares.

(Ord. of 3-21-2005, § 1200)

Sec. 1205. - Principal uses permitted.

In the C-2 districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

1. Uses permitted in C-1 and C-3 districts as principal uses permitted and uses permitted subject to special approval and the applicable requirements of this article;
2. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral procession; provided further that:
 - a. Such assembly area shall be provided in addition to any required off-street parking area; and
 - b. A caretaker's residence may be provided within the main building of mortuary establishments;
3. Catering or dance hall when conducted within a completely enclosed building;
4. Tire, battery and auto accessory sales;
5. New and used car salesroom, showroom, or office;
6. Retail sales of plant materials, lawn furniture, playground equipment and other house or garden supplies;
7. Lawnmower sales or service;
8. Restaurants, including fast food or carryout restaurants;
9. Data processing, computer centers;
10. Private clubs or lodge halls;
11. Post office;
12. Bus passenger stations;
13. Governmental office or other governmental use; public utility offices, exchanges, transformer stations, pump stations and service yards but not including outdoor storage;
14. Other uses similar to those listed above; and
15. Accessory structures and uses customarily incidental to any of the above permitted uses.

(Ord. of 3-21-2005, § 1205)

Sec. 1210. - Uses permitted subject to approval.

The following uses may be permitted by the planning commission pursuant to article 22, special lands uses:

1. Outdoor sales space for exclusive sale of new or secondhand automobiles, house trailers, or rental of trailers or automobiles;
2. Motels or hotels;
3. Drive-in restaurants;
4. Business in the character of a drive-in or open front store;
5. Veterinary hospitals or clinics;
6. General automotive repair;
7. Gasoline service stations and light automotive repair as defined in this ordinance, not including oil change facilities;
8. Oil change facilities;
9. Bowling alley, indoor archery range, indoor tennis courts, indoor skating rink or similar form of indoor commercial recreation;
10. Outdoor space for seating areas accessory to a restaurant;
11. Ministorage buildings, with limited access to the building from outside;
12. Outdoor theaters;

13. Private recreation park, sports stadium;
14. Airport, commercial landing field; and
15. Automobile carwash.

(Ord. of 3-21-2005, § 1210)

Sec. 1215. - Required conditions.

1. Principal uses permitted in section 1205 shall be subject to the review and approval of the site plan by the planning commission pursuant to section 2810, site plan review.
2. Loading and unloading space shall be provided as set forth in section 1910.

(Ord. of 3-21-2005, § 1215)

Sec. 1220. - Area, height, bulk, and placement regulations.

Area, height, bulk and placement requirements, unless otherwise specified, shall be as provided in article 18 schedule of regulations.

(Ord. of 3-21-2005, § 1220)

ARTICLE 13. - C-3 SHOPPING CENTER COMMERCIAL DISTRICTS

Sec. 1300. - Purpose.

The C-3 shopping center commercial districts are designed to cater to the needs of a larger consumer population than is served by the local commercial districts, and are generally characterized by an integrated or planned cluster of establishments with extensive landscaping and common parking area and that generate large volumes of vehicular and pedestrian traffic.

(Ord. of 3-21-2005, § 1300)

Sec. 1305. - Principal uses permitted.

In the C-3 districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

1. Any retail business or service establishment permitted as principal uses permitted and uses permitted subject to special approval, in C-1 districts, subject to the applicable regulations of this article;
2. All retail business, service establishments or processing uses as follows:
 - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building;
 - b. Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct;
 - c. Private clubs, fraternal organizations, and lodge halls;
 - d. Restaurants, or other places serving food or beverage, except those having the character of a "drive-in" or "drive-through."
 - e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings;
 - f. Business schools and colleges or private schools operated for profit;
 - g. Other uses similar to those listed above; and
 - h. Accessory structures and uses customarily incident to any of the above uses.

(Ord. of 3-21-2005, § 1305)

Sec. 1310. - Principal uses permitted subject to special approval.

The following uses may be permitted by the planning commission, pursuant to article 22 special land uses:

1. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies;

2. Bowling alley, indoor archery range, indoor tennis courts, indoor skating rink or similar form of indoor commercial recreation; and
3. Automobile service centers.

(Ord. of 3-21-2005, § 1310)

Sec. 1315. - Required conditions.

1. Uses permitted in this article 13 shall be subject to the conditions of section 1115.
2. Uses permitted in this article shall also be subject to the conditions of section 1410, service drives.

(Ord. of 3-21-2005, § 1315)

Sec. 1320. - Area, height, bulk, and placement regulations.

Area, height, bulk and placement requirements, unless otherwise specified, shall be as provided in article 18, schedule of regulations.

(Ord. of 3-21-2005, § 1320)

ARTICLE 14. - C-4 HIGHWAY COMMERCIAL DISTRICTS

Sec. 1400. - Purpose.

The C-4 highway commercial districts are designed to service the needs of vehicular highway traffic at the interchange areas of feeder roads and freeways. Uses permitted are limited to those servicing the needs of the traveling public.

(Ord. of 3-21-2005, § 1400)

Sec. 1405. - Principal uses permitted.

In the C-4 districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

1. Gasoline service stations, subject to the conditions of section 2210.19;
2. Retail establishments to service the needs of the highway traveler including such facilities as drugstores, gift shops and restaurants, including fast food, carry-out and drive-in restaurants. Drive-in restaurants shall be subject to the conditions of section 2210.15;
3. Motels, hotels and transient lodging facilities but not including recreation vehicle camps or tent sites;
4. Tire, battery and auto accessory sales. Oil change facilities, subject to the conditions of section 2210.20;
5. New and used car salesroom, showroom, or office;
6. Bus stations; parking lots or structures;
7. Banks, credit unions, saving and loan associations and similar uses with drive-in facilities as an accessory use only;
8. Accessory structures and uses customarily incident to any principal uses permitted; and
9. Outdoor space for seating areas accessory to a restaurant subject to the conditions of section 2210.22.

(Ord. of 3-21-2005, § 1405)

Sec. 1410. - Service drives.

Uses permitted in this article may be subject to the following conditions:

1. In those instances where the planning commission finds that an excessive number of driveways may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the commission may require service drives and, to ensure adequate traffic circulation on the site, may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one property to another without reentering the public thoroughfare.
2. The service drive shall be set back 25 feet from the future right-of-way line and shall be at least 22 feet wide. The service drive shall be an easement that will permit the use of the service drive for traffic circulation from one property to another. Such easement

shall be in a form acceptable to the township board, and approved by the building inspector prior to the issuance of a building permit. No permanent structures such as curbs shall be permitted within the easement although temporary features, such as wheel stops, may be permitted. Each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the county register of deeds prior to the issuance of an occupancy permit.

3. In reviewing the site plan, the planning commission may permit parking in the easement area, provided that the layout is such that the parking can be removed at a later date when the service drive is needed for access to adjacent properties, without disrupting the layout of the parking area. Temporary parking spaces permitted within the service drive shall not be included in computing the minimum off-street parking requirements under section 1900.
4. Where service drives are required, the planning commission shall recommend that the entire 22-foot area be paved up to abutting properties. Backing from parking spaces onto the service drive shall not be permitted, except on a temporary basis. The site plan shall indicate the proposed elevation of the service drive at the property line and the building inspector shall maintain a record of all service drive elevations so that their grades can be coordinated. Service drive elevations shall conform to elevations established by the township board or, if not so established, be not more than one foot above or below the elevation of the abutting property. Paving of the service drive shall meet construction specifications set by the township board.
5. The site shall be laid out so that a portion of the front yard open space required shall serve as a separation between the service drive and the off-street parking lot.
6. Temporary entrances and exits may be approved for individual sites provided money is placed in escrow to ensure elimination of temporary entrances and exits. Occupancy permits shall not be issued until monies have been deposited with the township.
7. In determining which entrances and exists will be permanent and which will be temporary, the planning commission shall generally be guided by a minimum distance of 600 feet between entrances and exits and by the location of existing or approved driveways on the opposite side of the street.

(Ord. of 3-21-2005, § 1410)

Sec. 1415. - Required conditions.

Uses permitted in this article 14 shall be subject to the conditions of section 1115.

(Ord. of 3-21-2005, § 1415)

Sec. 1420. - Area, height, bulk, and placement regulations.

Area, height, bulk and placement requirements, unless otherwise specified, shall be as provided in article 18, schedule of regulations.

(Ord. of 3-21-2005, § 1420)

ARTICLE 15. - I-1 LIMITED INDUSTRIAL DISTRICTS

Sec. 1500. - Purpose.

The I-1 limited industrial districts are designed to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material, it being the intent of the article that the processing or manufacturing from raw materials not be permitted. The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the township's expected future economy for all types of limited manufacturing and related uses;
2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development;
3. To encourage manufacturing development and warehousing which is free from danger of fire, explosions, toxic and noxious

matter, radiation, and other hazards, and from offensive noise, vibration, smoke, and other objectionable nuisances;

4. To promote the most desirable use of land in accordance with the master plan for future land use; and
5. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the township's tax revenue.

(Ord. of 3-21-2005, § 1500)

Sec. 1505. - Principal uses permitted.

In the I-1 districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

1. Any use charged with the principal function of basic research, design, and pilot or experimental product development;
2. Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage;
3. Public utility buildings, telephone exchange buildings, electrical transformers stations and substations, and gas regulator stations;
4. Any of the following uses when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with a six- to eight-foot high fence or solid wall. Said fence or wall shall be completely obscuring on those sides where abutting or adjacent to districts zoned for residential use.
 - a. Warehousing and wholesale establishments, and trucking facilities;
 - b. The manufacture, compounding processing, packaging, or treatment of such products as, but not limited to bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, and machine shops;
 - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings, such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns;
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
 - e. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products;
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs;
 - g. Laboratories - experimental, film, or testing; and
 - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like;
5. Farms;
6. Freestanding nonaccessory signs;
7. Trade or industrial schools;
8. Commercial kennels;
9. Ministorage buildings when the following conditions are met:
 - a. Doors providing access to individual storage units shall not be permitted on the front yard side of the building;
 - b. Vehicular aisles providing access to units on both sides of the aisle, whether interior or exterior, shall be not fewer than 30 feet wide;
 - c. Aisles providing access to units on only one side of the aisle shall be not fewer than 24 feet wide, provided that there is more than one aisle available for circulation around building. If there is only one aisle, then the aisle shall be not fewer than 30 feet wide;
 - d. There shall be no storage of hazardous, toxic or volatile substances; and
 - e. The maximum percent of the zoning lot area covered by buildings shall be 55 percent;
10. Other uses similar to those listed above; and
11. Accessory structures and uses customarily incident to any of the above uses.

(Ord. of 3-21-2005, § 1505)

Sec. 1510. - Principal uses permitted subject to special approval.

The following uses may be permitted by the planning commission pursuant to article 22 special land uses approval.

1. Industrial uses of a similar nature to the uses permitted in section 1505;
2. Indoor tennis or racquet court facilities, indoor ice or roller skating arenas and other similar uses;
3. Adult entertainment facilities; and
4. Nursery garden and garden supplies.

(Ord. of 3-21-2005, § 1510)

Sec. 1515. - Required conditions.

Uses permitted in sections 1505 and 1510 shall be subject to the following conditions:

1. Outdoor storage of materials shall be permitted in the rear yard only, and no articles shall be stacked or piled so as to exceed the height of the screen wall or berm. The outdoor storage areas shall be screened from the view of any adjoining public street, thoroughfare or freeway and shall be constructed in accordance with the applicable requirements of section 2055.
2. The use shall be subject to the review and approval of the site plan by the planning commission, pursuant to section 2810.
3. Loading and unloading space shall be provided as required by section 1910.

(Ord. of 3-21-2005, § 1515)

Sec. 1520. - Area, height, bulk and placement regulations.

Area, height, bulk and placement requirements, unless otherwise specified, shall be as provided in article 18, schedule of regulations.

(Ord. of 3-21-2005, § 1520)

ARTICLE 16. - I-2 GENERAL INDUSTRIAL DISTRICTS

Sec. 1600. - Purpose.

The I-2 general industrial districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 district is so structured as to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials.

(Ord. of 3-21-2005, § 1600)

Sec. 1605. - Principal uses permitted.

In the I-2 districts, no land or building shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

1. Any principal use permitted in an I-1 district as regulated therein, unless otherwise specified in this section;
2. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat;
3. Undercoating shops, lumber and planing mills and metal plating, buffing, and polishing uses;
4. Storage tanks, both above and underground;
5. Electric and gas service buildings and yards;
6. Railroad transfer or storage tracks;
7. Freight terminals;

8. Stamping plants;
9. Indoor tennis or racquet court facilities, indoor ice or roller skating arenas and other similar uses that require large structures such as are normally found in industrial districts;
10. Other uses similar to those listed above; and
11. Accessory structures and uses customarily incident to any of the above uses.

(Ord. of 3-21-2005, § 1605)

Sec. 1610. - Principal uses permitted subject to special approval.

The following uses may be permitted by the planning commission pursuant to article 22, special land uses:

1. Junkyards;
2. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies;
3. Heating and electric power generating plants;
4. Adult entertainment facilities;
5. Outdoor theaters;
6. Commercial or public television or radio towers, public utility transmitting towers, public utility microwaves;
7. Solid waste or sanitary landfill;
8. Natural resource recovery, earth removal;
9. Private recreation park, sports stadium; and
10. Publicly owned and operated utility; negative impact.

(Ord. of 3-21-2005, § 1610)

Sec. 1615. - Required conditions.

Uses permitted in section 1605 and 1610 shall be subject to the following conditions:

1. The uses shall be subject to the review and approval of the site plan by the planning commission, pursuant to section 2810.
2. Loading and unloading space shall be provided as required by section 1910.

(Ord. of 3-21-2005, § 1615)

Sec. 1620. - Area, height, bulk and placement regulations.

Area, height, bulk and placement requirements, unless otherwise specified, shall be as provided in article 18, schedule of regulations.

(Ord. of 3-21-2005, § 1620)

ARTICLE 17. - P-1 VEHICULAR PARKING DISTRICTS

Sec. 1700. - Purpose.

The P-1 vehicular parking districts are intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district that has developed without adequate off-street parking facilities.

(Ord. of 3-21-2005, § 1700)

Sec. 1705. - Permitted use.

In the P-1 districts off-street vehicular parking is the only permitted use. Such parking area shall be used solely for parking of private passenger vehicles, for periods of less than one day, and shall not be used as an off-street loading area.

(Ord. of 3-21-2005, § 1705)

Sec. 1710. - Required conditions.

1. Applications for P-1 district zoning shall be made to the planning commission by submitting a dimensional layout of the area requested showing the intended parking plan.
2. The parking area shall be accessory to, and for use in connection with, one or more businesses or industrial establishments located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
3. Such parking lots shall be contiguous to an O, C, or I district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street that is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 district and above listed districts.
4. Where a P-1 district abuts a residential district the following regulations apply:
 - a. Where the P-1 district abuts the side and/or rear lot lines of premises within a residentially zoned district, the required wall shall be located along said lot line.
 - b. Where the P-1 district abuts a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of 25 feet, or whichever is the greater. The required wall shall be located on this minimum setback line.
5. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
6. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
7. No building, other than those for shelter of attendants, shall be erected upon the premises. Permitted shelters shall not exceed a height of 15 feet.

(Ord. of 3-21-2005, § 1710)

Sec. 1715. - Parking space layout, construction and maintenance.

P-1 districts shall be developed and maintained in accordance with the requirements of section 1905 as well as section 1710.

(Ord. of 3-21-2005, § 1715)

ARTICLE 18. - SCHEDULE OF REGULATIONS

Sec. 1800. - Height, bulk, density, and area standards by zoning district.

Use District	Minimum Size Lot		Maximum Density (units/acre)	Maximum Heights of Structures In Feet	Minimum Yard Setback (feet) (b)				Ground Floor Area Minimum Per Unit (sq. ft.)	Maximum % Lot Area Covered by Buildings
	Area (sq. ft.)	Width (feet)			Front	Least Side	Total of Two	Rear		
					Sides					

RSA	One family residential min. ave./plat or plan smallest lot/site size	12,000 10,800 (a)	90 (a)	1.7	45	35	12 (c)	25	35	1,040	35%
RU-1	One family residential min. ave./plat or plan smallest lot/site size	8,750 8,000 (a)	70 (a)	2.0	45	25	10 (c)	20	35	1,040	35%
RMC	Multiple-family condominium residential	1 ac.	165	(d)	45	50 (e,f,m)	50 (e,f,g,m)	100 (e,f,g,m)	50 (e,f,g,m)	(h)	35%
RM	Multiple-family residential	1 ac.	165	(d)	65	50 (e,f,m)	50 (e,f,g,m)	100 (e,f,g,m)	50 (e,f,g,m)	(h)	40%
AR	Agricultural residential	2.0 ac.	165	—	45	75	25 (c)	50	75	1,040	35%

		Minimum Yard Setback (feet) (b)						Minimum Percentage Required		
Use District	Maximum Height of Structures (feet)	Front	Each Side	Rear	From Residential District	From Side Street	Front Yard Open Space	Landscaped Area of Lot (percent)	Maximum Floor Area Ratio	
OST	Office service transition	45	40 (i, k)	12 (k)	25 (k)	25 (k)	25 (i, k)	50 (i)	10 (j)	.34
OR	Office research	80	100 (i, k)	42 (k)	42 (k)	42 (k)	42 (i, k)	25 (n)	10 (j)	.40
C-1	Local commercial	45	40 (i, k)	10 (k)	22 (k)	25 (k)	25 (k)	50 (i)	7.5 (j)	—

C-2	General commercial	80	60 (i, k)	14 (k)	42 (k)	60 (k)	25 (k)	50 (i)	7.5 (j)	—
C-3	Shopping center commercial	80	100 (i, k)	42 (k)	52 (k)	100 (k)	50 (k)	25 (n)	10 (j)	.50
C-4	Highway commercial	80	100 (i, k)	42 (k)	52 (k)	60 (k)	50 (k)	25 (n)	10 (j)	.50
I-1	Limited industrial	45	50 (k, l)	30 (k)	60 (k)	60 (k)	25 (k)	(l)	5	.50
I-2	General industrial	80	50 (k, l)	40 (k)	60 (k)	100 (k)	25 (k)	(l)	5	.50

(Ord. of 3-21-2005, § 1800)

Sec. 1805. - Notes to schedule of regulations.

- (a) See sections 1810 and 1815 for alternative residential development standards. Where public sanitary sewer is not available, the minimum lot size shall be one acre. Where public water is not available, the minimum lot size shall be 15,000 square feet. Where public sanitary sewer or public water is not available, the minimum lot width shall be 100 feet in the RSA district and 90 feet in the RU-1 district.
- (b) Landscaping of all yards abutting a street shall be provided. For all uses except one-family detached residential, a landscape plan shall be submitted in accordance with the applicable provisions of section 2050. The objective of such landscaping is not to totally obscure, but to soften the overall appearance of the use. Planning commission approval of the landscape plan shall be required whenever site plan approval is required.
- (c) The minimum yard abutting a street shall be ten feet and off-street parking shall not be permitted. When a rear yard is abutting a side yard, the setback abutting a street shall not be less than the minimum front yard setback of the district and all regulations applicable to a front yard shall apply.
- (d) Density in the RMC and RM districts shall be subject to the following requirements:
 - (1) The total number of rooms in multiple-dwelling structures shall not be more than the area of the parcel in square feet divided by the following square feet:

RMC	=	2,100
RM	=	1,000

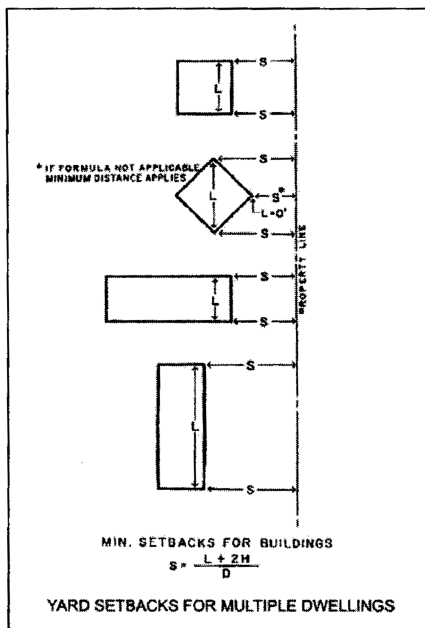
- (2) For the purpose of computing number of rooms, the following shall control:
 - a. Efficiency apartment unit: one room.
 - b. One-bedroom unit: two rooms.
 - c. Two-bedroom unit: three rooms.
 - d. Three-bedroom unit: four rooms.

Plans presented showing one-, two- and three-bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density. In no instance shall more than 15 percent of the total number of units of any multiple-family development be utilized for efficiency apartments.

- (3) The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of any roads abutting the boundary of the site.
- (e) The minimum setbacks for two-family dwellings shall be 30 feet from an abutting RSA or RU-1 district or as required by footnote (m) of this section 1805 from all other abutting districts or uses. All other main buildings or uses shall provide the minimum yard setback, unless exceeded by the following requirements:
 - (1) Setbacks shall be controlled in relationship to the length and height of buildings based upon the formula (see accompanying diagram):

S	=	$\frac{L + 2H}{D}$
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Where:	
S	= The required setback.
L	= The total length of a line which, when viewed directly from above, is parallel to the lot line and intersects any part of the building.
H	= The height of building as defined in <u>section 205</u> definitions of the building face adjacent to the lot line.
D	= Divisor see subparagraphs (2) and (3) of this paragraph (e).



- (2) Along those property lines which abut a one-family residential district, or which abut one-family detached units in any other district, and which are not separated from such units, lots or one-family district by a major or secondary thoroughfare, or collector road, or where the abutting one-family residential district is not already developed for a permitted use other than one-family residential, the

minimum required yard shall be determined by the following formula:

a. In the RMC district:

S	=	$\frac{L + 2H}{2.5}$
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b. In the RM district:

S	=	$\frac{L + 2H}{3}$
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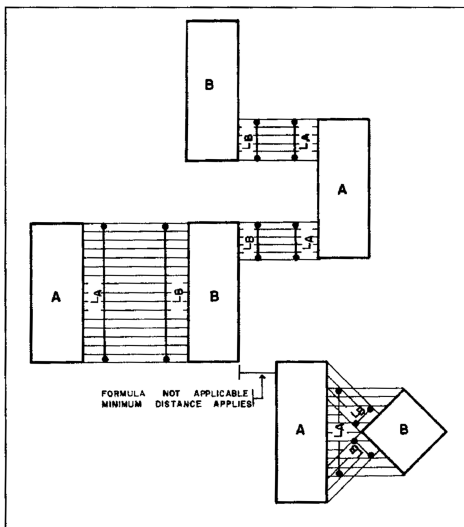
(3) In all other instances in either the RMC or RM district or where the planning commission determines that the adjoining property is indicated on the master plan as an area of other than one-family residential use, the minimum required yard shall be determined by the following formula:

S	=	$\frac{L + 2H}{6}$
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(f) The minimum distance between any two multiple-family dwelling buildings shall be regulated according to the length and height of such buildings, but in no instance shall this distance be less than 30 feet unless there is a corner-to-corner relationship between buildings in which case the minimum distance shall be 15 feet. The minimum distance between two-family dwelling buildings shall be 15 feet.

(1) The formula regulating the minimum distance between two buildings is as follows (see accompanying diagram):

S	=	$\frac{L_A + L_B + 2(H_A + H_B)}{6}$
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Minimum Distance Between Buildings

Where:		
S	=	Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.
L _A	=	Total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.
L _B	=	Total length of building B. The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.
H _A	=	Height of building A. The height of building A at any given level is the height above grade level of any portion or portions of a wall or walls along the length of a building A.
H _B	=	Height of building B. The height of building B at any given level is the height above grade level of any portion or portions of a wall or walls along the length of building B. Grade level shall be the average level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

(2) The depth of any court shall not be greater than three times its width.

(g) In any yard abutting a street or freeway, a landscaped area not less than 15 feet deep and abutting the street or freeway shall be provided in the setback.

(h) The total floor area minimum per unit shall be as follows:

No. of Bedrooms	Minimum Area
Efficiency	450 sq. ft.
1	600 sq. ft.
2	720 sq. ft.
3	850 sq. ft.
4	1,000 sq. ft.

(i) The required front yard setback may be reduced to not fewer than 25 feet, provided that there are no off-street parking spaces or aisles located within the front yard. Otherwise, parking may be permitted within the required front yard setback, provided that the parking setback is not fewer than 12 feet and an area within the front yard, including the 12 feet, remains as lawn or landscaped area which is equal to the percentage specified of the area of the required front yard setback. In those instances where the setback required by the application of a formula exceeds the stated minimum setback, the percentage shall be applied to the stated minimum setback.

(j) The calculation of open space may include water retention. The predominant minimum width of any separate open space included in the calculation shall be ten feet.

(k) The minimum setbacks indicated shall apply unless exceeded by the distance required by other applicable footnotes of this section or by the following formula, based upon the length and height of buildings. (see diagram accompanying footnote e):

S	=	$\frac{.75L + 2H}{D}$
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Where:		
S	=	The required setback.
L	=	The total length of a line which, when viewed directly from above, is parallel to the lot line and intersects any part of the building.
H	=	The height of building as defined in <u>section 205</u> definitions of the building face adjacent to the lot line.
D	=	Divisor see subparagraphs (1), (2) and (3) of this paragraph (o).

- (1) Along those lot lines which abut a one-family residential district (RSA, RU-1) and which are not separated from the one-family district by a major or secondary thoroughfare, freeway or collector road, or the abutting one-family district is not already developed for a permitted use other than one-family residential, the minimum required setback shall be determined by:

S	=	$\frac{.75L + 2H}{2}$
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- (2) Along those lot lines which abut a public street right-of-way or a RMC, RM or AR district or an existing use in a one-family district other than a single-family dwelling, the minimum required setback shall be determined by:

S	=	$\frac{.75L + 2H}{4}$
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- (3) In all other instances, the minimum required setback shall be determined by:

S	=	$\frac{.75L + 2H}{6}$
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(l) Off-street parking spaces and aisles shall not be permitted within the minimum front yard setback.

(m) Two-family dwellings (duplexes) located on individual zoning lots shall be subject to the following requirements:

- (1) Front yard setback — 25'.
- (2) Side yard setback — 12'.
- (3) Rear yard setback — 35'.

(n) In those instances where a service drive is to be provided in accordance with section 1410, the required percentage of open space may be reduced to 13 percent.

(Ord. of 3-21-2005, § 1805)

Sec. 1810. - Subdivision open space plan.

- 1. *Purpose.* The purpose of the subdivision open space plan is to encourage the proprietor of a subdivision or site condominium to vary from conventional subdivision design methods in order to promote the following objectives:

- a. To encourage a continuous and interconnected open space theme throughout a subdivision through lot size reductions and lot cluste
 - b. To encourage the preservation of natural features, including wetlands, woodlands and similar natural assets;
 - c. To encourage the most cost/effective method of land development by substantial reductions in lineal feet of required roads and utility lines;
 - d. To promote a more pleasing and environmentally conducive relationship between the physical development environment and the natural environment; and
 - e. To provide active or passive recreation space for residents of the development.
2. *Modifications.* Where public utilities for sanitary sewer and water are provided, modifications to the standards prescribed in section 1800 with respect to the RSA and RU-1 districts may be made subject to the following conditions:
- a. Lot dimensions may be reduced in accordance with the following schedule, provided that the number of residential lots or sites shall not exceed the following maximum densities (including roads):

Districts	Dwelling Units (per acre)
RSA...	1.7
RU-1...	2.0

- b. Lot or site widths shall not be less than the following:

Districts	Lot Width (in feet)
RSA...	70
RU-1...	60

- c. Lot depths shall not be less than the following:

Districts	Lot Depth (in feet)
RSA...	125
RU-1...	115

- d. Minimum yard setbacks may be reduced as follows:
 - (1) RSA districts, 30-foot front yards and rear yards.
 - (2) RU-1 districts, 30-foot rear yards.
 - e. The planning commission may take under advisement zero side yard requirements, particularly in situations of a cul-de-sac street. If approved, the side yards of each lot or site shall be recorded on the plat or condominium plan.
3. *Parcels for common use.*
- a. A parcel to be dedicated for the common use of the subdivision or site condominium shall be in no instance fewer than two acres and shall be in a location and shape approved by the township, provided that, a parcel divided by a road or stream shall be considered as one parcel.
 - b. Access shall be provided to areas dedicated for the common use of the subdivision to those lots not bordering on such dedicated areas by means of public streets or pedestrian access-ways.
4. *Ownership, improvement and maintenance of open space areas.*
- a. A plan for the open space areas shall be submitted and shall include a cost estimate of improvements to be made within the open space.
 - b. Whenever a developer or proprietor employs the terms of this section, provision shall be made for the incorporation of a home owners association or equivalent or some other means of assuring the open space remains in perpetuity. If an association, it shall provide for mandatory membership with fees adequate to maintain all common open space areas.
 - c. The initial amount of development that takes place under subsection 1810.2 shall be perpetually maintained. In the event that open space is not adequately maintained, the township shall be entitled to enter upon the property and to carry out improvements as

required and to make such assessments as are required to pay these costs against the owners of the dwellings located within the subdivision open space plan.

- d. Information proposed to address the requirements above in subparagraph a. shall be submitted to the township attorney who shall review the proposed subdivision open space plan and render an opinion with respect to:
- (1) The proposed manner of holding title to the open land;
 - (2) The proposed manner of payment of taxes;
 - (3) The proposed method of regulating the use of the open land;
 - (4) The proposed method of maintenance of property and financing thereof;
 - (5) Any other factor related to the legal or practical problems of ownership, use and maintenance of the open land.

5. *Review procedures.*

- a. *Tentative planning commission approval.* If the planning commission is satisfied that the proposed subdivision open space plan meets the letter and spirit of the zoning ordinance and subdivision regulations and should be approved, it shall give tentative approval to the plan with the conditions upon which such approval should be based. Thereafter, the township board shall take action upon such application in accordance with the provisions of the ordinance.
- b. *Rejection; request for hearing.* If the planning commission is not satisfied that the proposed subdivision open space plan meets the letter and spirit of the zoning ordinance, it shall communicate such disapproval to the township board with the reasons therefor. The developer shall be entitled to a hearing upon such proposal before the township board upon written request filed with the township clerk within 30 days of the denial.
- c. *Preliminary township board approval; contract.* If the township board gives preliminary approval to the proposed subdivision open space plan, it shall instruct the township attorney to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval thereto by the township board, shall be entered into between the township board and the developer prior to the approval of any final plan based upon the approved preliminary plan.
- d. *Security deposit.* At the time of application for final approval, the developer shall deposit cash, irrevocable letters of credit, or other equivalent forms of security as approved by the township attorney in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvements within a time to be set by the township board.

(Ord. of 3-21-2005, § 1810)

Sec. 1815. - One-family cluster option.

1. *Intent.* The intent of this section is to permit the development of one-family residential patterns, which through design innovation, will provide for an alternative means for development of single-family areas where a parcel of land has characteristics, which hinder practical development under the normal subdivision approach or where the alternative will permit better preservation of natural features. Also, this option may permit increased densities under certain circumstances. To accomplish this, the attaching of one-family dwelling units and modifications to the one-family residential standards outlined in section 1800, may be permitted in the RSA and RU-1 district, subject to the standards and procedures of this section.
2. *Conditions for qualification.*
 - a. Public sanitary sewer and public water supply shall be available to the parcel in order to qualify for this option.
 - b. The planning commission shall base qualification for the cluster option on two findings, with final density dependent upon whether or not the site qualifies under both findings.
 - (1) First, the planning commission shall find that the parcel will qualify for the cluster development option as defined in paragraphs 2.c.(1) through (8). Development would be at the single-family densities permitted in paragraph 3.a. This finding must be made in all cases.
 - (2) Second, the planning commission may additionally find that the parcel is located in an area of transition between the residential parcel and nonresidential uses of districts or a freeway or is impacted by nonresidential uses or traffic on major or secondary thoroughfares or other similar conditions. If the planning commission makes such a finding, it may permit an increase in density up to the maximum densities established in subsection 3.b.
 - c. The planning commission may approve the clustering or attaching of buildings on parcels of land under single ownership and control which, in the opinion of the planning commission, have characteristics that would make sound physical development under

the normal subdivision approach impractical because of parcel size, shape or dimension or because the site is located in a transitional use area or the site has natural characteristics, which are worth preserving or which make conventional lot/site layout difficult. In approving a parcel for cluster development, the planning commission shall find at least one of the following conditions to exist:

- (1) The parcel to be developed has frontage on a major or secondary thoroughfare and is generally parallel to such thoroughfare, and is of shallow depth as measured from the thoroughfare.
- (2) The parcel has frontage on a major or secondary thoroughfare and is of a narrow width, as measured along the thoroughfare, which makes platting difficult.
- (3) The parcel is shaped in such a way that the angles formed by its boundaries make a subdivision difficult to achieve and the parcel has frontage on a major or secondary thoroughfare.
- (4) A substantial portion of the parcel's perimeter is bordered by a major or secondary thoroughfare that would result in a substantial proportion of the lots of the development abutting the thoroughfare.
- (5) A substantial portion of the parcel's perimeter is bordered by land that is located in other than an RSA or RU-1 district or is developed for a use other than single-family homes.
- (6) The parcel contains a floodplain, wetland or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.
- (7) The parcel contains natural landforms, which are so arranged that the changes of elevation within the site includes slopes in excess of six percent between these elevations. These elevation changes and slopes shall appear as the typical feature of the site rather than the exceptional or infrequent features of the site. Permitting one-family clusters will, in the opinion of the planning commission, allow a greater preservation of the natural setting.
- (8) The parcel contains natural assets, which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets that should be preserved.

d. In order to qualify for development under paragraph 2.c.(6), (7) or (8) above, the planning commission shall determine that the parcel has those characteristics and that the request shall be supported by written or graphic documentation, prepared by a landscape architect, engineer, professional community planner, registered architect or environmental design professional. Such documentation shall include the following as appropriate: soil test borings, floodplain map, topographic map of maximum two-foot contour interval and inventory of natural assets.

e. This option shall not apply to those parcels of land, which have been split for the specific purpose of coming within the requirements of this cluster option section.

3. *Permitted densities.* In a cluster development, the maximum densities permitted shall be as follows (including streets, except boundary major or secondary thoroughfares or collector roads):

a. For those parcels qualifying under paragraph (b)(2)a:

Districts	Dwelling Units (per acre)
RSA...	1.7
RU-1...	2.0

b. For those parcels qualifying under paragraph 2.a.(1) and 2.b.(2):

Districts	Dwelling Units (per acre)
RSA...	2.2
RU-1...	2.6

c. Water areas within the parcel may be included in the computation of density, provided that land adjacent to the water is substantially developed as open space.

d. In those instances where increased densities may be permitted under b. above, the planning commission must find that such increased density does not preclude the application of paragraph e. of subsection (d)(1) and does not result in the destruction or

total removal of such natural features as enumerated under paragraph 2.c.(6), (7) or (8) above.

4. *Development standards and requirements.* On parcels meeting the criteria of 2.a. above, the minimum yard setbacks, heights and minimum lot sizes per unit as required by section 1800, may be waived and/or the attaching of dwelling units may be accomplished subject to the following:
- a. The attaching of one-family dwelling units, one to another, may be permitted when such homes are attached by means of one of the following:
 - (1) Through a common party wall which does not have over 30 percent of its area in common with an abutting dwelling wall. This may be increased to 60 percent if, in the opinion of the planning commission, greater preservation of the open space would result;
 - (2) By means of an architectural wall detail which does not form interior room space;
 - (3) Through common garage party walls of adjacent structures;
 - (4) The maximum number of dwelling units that may be attached to some degree shall not exceed four.
 - b. Yard requirements shall be provided as follows:
 - (1) Spacing between groups of attached buildings or between groups of four unattached buildings shall be equal to at least 20 feet in an RSA district and 15 feet in an RU-1 district, measured between the nearest points of adjacent buildings. The minimum distance between detached units within groups of four shall be 15 feet, unless there is a corner-to-corner relationship in which case the minimum may be reduced to ten feet.
 - (2) Building setbacks from minor residential streets shall be determined after consideration of potential vehicular traffic volume, site design and pedestrian safety. It is intended that setbacks for each dwelling shall be such that one car length space will be available between the garage or required off-street parking spaces and the street pavement. In determining the setbacks from minor residential streets, the planning commission may use the following guidelines:
 - (a) Garages or required off-street parking spaces shall not be located less than 20 feet from the right-of-way of a public street.
 - (b) Where streets are private, garages or required off-street parking spaces shall not be located fewer than 20 feet from the pavement edge of the street or the shoulder of a street or, if there are sidewalks, the garage or space shall be 25 feet from the sidewalk.
 - (3) That side of a cluster adjacent to a major or secondary thoroughfare or collector road shall not be nearer to such street than 25 feet.
 - (4) Any side of a cluster adjacent to a private road shall not be nearer to such road than ten feet.
 - (5) Buildings shall not be fewer than 25 feet from any property line.
 - c. The area in open space (including subdivision recreation areas and water) accomplished through the use of one-family cluster shall represent at least 15 percent of the horizontal development area of a one-family cluster development.
 - d. In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one-family residential district, the planning commission shall determine that the abutting one-family district is effectively buffered by means of one of the following within the cluster development:
 - (1) Single-family lots subject to the standards of article 18 of this ordinance;
 - (2) Detached buildings with setbacks as required by article 18 of this ordinance for the applicable residential district;
 - (3) Open or recreation space;
 - (4) Changes in topography which provide an effective buffer;
 - (5) A major or secondary thoroughfare or collector road;
 - (6) Some other similar means of providing a transition;
 - (7) In those instances where the parcel has been qualified for the cluster option under paragraph 2.b.(1) or where the adjoining land may be used for purposes other than detached one-family dwellings, the planning commission may approve a plan in which the units are attached if the parcel is too small to provide the transition and the greatest setback possible is provided.
5. *Procedures.*
- a. *Qualification for cluster development.*
 - (1) Application to the planning commission for qualification of a parcel for cluster development shall include documentation

substantiating one or more of the characteristics outlined in subsection 2.a. above. The planning commission shall hold a public hearing on the application for qualification, with notice given in accordance with section 2805.

- (2) The planning commission shall make a preliminary determination as to whether or not a parcel qualifies for the cluster option under one or both of the provisions of 2.a. above, based upon the documentation submitted.
- (3) Preliminary determination by the planning commission that a parcel qualifies for cluster development does not assure approval of the site plan and, therefore, does not approve the cluster option. It does, however, give an initial indication as to whether or not a petitioner should proceed to prepare a site plan.

b. *Site plan and cluster approval.*

- (1) The planning commission shall hold a public hearing on the site plan after an initial review of a preliminary plan, which shall not require a public hearing.
- (2) In submitting a proposed layout under this section, the sponsor of the development shall include, along with the site plan, the following:
 - (a) Typical building elevations and floor plans, topography drawn at two-foot contour intervals, all computations relative to acreage and density, a preliminary grading plan and any other details which will assist in reviewing the proposed plan.
 - (b) If the parcel is qualified because of the potential to preserve trees, an accurate tree survey indicating the location of all trees on the site of six-inch DBH or greater. Such survey shall be at the same scale as the site plan.
- (3) Site plans submitted under this option shall be accompanied by information as required in subsection 1810.3, provided however, that:
 - (a) Submission of an open space plan and cost estimates with the preliminary site plan shall be at the option of the sponsor;
 - (b) The open space plan and cost estimate shall be submitted prior to final review or the public hearing.
- (4) The planning commission shall give notice of the public hearing in accordance with section 2805.
- (5) The planning commission shall give tentative approval or approval with conditions or disapprove the plan. If the planning commission approves the proposal, the clerk shall place the matter upon the agenda of the township board. If disapproved, the applicant shall be entitled to a hearing before the township board, if requested in writing within 30 days after action by the planning commission.
- (6) The township board shall conduct a public hearing on the proposed open space plan and site plan for the cluster option and shall give notice in accordance with section 2805. If the township board approves the plans, it shall instruct the township attorney to prepare a contract, setting forth the condition upon which approval is based, which contract, after approval by the township board, shall be entered into between the township and the applicant prior to the issuance of a building permit for any construction in accordance with site plans.
- (7) As a condition for the approval of the site plan and open space plan by the township board, the applicant shall deposit cash, irrevocable letters of credit or other equivalent forms of security as approved by the township attorney in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvement within a time to be set by the township board. Actual development of the open space shall be carried out concurrently with the construction of dwelling units.

(Ord. of 3-21-2005, § 1815)

ARTICLE 19. - OFF-STREET PARKING AND LOADING

Sec. 1900. - Off-street parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of 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.

1. *Location and number of spaces.*

- a. Off-street parking spaces may be located within a side or rear yard unless otherwise provided in the ordinance. Off-street parking shall not be permitted within a minimum front yard setback unless otherwise provided in this ordinance.

- b. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be on the premises they are intended to serve and subject to the provisions of section 2010, accessory buildings and structures, of this code.
- c. Off-street parking for other than residential use shall be either on the same zoning lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- d. Required parking spaces for two or more buildings or uses may be provided within a common parking area. However, in such cases the required number of parking spaces shall not be fewer than the sum of the requirements for the individual uses computed separately. The board of appeals may allow a reduction in the required number of spaces where operating hours of uses do not overlap.
- e. For the purpose of computing the number of parking spaces required, the definition of usable floor area in section 205, definitions, shall govern.
- f. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- g. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use that the planning commission considers is similar in type.
- h. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- i. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- j. Off-street parking existing at the effective date of this ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- k. Off-street parking may be permitted in a side or rear yard unless otherwise provided in this ordinance.
- l. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Minimum Number of Parking Spaces Per Unit of Measure
RESIDENTIAL USES	
1. One and two-family	Two for each dwelling unit.
2. Multiple-family	Two for each dwelling unit of three rooms or less; 2½ for each dwelling unit of four rooms or more.
3. Mobile home park	Two for each mobile home pad and one for each three mobile home sites for visitors and employees.
4. Family day care home	Two plus one for each nonresident employee.
5. Group day care home	Two plus one for each employee. In addition, a designated drop-off area is required.
INSTITUTIONAL USES	
a. Churches, places of worship	One for each three seats or six feet of pew in the main area of worship or one for each three person capacity if no fixed seating.
b. Convalescent homes and nursing homes	One for every four persons in residence plus one for each employee in the largest working shift.
c. Golf courses open to the general public	Six for each golf hole and one for each employee, plus spaces required for each accessory use such as a restaurant or bar.
d. Hospitals/health care centers	Two for each one bed plus spaces required for outpatient and medical offices at one space for each 100 sq. ft. of usable floor area.
e. Nursery schools/day care centers	One for each 200 square feet of usable floor area plus one designated off-street loading space for children entering and leaving the facility.
f. Private clubs or lodge halls	One for each 100 square feet of usable floor area.
g. Private golf clubs, swim clubs	One for every two member families or tennis clubs, or other similar uses individuals plus additional spaces for accessory uses such as a restaurant or bar.
h. Elementary or junior high schools	One for each one teacher, employee, or administrator plus the requirements for an auditorium or stadium.
i. Senior high schools	One for each teacher, employee or administrator, and one for each five students, plus the requirements for an auditorium or stadium.

j.	Stadium or sports arenas or similar outdoor place of assembly	One for each three seats or six feet of benches.
k.	Theaters and auditoriums	One for each three seats plus one for every two employees.
COMMERCIAL USES		
a.	Athletic clubs, exercise establishments, health studios, sauna baths, martial arts studios and other similar uses	One parking space for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes plus one space per employee.
b.	Auto wash (automatic)	One for each one employee.
c.	Auto wash (self washing or coin operated)	Two for each stall in addition to the stall itself.
d.	Beauty parlor, barbershop, or salon	Three spaces for each of the first two chairs, and 1½ spaces for each additional chair.
e.	Bowling alleys	Five for each bowling lane plus parking for accessory uses such as restaurants or bars.
f.	Dance halls, roller rinks, exhibition halls and assembly halls without fixed seats	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire building or health codes.
g.	Funeral home or mortuaries	One for each 50 square feet of usable area of assembly room and parlors.
h.	Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or other similar uses	One for each <u>800</u> square feet of usable floor area. For that floor area used in processing, one additional space shall be provided for each two persons employed therein.
i.	Gasoline service stations (full service)	Two for each lubrication stall, rack or pit; and one for each gasoline pump stand. In addition, parking for accessory uses, such as minimarkets, shall be provided. No spaces are required for self-service pump stands.
j.	Gasoline service stations (self serve)	One space plus one space for each employee on the largest working shift; but not fewer than three spaces in any instance. In addition, parking for accessory uses, such as minimarkets shall be provided.
k.	Golf driving range	One space for each driving tee plus one space for each employee.
l.	Hardware stores	One for each 300 square feet of usable floor area.
m.	Laundromats and coin operated dry cleaners	One for each two machines.
n.	Miniature golf courses	Three spaces per hole.
o.	Ministorage buildings	One space for each 30 units that do not have direct access from outside the building or directly from a vehicular aisle within the building and three for the office or residence and one for each employee.
p.	Motel/hotel, bed and breakfast	One for each occupancy unit, plus 50 percent of the parking required on the basis of accessory uses such as a restaurant or bar.
q.	Motor vehicle sales establishments	One for each 100 square feet of usable floor area of sales room or three for each auto service stall in service areas, whichever is greater.
r.	Pool or billiard hall, amusement arcade	One for each 60 square feet of usable floor area.
s.	Restaurant or bar establishments for sale and consumption, on the premises, of beverages, food or refreshments	One for each 75 square feet usable floor area.
t.	Restaurant drive-in, fast-food or carry-out	One space for each 25 square feet of usable floor area.
u.	Retail stores except as otherwise specified herein	One for each 150 square feet of usable floor area.
v.	Shopping center or five or more lease units under one roof	One for each <u>125</u> sq. ft. of usable floor area for the first 15,000 sq. ft.; one for each 150 sq. ft. for the next 15,001 to 450,000 sq. ft.; and one for each 175 sq. ft. for that area in excess of 450,000 sq. ft. of usable floor area.
OFFICE USES		
a.	Banks	One for each <u>125</u> sq. ft. of usable floor space, including employee working space.
b.	Business or professional offices	One for each 200 sq. ft. of usable floor area.
c.	Offices of doctors, dentists, or similar professions	One for each 50 sq. ft. of usable floor area in waiting rooms and one for each examining room, dentist chair, office, or similar use area.
INDUSTRIAL USES		
a.	Industrial or research establishments and related accessory offices	Five plus one for every 1½ employees in the largest working shift or five plus one for each 450 sq. ft. of usable floor area, whichever is greater.

b. Warehousing and wholesale establishments and related accessory offices	Five plus one for every one employee in the largest working shift, or one for every 1,700 sq. ft. of usable floor area, whichever is greater.
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(Ord. of 3-21-2005, § 1900)

Sec. 1905. - Parking space layout, construction and maintenance.

Whenever an off-street parking facility is required or proposed, including those within P-1 vehicular parking districts, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

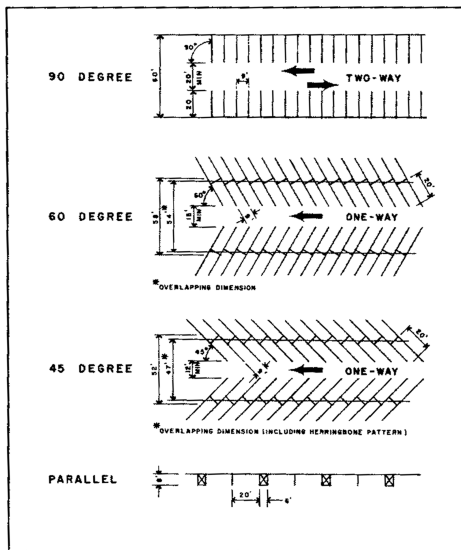
1. *Requirements.* No parking lot shall be constructed until approved by the planning commission pursuant to section 2810 and until a permit is issued by the building inspector. Applications for a permit shall be submitted to the building inspector as determined by the building inspector and shall be accompanied by two sets of plans for the development and construction of the parking lot showing full compliance with the provisions of this section.
2. *Ingress and egress.*
 - a. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
 - b. Ingress or egress to a parking lot lying in an area zoned for other than one-family residential use shall not be across land zoned for one-family residential use.
 - c. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than one-family residential use shall be at least 25 feet distant from adjacent property located in any one-family residential district.
 - d. The planning commission shall regulate and determine the places of ingress and egress so that traffic on the streets and highways in the township shall be controlled, regulated and coordinated and to require the installation and maintenance of suitable barriers to ensure the safety of passing pedestrians, in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as are required by the township shall be established and maintained by the owner or lessee of the parking lot.
 - e. In all cases where a wall extends to an alley which is a means of ingress to or egress from an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider turning radius.
 - f. The planning commission may require the joining of parking lots in adjacent parcels in order to reduce the number of curb cuts onto a public street and to facilitate movement between sites.

3. *Layout standards.*

a. The layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Aisle Width	Parking Space Length*	Parking Space Width	Total Width of One Tier of Spaces + Aisle	Total Width of Two Tiers of Spaces + Aisle
0° (parallel)	12 ft.	23 ft.	8 ft.	28 ft.	36 ft.
30° to 53°	12 ft.	20 ft.	8.5 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	20 ft.	8.5 ft.	36 ft.	58 ft.
75° to 90°	20 ft.	20 ft.	9 ft.	40 ft.	60 ft.

*The required parking space length may be reduced by one foot for each one-quarter foot by which the parking space width is increased.



- b. All spaces shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
 - c. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.
 - d. When a front yard setback is required, all lands between a required wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
 - e. Dead-end off-street parking aisles are discouraged, especially in connection with commercial uses. Such aisles should be no more than eight spaces deep and should, in any case, be proposed only when there is no reasonable alternative. If more than eight spaces deep, the layout shall provide a means for vehicles to turn around if all spaces are occupied.
 - f. The planning commission may require the joining of parking lots in adjacent parcels in order to reduce the number of curb cuts onto a public street and to facilitate movement between sites.
4. *Construction, maintenance, screening and landscaping.*
- a. Except for single-family residences, the entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the township engineer. The parking area shall be surfaced within one year of the date the permit is issued. Time extensions due to earth settlement problems may be approved by the board of appeals.
 - b. 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.
 - c. Off-street parking areas shall be provided with a continuing obscuring wall as specified in [section 2055](#), obscuring walls and landscaped berms. Upon application by the property owner of the off-street parking area, the planning commission may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.
 - d. Landscaped areas within the interior of the parking lot shall be provided in accordance with section 2050.3.

(Ord. of 3-21-2005, § 1905)

Sec. 1910. - Off-street loading and unloading.

On the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. Within any OST or OR district, off-street loading shall be provided as follows:
 - a. For buildings of less than 20,000 square feet in gross floor area, at least one loading space, separate from off-street parking,

shall be provided and may be located in any yard. For buildings of 20,000 square feet to 99,999 square feet, the loading space shall be located in a rear or side yard only. Loading space shall have a dimension of at least nine feet by 20 feet.

- b. For buildings of 100,000 square feet in gross floor area or more, at least one loading space shall be provided with a dimension of at least ten by 50 feet or 500 square feet in area. Such space shall have a minimum clearance of at least 14 feet in height and shall be located only in a rear or interior side yard.
 - c. In addition to spaces required for offices or research, one separate space, nine feet by 20 feet, shall be provided for each service entrance to secondary uses. Such spaces shall be located only in the rear or interior side yard.
2. Within any C-1 through C-4 district, off-street loading space shall be provided in the rear yard only and in the ratio of at least ten square feet per front foot of building. In exceptional instances such space may be permitted in an interior side yard with approval of the planning commission, provided that such location is necessitated by the site conditions.
3. Within any I-1 or I-2 district, off-street loading shall be provided as follows:
- a. All spaces shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height unless otherwise specified.
 - b. Loading dock approaches shall be surfaced with asphaltic or concrete paving so as to provide a permanent, durable and dustless surface.
 - c. All spaces in I-1 and I-2 districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (square feet)	Number of Spaces Required
0 to 1,400	One space (9 × 20).
1,401 to 20,000	One space.
20,001 to 100,000	One space plus one space for each 20,000 square feet in excess of 20,000 square feet.
Over 100,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.

- d. All spaces shall be provided off-street in the rear yard or interior side yard and shall in no instance be permitted in a front yard. In those instances where exterior side yards abut an industrial district across a public street, loading/unloading may take place in such exterior side yard when the setback is equal to at least 50 feet.
4. Access to the loading/unloading area shall be designed in such a manner as to allow trucks to enter and leave the area without having to back from or onto the public street.
5. Where a public alley exists or is provided at the rear of buildings, the loading/unloading requirements may be computed from the center of such alley.

(Ord. of 3-21-2005, § 1910)

ARTICLE 20. - GENERAL PROVISIONS

Sec. 2000. - Conflicting regulations.

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

(Ord. of 3-21-2005, § 2000)

Sec. 2005. - Scope.

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

(Ord. of 3-21-2005, § 2005)

Sec. 2010. - Accessory buildings and structures.

Accessory buildings or structures that are accessory to the principal use of a zoning lot, except as otherwise permitted by this ordinance, shall be permitted as regulated in this section.

1. *General conditions.*

- a. Accessory buildings or structures are permitted only in connection with, incidental to and on the same lot with a principal building or structure which is permitted in the particular zoning district.
- b. An accessory building or structure must be in the same zoning district as the principal building and structure on a lot.
- c. No accessory building or structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. No accessory building or structure may be placed on a lot without a principal building, structure or use.
- d. Buildings with less than 100 square feet of floor area are not considered accessory structures in terms of regulations by this ordinance.
- e. No more than two detached accessory buildings or structures shall be permitted on any lot.
- f. All accessory buildings must be permanently attached to either a concrete or treated wood foundation or rat wall.
- g. An accessory building, other than those defined in section 205, in any residential or commercial district shall be subject to the approval of the board of appeals. This includes conditions where an accessory building is proposed prior to the construction of the principal use building.

2. *Location requirements.*

- a. Where an accessory building or structure is physically attached to a main building it shall be subject to and must conform to all regulations of this ordinance applicable to main buildings.
- b. Accessory buildings or structures shall not be erected in any front yard nor in any side yard setback unless otherwise provided in this ordinance or unless the accessory building is 300 or more feet from the centerline of the road.
- c. A detached accessory building shall not be located within ten feet of any main building, nor shall it be located within one foot of an alley right-of-way.
- d. Detached accessory buildings or structures shall not be located within ten feet of any rear lot line.
- e. No accessory building may be erected in front of a single-family detached dwelling.
- f. An accessory building to be used as a garage and having similar building materials as the primary residence, may be erected in a side yard.
- g. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building or structure shall not be located within a setback which is equal to the front yard setback required of the lot to the rear of such corner lot. In no instance shall an accessory building or structure be located within ten feet of a street right-of-way line.
- h. On any corner lot or through lot, the setback requirements for main buildings from a street shall be applicable to accessory buildings or structures, unless otherwise provided.

3. *Size limitations.*

- a. Detached accessory buildings shall not occupy more than 900 square feet of the side yard. In the rear yard the area may increase 100 square feet for every ten feet of additional setback, provided that, in no instance shall the accessory building exceed 2,600 square feet.
- b. No detached accessory building or structure in any residential or commercial district shall exceed one story or 13 feet in height (see section 205 for definition of building height). If provisions of subparagraph 3.a. above are complied with, the height of the accessory building may be increased one foot for every ten foot increment of setback behind the principal residence, provided that, in no instance shall the height exceed 22 feet.
- c. Nothing contained herein shall be construed to affect the size of accessory buildings used in conjunction with a legitimate farming operation as defined in this ordinance, provided that all yard requirements area complied with.

4. *Regulations relating to accessory buildings or structures.*

- a. See article 19 regarding accessory off-street parking and accessory off-street loading and unloading.
- b. See section 2015 regarding accessory storage of recreational equipment or trailers.
- c. See section 2030 regarding entranceway structures.

- d. See section 2045 regarding waste receptacles.
- e. See section 2060 regarding accessory residential fences.
- f. See section 2130.1 regarding porches, decks, patios and gazebos.
- g. See article 24 regarding accessory signs.
- h. See section 2067 regarding private solar energy collector systems.

5. *Condominiums.*

- a. Accessory buildings or structures in site condominium developments shall be subject to the requirements of this ordinance applicable to one-family residential lots.
- b. All other one-family residential condominium developments, attached or detached, shall be subject to the following requirements:
 - (1) Accessory buildings or structures physically attached to a main building shall be located within the building envelope as depicted on the approved site plan and/or shall be subject to any of the minimum setback requirements applicable to main buildings.
 - (2) Detached accessory buildings or structures, including satellite reception antennas, shall not be located between a main building and a private road or street.

(Ord. of 3-21-2005, § 2010; Ord. No. 449, § 4.01, 8-12-2019)

Sec. 2015. - Storage of recreational equipment or trailers.

The parking or storage of any recreational equipment or trailer in any residential district shall be subject to the following:

- 1. No recreational equipment or trailer shall be parked or stored on any lot in a residential district except in a garage or carport or beyond the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or any location not approved for such use.
- 2. Recreational equipment or trailers not to exceed six feet in height above ground may be stored in an interior side yard. Minor portions of such equipment, not exceeding three square feet in vertical cross section as viewed perpendicular to the adjacent lot line, shall be permitted to exceed the six-foot height limit.
- 3. Recreational equipment or trailers exceeding six feet in height may be stored only in the rear yard subject to the conditions of section 2010 with respect to height, yard coverage and setbacks.
- 4. In a one-family residential condominium development, such equipment or trailers shall be stored only to the rear of any building and shall not be permitted between the sides of buildings or between a building and any private road or street, provided, however, that such equipment may be parked anywhere on the premises for a period of time not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored in a residential district.

(Ord. of 3-21-2005, § 2015)

Sec. 2020. - Access management.

The standards of this section are intended to promote safe and efficient travel within the township; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; protect the substantial public investment in the street system; and to ensure reasonable access to properties. The following standards shall apply to all uses except residential developments involving fewer than five dwelling units. However, if it appears that there would be unusual difficulty encountered in meeting these requirements because of grade changes, existing or proposed intersections, driveways, bridges or other land restrictions, the planning commission, upon recommendation of the building inspector, may waive or modify the requirements of this section.

1. *Acceleration/deceleration/passing lanes.*

- a. Driveways providing ingress and egress to all two-lane, paved major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes and passing lanes.
- b. Driveways providing ingress and egress to all three-lane, paved major or secondary thoroughfares shall be provided with paved

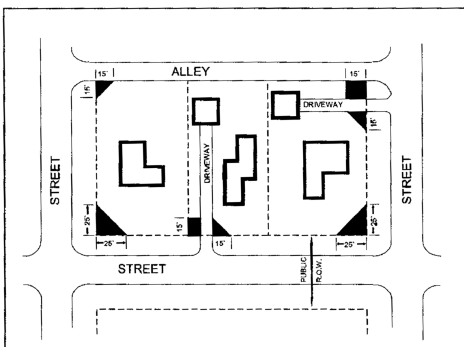
acceleration and deceleration lanes.

- c. Driveways providing ingress and egress to roads of four or more lanes shall be provided with paved tapers or turning lanes.
 - d. Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the standards for such facilities as established by the township.
2. *Alternative means of access.* To reduce the number of curb cuts to the township's major and secondary thoroughfares, alternative means of access shall be encouraged in general. In such cases, the following alternative means of access may apply.
- a. *Shared driveways.* Sharing or joint use of a driveway by two or more property owners shall be encouraged. The shared driveway shall be constructed along the midpoint between the two properties. If a written easement is provided which allows traffic to travel across on parcel to access another, or access the public street, the driveway can be located entirely on one parcel.
 - b. *Marginal access road.*
 - (1) In cases where a marginal access road exists, is recommended in a plan adopted by the planning commission or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such road, rather than by direct connection to the thoroughfare.
 - (2) In areas where marginal access roads are planned, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road. In such instances, the planning commission may temporarily grant individual parcels a direct connection to the adjacent major thoroughfare. A performance bond or other financial guarantee must be provided which ensures elimination of the temporary access upon completion of the road. Occupancy permits shall not be issued until such financial guarantee has been submitted to the township.
 - c. *Parking lot connections.* All abutting parking lots within the same zoning district shall be designed in such a way as to allow for a connection to the parking lot of an existing or future use. Such connection shall be a minimum of 20 feet in width and shall be set back a minimum of 30 feet from the planned future right-of-way of adjacent roads.
3. *Access to major or secondary thoroughfare.* For uses making reference to this subsection, vehicular access shall be provided only to an existing or planned major thoroughfare, freeway service drive, secondary thoroughfare or collector road. Access driveways may, however be permitted to a local public street where such access is located so that the property directly across the street from such driveway and all property abutting such street between the driveway and the thoroughfare, freeway service drive or collector road is zoned for multiple family use or any nonresidential use; is developed with permanent uses other than single-family residences; or is an area which, in the opinion of the planning commission, will be used for other than single-family purposes in the future. This exception shall only apply if the planning commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare or collector road.

(Ord. of 3-21-2005, § 2020)

Sec. 2025. - Corner clearance.

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, nor shall such obstruction to vision be permitted at the intersection of any driveway or alley and a street right-of-way line within a triangular area formed at such intersection by a straight line drawn between the driveway or alley line and the street right-of-way line at a distance along each line of 15 feet from their point of intersection. In those instances where such triangular area cannot be applied to the property in question, a 15-foot setback shall be required between the property line and the driveway or alley.



(Ord. of 3-21-2005, § 2025)

Sec. 2030. - Entranceway structures.

In districts where entranceway structures marking entrances to subdivisions, housing projects or planned nonresidential projects are permitted, including, but not limited to, walls, columns and gates, such structures may be located in a required yard except as provided in section 2025. Such entranceway structures shall comply to all codes of the township and all other applicable provisions of this ordinance, and shall be approved by the building inspector and a permit issued.

(Ord. of 3-21-2005, § 2030)

Sec. 2035. - Exterior lighting.

1. The following exterior lighting shall be permitted in any use district:
 - a. In any use district, light sources with lamps rated at a total of not more than 1,400 lumens shall be permitted, except for floodlights or spotlights.
 - b. Floodlights or spotlights used for the external illumination of buildings or signs with a lamp rated at 1,000 lumens or less shall be permitted in any use district, provided that such lighting is not aimed, directed or focused toward residential districts or uses or toward a public street, so that there is no interference with the vision of persons on public streets or in residential districts or uses.
 - c. Exterior lighting with lamps of more than 1,000 lumens will be permitted, provided that the light source is down-lit to reduce intensity and glare and is so arranged as to reflect lights away from all adjacent residential districts or uses and from adjacent public streets. Furthermore, the light diffusing media shall be totally shielded with opaque material on the top and all sides and the light source shall be parallel to the horizontal plane of the area to be lighted.
 - d. Security lighting that is controlled by a motion detector and which does not remain on longer than ten minutes after activation shall be permitted in any use district, provided that such lighting is not aimed, directed or focused toward residential districts or uses or toward a public street, so that there is no interference with the vision of persons on public streets or in residential districts or uses.
2. Permitted exterior lighting in any use district shall be subject to the following conditions:
 - a. Exterior lighting shall not cause luminance that is greater than one footcandle within two feet of the wall of any main building in an adjacent or nearby RSA, RU-1, RMC, RM or MHP district.
 - b. All illumination of signs and any other outdoor features shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and consistent in intensity and color at all times when in use.
 - c. When the abutting district is an RSA, RU-1, RMC, RM or MHP district the distance between the structure supporting the light source and the property line of such zoning district shall not be less than the distance between the top of the light source and the ground below the structure or building to which the light is attached.
 - d. The distance between the top of any light source and the ground below the structure shall not exceed the following, in each use district:

Height in Feet	Districts
20	RSA, RU-1, RMC, RM, MHP
25	OST, C-1
35	C-2, C-3, C-4, OR
40	I-1, I-2, AR

- e. Structures which support lighting fixtures, other than signs, may be permitted in any yard where off-street parking lots are permitted.

(Ord. of 3-21-2005, § 2035)

Sec. 2040. - Screening of rooftop equipment.

Penthouse or rooftop structures for the housing of elevators, stairways, tanks, heating and air conditioning equipment and other similar apparatus shall be screened from view by a penthouse or structure equal in height to the height of the equipment being screened, and constructed of a building material compatible with the material used in the principal building. Satellite reception antennas shall be exempt from this requirement.

(Ord. of 3-21-2005, § 2040)

Sec. 2045. - Waste receptacles.

A space for the location of a dumpster, paved and with minimum dimensions of nine feet wide and six feet deep, shall be provided for each zoning lot in the nonresidential districts (OST, OR, C or I) regardless of whether or not use of a dumpster is intended. Dumpsters may be permitted as accessory to any use except one-family residential. Dumpsters are permitted, provided that:

1. The dumpster is located in a rear yard or interior side yard and is clearly accessible to servicing vehicles;
2. Dumpsters shall be screened from view on all sides except for the entry side. Such screening shall consist of any permanent building wall, obscuring wall or earth mound which is not less than six feet in height or at least one foot above the height of the enclosed dumpster, whichever is greater;
3. Dumpsters and their screening enclosures shall be located as far as practicable from any adjoining residential district or use and shall in no instance be located within 20 feet of any residential property line or district; and
4. The location of dumpsters shall be indicated on site plans and the location and screening shall be subject to the approval of the planning commission.

(Ord. of 3-21-2005, § 2045)

Sec. 2050. - Landscaping.

For any development, other than a single-family residence, a detailed landscape plan shall be provided for any yard abutting a street and for any areas requiring a greenbelt or plantings by this ordinance. Such plans shall be submitted for review and approval by the planning commission prior to the issuance of a building permit and shall be prepared in accordance with the following:

1. *Planting plan specifications.*
 - a. Minimum scale of one inch = 50 feet.
 - b. Existing and proposed grades at a contour interval not to exceed two feet.
 - c. The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required greenbelt or landscaped area.
 - d. Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.
 - e. Significant construction details to resolve specific site conditions, e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
 - f. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
 - g. Planting plans shall be prepared by a registered or degreed landscape architect or by a company with membership with the state association of nurserymen.
2. *Plant material sizes and spacing.*
 - a. Plant materials shall not be placed closer than four feet from the fence line or property line.
 - b. Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
 - c. Evergreen trees shall have a starting size of at least six feet in height. When planted in informal groupings, they shall be spaced not more than 20 feet on center. When planted in rows, they shall be spaced not more than 12 feet on center.
 - d. Narrow evergreens shall have a starting size of at least four feet in height. When planted in informal groupings they shall be

- spaced not more than ten feet on center. When planted in rows, they shall be spaced not more than five feet on center.
- e. Large deciduous trees shall have a minimum starting size of 2½ caliper inches. They shall be planted not more than 30 feet on center when placed in informal groupings.
 - f. Small deciduous trees shall have a minimum starting size of at least two caliper inches. They shall not be spaced more than 15 feet on center when placed in informal groupings.
 - g. Large shrubs shall have a starting size of at least 30 inches in height. They shall be placed not more than six feet on center when placed in informal groupings and not more than four feet on center when planted in rows.
 - h. Small shrubs shall have a starting size of not less than 24 inches in height or spread and be planted not more than four feet on center.

Plant Materials: Spacing and Sizes			
Maximum Spacing (feet)			
Type of Plant Material	Grouping	Rows	Minimum Starting Size
Evergreen trees	20	12	6 feet high
Narrow evergreen trees	10	5	4 feet high
Large deciduous trees	30	—	22 inch caliper
Small deciduous trees	15	—	2.0 inch caliper
Large shrubs	6	4	30 inches high
Small shrubs	4	4	24 inches high

- i. Greenbelts shall be planted in a manner to ensure that the required horizontal and vertical obscuring effect of proposed land uses will be achieved. The ultimate size of plant material shall be such to ensure adequate maturity and optimum screening effect of proposed plant materials.
- j. The planning commission shall consider the choice and selection of plant materials to ensure that root system will not interfere with public utilities and that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way, or to abutting property owners.
- k. The relationship between deciduous and evergreen plant materials shall be such that, when required, a maximum obscuring

effect will be maintained throughout the various seasonal periods.

- I. The following table lists some plant material that may be acceptable for use in the township. The list is not intended to be all-inclusive but rather suggests certain material which is commonly suitable for landscaping purposes.

Plant Material Type	Suggested Plant Materials
Evergreen trees	Juniper, Hemlock, Pine, Spruce, Douglas Fir, Fir
Narrow evergreens	Columnar Honoki Cypress, Blue Columnar Chinese Juniper, Pyramidal Japanese, Pyramidal White Pine, Columnar Giant Arbor-Vitae, Hicks Yew, Douglas Arborvitae, Swiss Stone Pine
Large deciduous trees	Oak, Linden, Hackberry, Hop Hornbeam, Ginkgo (male), Hard Maples, Sweet Gum, Honey Locust (thornless), Birch, Beech, Sycamore, Bradford Pear
Small deciduous trees	Hornbeam, Service berry, Mountain Ash, Hawthorn, Magnolia, Redbud, Rose of Sharon, Flowering Crabs, Flowering Dogwood
Large shrubs	Honeysuckle, Mock-orange, Buckthorn, Pyracantha, Mugo Pine, Lilac, Euonymus, Ninebark, Bayberry, Savin Juniper, Viburnum, Forsythia, Sumac, Flowering Quince, Cotoneaster (Pekin, Spreading), Hazelnut, Border Privet, Pfitzer Juniper, Yew
Small shrubs	Regal Privet, Potentilla, Dwarf Mugo Pine, Low Spreading Junipers (Hughes, Tamarix, etc.), Cotoneaster (Cranberry, Rockspray), Fragrant Sumac, Compact Burning Bush, Spreading Yews, Japanese Quince, Big Leaf Winter Creeper
Trees not suggested	Box Elder, Poplars, Elms, Willows, Horse Chestnut (nut bearing), Catalpa, Red Maple, Silver Maple, Tree of Heaven, Cottonwood, Ash

3. *Parking lot landscaping.*

- a. In an I-1 or I-2 district, one tree for each 4,000 square feet of the total of the paved driveway and parking lot surface shall be provided.
- b. In all other districts, one tree shall be required for each 3,000 square feet of paved driveway and parking lot surface, provided that no less than two trees are provided.
- c. Trees shall be distributed evenly throughout the parking area and trees shall be provided with an open land area of not less than 150 square feet to provide area for infiltration and with a minimum diameter of six feet at the trunk of the tree for protection.
- d. Tree plantings shall also be protected from automobiles with curbing or other suitable device.
- e. In a P-1, OST, OR, or C district, when a parking area abuts a residential district, a row of large deciduous trees shall be provided on the nonresidential side of a required wall or berm. Such trees shall be located in a lawn panel with a minimum width of ten feet as measured from the property line and a minimum area of 150 square feet.
- f. Areas for landscaping within the boundaries of the paved parking lot shall be provided as follows:

4. *Areas for landscaping.*

Area	Landscaped Area
Up to 6,000 sq. ft.	Not required
6,000 up to 50,000 sq. ft.	5 percent of the area
50,000 sq. ft. and more	7.5 percent of the area

5. *Minimum width; exception.* The minimum width of such areas shall be 7.5 feet except at end islands to provide for vehicular turning radii.
6. *Maintenance.* Landscaped areas and plant materials required by this ordinance shall be kept free from refuse and debris. Plant

materials, including lawn shall be maintained in a healthy, growing condition with a neat and orderly appearance. If any plant materials required by this ordinance die or become diseased, they shall be replaced within 30 days of written notice from the township or within an extended time period as specified in said notice.

- 7. *Timing.* The landscaping 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 to provide the necessary affect. Final certificate of occupancy shall be withheld until plantings have been installed and approved. A temporary certificate of occupancy may be issued in the interim.

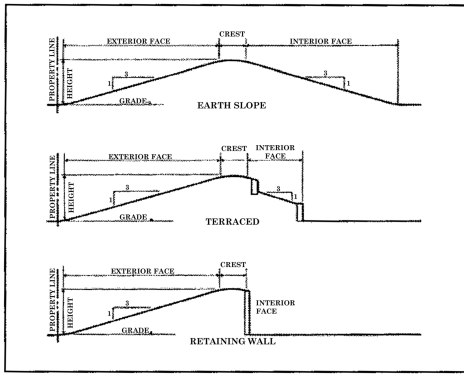
(Ord. of 3-21-2005, § 2050)

Sec. 2055. - Obscuring walls and landscaped berms.

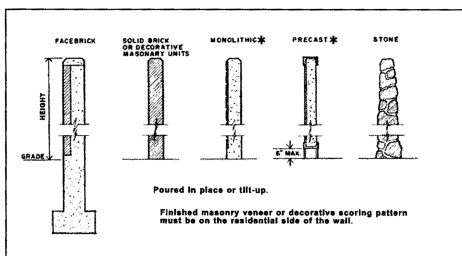
- 1. For those zoning districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall or landscaped berm as required below, unless otherwise determined by the planning commission under paragraph 8 below. In any instance, a berm of equal height may be substituted for a wall, if desired. Furthermore, the planning commission may require the use of a berm rather than a wall.

District or Use	Height (feet)
P-1	4.5
OST, OR, C districts	4.5 to 6.0
I-1 or I-2 districts	5.0 to 8.0
Off-street parking and circulation, (other districts)	4.5
Utility buildings, stations or substations	6.0

- 2. The height of a wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall or berm.
- 3. In the case of a variable wall or berm height as noted above, the extent of obscuring wall or berm shall be determined by the planning commission on the basis of land usage, provided further that no wall or berm shall be less than the above required minimum, nor greater than the above required maximum.
- 4. Berms shall be landscaped in accordance with section 2050, landscaping.
- 5. In those instances where the border between districts or uses requiring a wall or berm is a major or secondary thoroughfare or collection road, a landscaped greenbelt may be substituted for the wall or berm adjacent to the thoroughfare.
- 6. Required walls shall be located along the lot line except in the following instances:
 - a. Where underground utilities interfere;
 - b. Where a landscaped street yard is required, the wall shall be placed along the setback line; and
 - c. Required walls may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the planning commission in reviewing such request.
- 7. Required berms shall be constructed as landscaped earth mounds with a crest area at least two feet in width.
 - a. The exterior face of the berm shall be constructed as an earthen slope.
 - b. The interior face of the berm may be constructed as an earthen slope, or retained by means of a wall, terrace, or other means acceptable to the building inspector.



- c. Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one foot of vertical rise to three feet of horizontal distance.
 - d. Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with a straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net that is specifically designed to control erosion.
 - e. The berm area shall be planted with shrubs, trees and lawn and shall be maintained in a healthy, growing condition.
8. In those instances where the following conditions occur, the wall or berm may be waived by the planning commission.
- a. The abutting or adjacent land is proposed on the township master plan for land use as a use other than residential;
 - b. The abutting or adjacent land is developed for a use other than residential;
 - c. The planning commission determines that the abutting or adjacent residential district will become nonresidential in the future; or
 - d. The abutting or adjacent residential district has physical characteristics which preclude the necessity of a wall or berm. Such conditions include, but are not necessarily limited to:
 - (1) An abrupt rise in grade on the abutting or adjacent district;
 - (2) Heavily wooded or landscaped areas that will buffer as effectively as a wall or berm; and
 - (3) Other natural or manmade features that will buffer the abutting or adjacent residential districts as effectively as a wall or berm.
9. Walls and berms shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this ordinance or approved by the planning commission. Masonry walls may be constructed with openings, above three feet in height which do not in any square section (height and width) exceed 20 percent of the surface. Where walls are so pierced, the openings shall be spaced so as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the building inspector.
10. All walls herein required shall be constructed of face brick or comparable nonporous facing materials on the exterior sides facing a residential district and shall be approved by the building inspector to be durable, weather resistant, rustproof, and easily maintainable; and wood or wood products shall be specifically excluded. The top of the wall shall be finished or "capped" to provide positive drainage.



11. The planning commission may require that a wall be varied in height or stepped to match adjacent existing walls or to ensure that adequate sight distance is ensured, provided that in no instance shall a required wall or berm be permitted to be less than 30 inches in height.

(Ord. of 3-21-2005, § 2055)

1. Residential fences shall be permitted in the RSA, RU-1 and AR districts subject to the requirements applicable to accessory structures and following:
 - a. Residential fences may be located along a property line if the other provisions of this section are met.
 - b. The following requirements shall be applicable to fences on zoning lots having a lot area of less than two acres and street frontage of less than 200 feet:
 - (1) Fences in all RSA, RU-1 and AR districts which enclose property or are within a required side or rear yard shall not exceed six feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever results in the greater setback.
 - (2) Fences not to exceed three feet in height shall be permitted within a required front yard setback or an exterior side yard setback; provided, however, that section 2025 is adhered to.
 - (3) Fences shall not contain barbed wire, razor wire, electric current or charge of electricity.
 - (4) Fence-like structures, such as those used for backstops or tennis courts, are excluded from the regulations of this section.
 - c. Fences in RSA and RU-1 districts on zoning lots that contain two acres or more shall be subject to the requirements applicable to accessory structures as well as the following:
 - (1) Fences, not to exceed six feet in height, may be located within any yard except the minimum front yard setback or the minimum setback of a yard abutting a street. Greater setbacks applicable because of formulae based on buildings or parcel size shall not be considered as minimum setbacks.
 - (2) Fences shall not contain barbed wire or razor wire.
 - (3) Fences which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.
2. Fences located in RSA and AR districts on zoning lots that contain two acres or more shall be subject to the requirements applicable to accessory structures as well as the following:
 - a. Fences, not to exceed six feet in height, may be located within any yard, except that in a front yard or yard abutting a street that also abuts an RSA, RU-1, RCM or RM district or a zoning lot in the AR district that contains less than two acres, the minimum setbacks shall apply within 50 feet of such abutting RSA, RU-1, RCM, RM or AR district.
 - b. Fences shall not contain razor wire.
3. Fences located in all other districts shall be subject to the following conditions:
 - a. A permit shall be required prior to the construction of any fence, regardless of size.
 - b. Fences, not to exceed eight feet in height, may be located within any yard except the minimum front yard setback or the minimum setback of a yard abutting a street. Greater setbacks applicable because of formulae based on buildings or parcel size shall not be considered as minimum setbacks.
 - c. Fences shall not contain barbed wire or razor wire.

(Ord. of 3-21-2005, § 2060)

Sec. 2065. - Flood hazard areas.

1. *Purpose.* The purpose of this section is to significantly reduce hazards to persons and damage to property as a result of flood conditions in the township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactment and the rules and regulations promulgated in furtherance of this program by the United States Department of Housing and Urban Development, Federal Insurance Administration, as published in the Federal Register, Volume 41, No. 207, Tuesday, December 26, 1976. Further, the objectives of this article include:
 - a. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
 - b. The containment of public expenditures for flood control projects rescue, and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;

- c. The prevention of private and public economic loss and social disruption as a result of flood conditions;
 - d. The maintenance of stable development patterns not subject to the blighting influence of flood damage,
 - e. To ensure that the public has access to information indicating the location of land areas subject to periodic flooding; and
 - f. To preserve the ability of floodplains to carry and discharge a base flood.
2. *Delineation of the flood hazard area overlay zoning.* The flood hazard area zone shall overlay existing zoning districts delineated on the official township zoning map. The boundaries of the area indicated as within the limits of the 100-year flood in the report entitled The Flood Insurance Study for the Township of Vienna, dated January 2, 1981, with accompanying flood insurance rate maps and flood boundary and floodway map, shall apply.
- a. A regulatory floodway shall be designated within the flood hazard area zone. The boundaries of the regulatory floodway shall coincide with the floodway boundaries as indicated on the flood boundary and floodway maps. The study and accompanying maps were adopted by reference appended and were declared to be a part of the ordinance.
 - b. Where there are disputes as to the location of a flood hazard area zone boundary, the zoning board of appeals shall resolve the dispute in accordance with article 27.
 - c. In addition to other requirements of this section applicable to development in the underlying zoning district, compliance with the requirements of this section shall be necessary for all development occurring within the flood hazard area zone. Conflicts between the requirements of this section and other requirements of the ordinance or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section to a greater extent than the requirements of this section. In such cases, the more stringent requirement shall be applied.
3. *Development permit.* Development, including the erection of structures and placement of mobile homes, within a flood hazard area shall not occur except upon issuance of a zoning compliance permit in accordance with the requirements of this section 2066 and the following standards:
- a. The requirements of this section shall be met.
 - b. The requirements of the underlying zoning district, and applicable general provisions of this ordinance must be met.
 - c. All necessary development permits shall have been issued by appropriate local, state and federal authorities 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.), as amended. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
4. *General standards for flood hazard reduction.*
- a. All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and mobile homes, shall:
 - (1) Be designed and anchored to prevent flotation, collapse or lateral movement of the structure;
 - (2) Be constructed with materials and utility equipment resistant to flood damage; and
 - (3) Be constructed by methods and practices that minimize flood damage.
 - b. All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the systems.
 - c. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the systems and discharges from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
 - d. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
 - e. The building inspector, or his representative; shall review development proposals to determine compliance with the standards in this section, and shall transmit his determination to the zoning administrator.
 - f. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this section.
 - g. The flood carrying capacity of any altered or relocated watercourse, not subject to state or federal regulations designed to ensure flood carrying capacity, shall be maintained.
 - h. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this

section. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources.

5. *Specific base flood evaluation standards.* On the basis of the most recent available base flood evaluation data, the following standards shall apply in the flood hazard area zone:
 - a. All new construction and substantial improvement of residential structures shall have the lowest floor, including basement, elevated to one foot above the base flood level.
 - b. All new construction and substantial improvements of nonresidential structures shall have either.
 - (1) The lowest floor, including basement, elevated to one foot above base flood level; or
 - (2) Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a base flood in the location of the structure. Such certification shall be submitted as provided in section 2066 and shall indicate the elevation to which the structure is floodproofed.
 - c. The most recent base flood elevation data received from the Federal Emergency Management Agency shall take precedence over data from other sources.
6. *Mobile home standards.*
 - a. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties in accord with the following specifications:
 - (1) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, except that on mobile homes less than 50 feet in length one tie per side shall be required.
 - (2) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, except that on mobile homes less than 50 feet in length four ties per side shall be required.
 - (3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - (4) All additions to a mobile home shall be similarly anchored.
 - b. Mobile homes within zones A-1 through A-30. All mobile homes within zones A-1 through A-30 on the flood insurance rate map shall be located in accordance with the following standards:
 - (1) All mobile homes shall be placed on stands or lots which are elevated on compacted fill or pilings so that the lowest floor of the mobile home will be one foot above the base floor level.
 - (2) Adequate surface drainage away from all structures and access for mobile home haulers shall be provided.
 - (3) In the instance of elevation pilings, the following shall apply:
 - (a) The lots shall be large enough to permit steps.
 - (b) Piling foundations shall be placed in stable soil no more than ten feet apart.
 - (c) Reinforcement shall be provided for piers more than six feet above ground level.
 - (4) The standards in (1), (2) and (3) of this subsection shall be complied with in mobile home parks and in mobile home subdivisions which exist at the time this subsection is adopted, where repair, reconstruction or improvement of streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair.
7. *Floodway protection standards.* The following floodway protection standards shall apply:
 - a. New construction, substantial improvements, and all other development, including fill, shall be prohibited within zones number A-.1 to A-30 on the FIRM, except where it is demonstrated to the zoning administrator that the cumulative effect of the proposed development when it is combined with all the other existing and anticipated development, will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with Part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.), as amended, shall be required, provided that the allowable increase shall not exceed one foot. The provision of this section shall not apply with the regulatory floodway The provision of subsection 2 below shall be applied to land situated within the regulatory floodway.
 - b. All development occurring within the regulatory floodway shall comply with the following standards:

- (1) Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited. Exception: prohibition shall only be made upon certification by a registered professional engineer or the department of natural resources the development will not result in any increase in flood levels during a base flood discharge in compliance with Part 31 of Public Act No. 2005-107 (MCL 324.3101 et seq.), as amended.
 - (2) The placement of mobile homes shall be prohibited except in mobile home parks and subdivisions which are in existence at the time this article is adopted.
 - (3) Development which is permitted in the regulatory floodway shall meet the requirements of paragraphs 4. and 5. of this section 2065.
- c. Uses of land permitted in the underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this section.

8. *Disclaimer of liability.*

- a. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. Approval of this use of land under this article shall not be considered a guarantee or warranty of safety from flood damage.
- b. This section does not imply that areas outside the flood hazard area will be free from flood damage. This section does not create liability on the part of the township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Ord. of 3-21-2005, § 2065)

Sec. 2066. - Floodplain management administrative duties.

1. *Building inspector.*

- a. The duties of the building inspector with regard to the National Flood Insurance Program and the regulation of development within the flood hazard area zone as prescribed in section 2065, shall include, but are not limited to:
 - (1) Notification to adjacent communities and the department of natural resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Emergency Management Agency;
 - (2) Certification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of floodproofed structures, the elevation to which the structure was floodproofed; and
 - (3) Recording of all certificates of floodproofing, and written notification to all applicants whom variances are granted in a flood hazard area zone indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk, and may reach amounts as high as \$25.00 for \$100.00 of insurance coverage. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- b. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the building inspector and shall be open for public inspection.
- c. It shall be the responsibility of the building inspector to obtain and utilize the best available flood hazard data for purposes of administering this section in the absence of data from the Federal Emergency Management Agency.

2. *Flood hazard area application information.* In addition to the information required with an application for a building permit, special use permit, or any other type of development permission required under this section, 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 zone:

- a. The elevation in relation to mean sea level of the floor, including basement, of all structures;
- b. Where floodproofing will be employed, the elevation in relation to mean sea level to which a structure will be floodproofed;
- c. Where floodproofing will be employed, a certificate from a registered professional engineer or architect that the floodproofing criteria of this ordinance will be met;
- d. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- e. Proof of development permission from appropriate local, state and federal agencies, as required by section 18.16.3, including a

floodplain permit, approval or letters 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.), as amended;

- f. Base flood elevation data where the proposed development is subject to Public Act No. 288 of 1967 (MCL 560.101 et seq.), or greater than five acres in size; and
 - g. Additional information which may be reasonably necessary to determine compliance with the provisions of this ordinance.
3. *Flood hazard area zone variances.* Variances from the provisions of section 2065, flood hazard areas, shall only be granted by the board of appeals upon a determination of compliance with the general standards for variances contained in this ordinance and each of the following specific standards:
- a. A variance shall be granted only upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in a harmful increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
 - b. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
 - c. The township board of appeals may attach conditions to the granting of a variance to ensure compliance with the standards contained in this section.
 - d. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state historic markers listing of historic sites, or any other state register of historic places without regard to the requirements of this section governing variances in floor hazard areas.
4. *Mapping disputes.*
- a. Where disputes arise as to the location of the flood hazard area boundary, the board of appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the board of appeals shall be based upon the most current floodplain studies issued by the Federal Emergency Management Agency, where federal insurance information shall be utilized.
 - b. Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Emergency Management Agency floodplain studies are being questioned, the board of appeals shall modify the boundary of the flood hazard area only upon receipt of an official letter of map amendment issued by the Federal Emergency Management Agency.
 - c. All parties to a map dispute may submit technical evidence to the board of appeals.

(Ord. of 3-21-2005, § 2066)

Sec. 2067. - Private solar energy collector systems.

- A. *Private solar energy collector systems.* The construction and operation of a private solar energy collector system shall be permitted as accessory use in all zoning districts by permit issued by the zoning administrator after an administrative review, subject to the requirements of subsections 2067B., 2067C., 2067D., 2067E., and 2067F.
- B. *Criteria for the use of private solar energy collector systems.*
 - 1. A private solar energy collector system shall not be constructed without a building permit issued by the township.
 - 2. A private solar energy collector system must be located in the least visibly obtrusive location where panels would be functional.
 - 3. A private solar energy collector system must be repaired or replaced or removed within three months of becoming non-functional.
 - 4. A private solar energy collector system must conform to applicable industry standards including those established by the American National Standards Institute ("ANSI").
 - 5. A private solar energy collector system must include signage which sets forth disconnection procedures for emergency first responders in case of fire or other emergency.
 - 6. A private solar energy collector system must comply with applicable county, state and federal regulations, and safety requirements including the Michigan Building Code.
 - 7. A private solar energy collector systems must be installed so as to minimize glare onto adjacent parcels of property.
 - 8. A private solar energy collector systems must conform to all standards of the zoning district in which it is located.

- C. *Exceptions for administrative review of building-mounted solar energy collector system.* An application for a permit for administrative review of a private solar energy system is not required for:
1. The installation of one solar panel with a total collector area not exceeding eight square feet; or
 2. The repair and/or replacement of any component of an existing building-mounted solar energy collector system, provided that its size of the total collector area is not expanded.
- D. *Application for administrative review of private solar energy collector system.* An application for administrative review for a permit for a private solar collector system must be submitted on a form supplied by the township, which must include the following:
1. Photographs of the property's existing conditions;
 2. Renderings or catalogue cuts of the proposed private solar energy collector system; and
 3. Record establishing that the private solar collector system conforms to ANSI Standards.
 4. Certificate of compliance demonstrating that the private solar energy collector system has been tested and approved by Underwriters Laboratories or other approved independent testing agency.
 5. Site plan to indicate where the private solar energy collector system will be installed on the property.
 6. Description of screening to be provided the private solar energy collector system.
 7. A copy of the manufacturer's installation and maintenance instructions.
- E. *Private building mounted solar energy collector system requirements.* A private building-mounted solar energy collector system must conform to the following requirements:
1. A building-mounted solar energy collector system mounted on the roof of a building shall not project more than five feet above the highest point of the roof, but in any event, shall not exceed the maximum height limitation for the zoning district in which the parcel of property is located, and not project beyond the eaves of the roof of the building.
 2. A building-mounted solar energy collector system mounted on the roof of a building shall not have a weight more than can be safely supported by the roof. The applicant must provide the zoning administrator with proof thereof in the form of a certificate by a professional engineer or architect, which must be approved by the township building inspector prior to the issuance of a permit by the zoning administrator as an accessory use.
 3. A building-mounted solar energy collector system that is roof-mounted, wall-mounted, or otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. The applicant must provide the zoning administrator with proof of the safety and reliability of the means of such attachment, which must be approved by the township building inspector prior to the issuance of a permit by the zoning administrator as an accessory use.
 4. A building-mounted solar energy collector system that is wall-mounted shall not exceed the height of the building wall to which is attached.
 5. A building-mounted solar energy collector system shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
 6. A building-mounted solar energy collector system that is roof-mounted, wall-mounted, or otherwise attached to a building or structure shall be generally neutral in color and substantially non-reflective of light.
 7. A building-mounted solar energy collector system that is roof-mounted, wall-mounted, or otherwise attached to a building or structure shall be installed, maintained, and used only in accordance with the manufacturer's installation and maintenance instructions.
 8. A building-mounted solar energy collector system that is roof-mounted, wall-mounted, or otherwise attached to a building or structure must comply with the township construction code, electrical code, plumbing code, and all other applicable township ordinances.
- F. *Private ground mounted solar energy collector system requirements.* A private ground-mounted solar energy collector system must conform to the following requirements:
1. All power transmission lines, wires, or conduits to and from a ground-mounted solar energy collector system must be located underground.
 2. All power transmission lines, wires, or conduits between each ground-mounted solar energy collector structure must be located underground.

3. Any batteries used in connection with a ground-mounted solar energy collector system must be placed in an enclosed and locked container.
4. A ground-mounted solar energy collector system shall not exceed the maximum height requirements for the zoning district in which it is located.
5. A ground-mounted solar energy collector system must be located in the rear yard.
6. A ground-mounted solar energy collector system must be located in conformance with the setback requirements for the zoning district in which it is located.

(Ord. No. 449, § 4.02, 8-12-2019)

ARTICLE 21. - GENERAL EXCEPTIONS

Sec. 2100. - Area, height and use exceptions generally.

The regulations in this ordinance shall be subject to the interpretations and exceptions in this article.

(Ord. of 3-21-2005, § 2100)

Sec. 2105. - Essential services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the township, it being the intention hereof to exempt such essential services from the application of this ordinance.

(Ord. of 3-21-2005, § 2105)

Sec. 2110. - Railroad rights-of-way.

For the purposes of this ordinance, railroad rights-of-way shall be permitted as authorized and regulated by state and federal laws, it being the intention of this section to exempt, railroad rights-of-way from the application of this ordinance.

1. *Building and structures.* Buildings or structures intended to be erected or constructed within the railroad rights-of-way shall comply with the use, area and height regulations of the district in which it is located. In those instances where buildings or structures are essential to railroad operations, the facility may be permitted by the planning commission as a special land use under article 22.
2. *Spur tracks within districts.* Spur tracks shall be extended from railroad rights-of-way to adjacent industrial districts only when they are totally within industrial districts.
3. *Inactive rights-of-way.* Railroad rights-of-way that become inactive shall not be exempt.

(Ord. of 3-21-2005, § 2110)

Sec. 2115. - Voting place.

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

(Ord. of 3-21-2005, § 2115)

Sec. 2120. - Height limitations.

1. *General.* The height limitations of this ordinance shall not apply to farm buildings, chimneys, church spires or bell towers, flag poles, decorative cupolas, public monuments or wireless transmission towers; provided, however, that the planning commission may specify a height limit for any such structure when such structure requires authorization as a special land use.
2. *Rooftop equipment.* In any RMC, RM, OST, OR, C or I district, penthouse or rooftop structures for the housing of elevators, stairways, tanks, heating and air conditioning equipment, satellite reception antennas, and other similar apparatus may be erected above the height limit of the zoning district in which located when, after review by the planning commission, the plans are found to meet the following conditions:
 - a. All rooftop equipment and apparatus shall be housed in a penthouse or structure constructed of building material compatible with

the material used in the principal building.

- b. Penthouses or structures shall be set back from the outermost vertical wall or parapet of the principal building a distance equal to at least two times the height of such penthouse or structure and which shall in no instance exceed the height of ten feet.
 - c. Such penthouse or structures shall not cover an area equal to more than 15 percent of the total roof area of the building.
3. *TV antennae.* In any RSA, RU-1, RMC, RM, MHP or AR district, antenna structures for private, domestic radio or television reception, not including satellite reception antennas greater than two feet in diameter, may be erected and maintained on the roof of any building without a building permit, provided that the antenna does not exceed 12 feet in height.

(Ord. of 3-21-2005, § 2120)

Sec. 2125. - Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this ordinance, one-half the width of such alley abutting the lot shall be considered as part of such lot.

(Ord. of 3-21-2005, § 2125)

Sec. 2130. - Yard regulations.

When yard regulations cannot reasonably be complied with or where their application cannot be determined on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the board of appeals.

1. *Attached porches, decks, patios, or terraces in residential districts.*
 - a. An uncovered, unenclosed deck, porch, patio or paved terrace may project into a required front yard for a distance not exceeding ten feet, or may project into a required rear yard for a distance not exceeding 20 feet, but not to exceed a distance equal to 60 percent of the depth of the rear yard; provided, however, that this shall not be interpreted to include or permit fixed canopies.
 - b. Such decks, porches, patios or paved terraces shall not be more than nine inches above the grade level of the lowest story (excluding a basement) of the main building except for the open, unenclosed railings which do not exceed four feet in height above the elevation (level) of the deck, porch, patio, or paved terrace.
 - c. Such deck, porch, patio or paved terrace, together with all other accessory buildings and structures, shall not occupy more than 40 percent of the horizontal area of the rear yard.
 - d. Accessory buildings, such as gazebos, may be placed on porches, decks or patios located in a rear yard setback; provided that they do not exceed 14 feet in height as measured from the surface of the porch, deck, or patio. Such building, along with other detached accessory buildings, shall not occupy more than 25 percent of a rear yard setback nor more than 40 percent of any rear yard in excess of the rear yard setback.
2. *Projections into yards.* Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three feet.
3. *Access drives.* For the purpose of this ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards.
4. *Walks, terraces, or like pavement.* Any walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this ordinance not be considered to be a structure, and shall be permitted in any required yard.

(Ord. of 3-21-2005, § 2130)

ARTICLE 22. - SPECIAL LAND USE

Footnotes:

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

Sec. 2200. - Purpose.

The development and execution of this section is based upon the division of the township into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special land uses that, because of their unique characteristics, should not be permitted without consideration, in each case, of the impact of those uses upon neighborhood land. These include uses publicly operated or uses traditionally affected with a public interest and uses entirely private in character, but of such unusual nature that their operation may revise to unique problems with respect to their impact on neighboring property or public facilities.

(Ord. of 3-21-2005, § 2200)

Sec. 2205. - General provisions.

1. *Initiation of special land use.* Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, and which is specifically enforceable, may file an application to use the land for one or more of the special land uses provided for in this section.
2. *Application of special land use.* An application for special land use shall be filed with the building inspector on a form prescribed by the township. The application shall be accompanied by any plans or data prescribed by the building inspector and shall include, as a minimum, the requirements of site plan review as noted in section 2710. The application shall also include a written statement by the applicant and adequate evidence showing that the proposed special land use will conform to the standards set forth in this section. The application shall also be accompanied with a fee determined by resolution of the township board to cover the expense of public hearing and the cost of processing the review.
3. *Public hearing.* The planning commission shall carry out review and approval of a special land use, after public hearing. Notice of the public hearing shall be given in accordance with section 2805.
4. *Standards.* The planning commission shall not approve a special land use unless it finds as follows:
 - a. The establishment, maintenance or operation of the special land use will not be detrimental to or endanger the public health, safety or general welfare or the natural environment;
 - b. The special land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish or impair property values within the neighborhood;
 - c. The establishment of the special land use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - d. Adequate utilities, access roads, drainage and necessary facilities have been or are being provided;
 - e. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion on the public streets; and
 - f. The special land use shall in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this ordinance.
5. *Conditions and guarantees.* Prior to granting any special land use, the planning commission shall stipulate that conditions and restrictions upon the establishment, location, construction, maintenance and operations of the special land use as deemed necessary for protection of the public interest and to secure compliance with the standards and requirements specified in this section. In all cases in which special land uses are granted, the planning commission shall require any evidence and guarantees deemed necessary as proof that there is compliance with any conditions stipulated in connection with the approval. Any conditions imposed shall remain unchanged except upon the mutual consent of the planning commission and the land owner. The planning commission shall maintain a record of changes granted in the conditions.
6. *Effect of denial of a special land use.* No application for a special land use which has been denied wholly or in part by the planning commission shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the planning commission.
7. *Revocation.*
 - a. If a special land use is not established within one year of the date authorization was granted for the use, the authorization shall

automatically be null and void.

- b. Approval for a special land use can be revoked by the planning commission under the same procedure used for approval if it is found that it no longer meets the standards of this ordinance.

(Ord. of 3-21-2005, § 2205)

Sec. 2210. - Special land uses designated.

The following are uses identified as special land uses accompanied by the provisions or conditions that must be met in order to be approved:

1. Home occupations, subject to the following:
 - a. The exterior appearance of the structure shall not be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
 - b. No more than one person, other than members of the immediate family occupying the dwelling, shall be employed.
 - c. The occupations shall occupy no more than 25 percent of the floor area of the dwelling.
 - d. There shall be no outside storage of any kind related to any home occupation.
 - e. The use may not increase vehicular traffic flow and parking by more than one additional vehicle at a time, unless off-street parking space as set forth in the off-street parking regulations in article 19 is provided.
 - f. Mechanical or electric equipment in connection with the home occupation shall be comparable to machinery or equipment customarily found in a home that is associated with a hobby or avocation.
 - g. Only one nameplate shall be allowed in accordance with the sign regulations at 144 square inches. The nameplate may display only the name of the resident, the business or occupation of the resident or address.
2. Manufactured one-family detached dwelling units may be permitted after review and approval of an applicant's request, subject to the following:
 - a. The applicant shall submit such plans, photographs, elevations and similar documentation as deemed necessary to permit a complete review and evaluation of the proposal.
 - b. In reviewing any such proposed dwelling unit with respect to items 7(5) through 7(8) of section 415.2.a, architectural variation shall not be discouraged but reasonable compatibility with the character of residential dwelling units shall be provided, thereby protecting the economic welfare and property value of surrounding residential areas and of the township at large.
3. Churches and other facilities normally incidental thereto, subject to the following conditions:
 - a. The site shall contain a minimum of three acres, exclusive of any dedicated public road right-of-way.
 - b. All principal buildings shall have a setback of not fewer than 50 feet unless exceeded by the requirements of section 420.2.
 - c. Off-street parking spaces and drives or aisles shall not be located within 20 feet of a side or rear lot line when such lot line abuts an RSA or RU-1 district. This minimum setback area shall be landscaped as a greenbelt and shall include the wall or berm as required by section 2055.
 - d. All accessory buildings shall have a setback of not fewer than 50 feet from any RSA or RU-1 district unless such district is occupied by an existing use other than one-family detached dwellings and unless exceeded by the requirements of section 415.
 - e. Garages for the storage of or the outside storage of more than two buses or vans shall not be considered as normally accessory to a church use.
4. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operating requirements necessitate locating within the district in order to serve the immediate vicinity, provided that:
 - a. Building setbacks shall not be less than 40 feet.
 - b. A landscape plan shall be submitted in accordance with section 2050.
5. Private noncommercial recreation areas, institutional or community recreation centers, a nonprofit swimming pool club, all subject to the following restrictions:
 - a. Any use permitted in this subsection shall be developed only on acreage of at least two acres in area, and shall not be permitted on a lot or group of lots of record of less than two acres.

- b. The proposed site for any of the uses permitted in this subsection which would attract persons from, or are intended to serve, are immediate neighborhood shall have at least one property line abutting a major or secondary thoroughfare or collector street as shown on the thoroughfare plan.
 - c. Setbacks shall be at least 80 feet and shall be landscaped in trees, shrubs and grass. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance. Setbacks adjacent to nonresidential districts or uses shall not be fewer than ten feet.
 - d. Buildings erected on the premises shall not exceed one story or 15 feet in height except where due to topography a lower level shall be permitted when such lower level is entirely below the grade of the major thoroughfare abutting the parcel in question.
 - e. Off-street parking shall be provided so as to accommodate at least one-half of the member families and/or individual members. Bylaws of the organization shall be provided to the planning commission in order to establish the membership involved for computing parking requirements. In those cases wherein the proposed use organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of use.
 - f. Whenever a pool is involved, such pool area shall be provided with a protective fence five feet in height and entry shall be provided by means of a controlled gate or turnstile.
 - g. The organization proposing any such use permitted in this subsection shall have at least two-thirds of its membership composed of residents of the township.
6. Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit subject to the following conditions:
- a. The site shall contain a minimum of 80 acres.
 - b. Accessory uses not strictly related to a golf course which are generally of a commercial nature such as a restaurant and bar shall be housed in the main clubhouse. Accessory uses which are strictly related to the operation of the golf course itself, such as a maintenance garage and pro shop or golf shop, may be located in separate structures.
 - c. Buildings, outdoor swimming pools, tennis courts or similar concentrated recreation use areas (not including fairways or greens) shall have setbacks of not fewer than 200 feet.
 - d. Lighting of playing areas of the golf course for night use shall be prohibited.
 - e. The minimum number of off-street parking spaces to be provided shall be six spaces per hole plus one space per employee plus spaces as required under section 1900, off-street parking requirements for each accessory use, such as a restaurant or a bar.
 - f. Whenever a swimming pool is to be provided, said pool shall be enclosed with a protective fence five feet in height, and entry shall be by means of a controlled gate.
7. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, subject to the following conditions:
- a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. Buildings and other uses of land, except landscape passive areas, shall have setbacks of at least 100 feet.
 - c. Height of buildings in excess of the minimum requirements may be allowed if, in the opinion of the planning commission, such exception would create interest and variety in the visual environment.
 - d. Those buildings to be used for servicing or maintenance, such as heating, plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.
8. Hospitals, provided that the following conditions are met:
- a. All such hospitals shall be developed on sites consisting of at least 20 acres in area.
 - b. In the event one or more boundaries of the proposed site lies opposite or continuous to a residential property, the minimum distance between any hospital structure or accessory use and the residential property boundary shall be at least 100 feet for buildings 30 feet or less in height, the building shall be set back from the initial 100-foot setback an additional one foot for each foot of additional height above 30 feet.
 - c. The minimum setback from any street line shall not be fewer than 40 feet for buildings 30 feet or less in height, while buildings above 30 feet shall be set back an additional one foot for each foot of height above 30 feet regardless of the zoning district in

- which it is situated.
- d. The minimum setback from any nonresidential interior lot line shall not be fewer than 25 feet.
9. Convalescent and/or nursing homes, when the following conditions are met:
- The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 1,500 square feet of open space. The 1,500 square feet of land area per bed shall provide for landscaping, off-street parking, service drives, loading space, yard requirements and space required for accessory uses.
 - No building shall be closer than 40 feet from any property line and any use permitted herein may not be located in the interior of any block unless it is situated next to multiple family type housing or nonresidential land use.
10. State licensed adult foster care group homes for seven to 20 adults. A state licensed residential care facility pursuant to the requirements of state law, namely Section 206 of Public Act No. 110 of 2006 (MCL 125.3206), as amended, provided further that:
- The facility is within the meaning and intent of residential care facilities as defined by Public Act No. 218 of 1979 (MCL 400.701 et seq.), as amended, which provides resident services for six or fewer persons under 24-hour supervision.
 - No licensed facility shall be located within a 1,500-foot radius of an existing licensed facility.
 - No building shall be located closer than 60 feet to any property line. Front yard setbacks shall be 75 feet.
 - All ingress and egress to the off-street parking area, for guests, employees and staff, as well as others users of the facility, shall be designated side or rear yard and shall be accessible directly from a major or secondary thoroughfare or collector road.
 - The gross land area of the site shall be not less than 5,500 square feet for each bed in the care facility. This land area shall provide for on-site water supply and sewage disposal as well as provide for landscape setbacks, off-street parking, service drives, loading space, yard requirements and space for accessory uses.
 - Additional land area may be required if deemed necessary by the county health department for adequate on-site sewage disposal.
11. Nursery schools, day nurseries, and day care centers, subject to the following conditions:
- At least one side lot line of the zoning lot abuts an RMC, RM, MHP, AR, O, C, I, or P-1 district or a site occupied by a use other than one-family residential in a RSA or RU-1 district.
 - The site shall contain a minimum area of one acre, exclusive of any dedicated public road rights-of-way.
 - All principal buildings shall have a setback of not fewer than 40 feet unless exceeded by the requirements of section 425.2.
 - All accessory buildings shall have a setback of not fewer than 40 feet from any one-family residential district unless occupied by an existing use other than a one-family detached dwelling and unless exceeded by the requirements of section 425.2.
 - An outdoor play space shall have a total area of 5,000 square feet or 150 square feet for each child, whichever is the greater.
12. Automobile carwashes subject to the following:
- All washing facilities shall be within a completely enclosed building.
 - Vacuuming and drying areas may be located outside the building but shall not be in any required yard abutting a street.
 - Access points shall be located at least 200 feet from the intersection of any two streets.
 - All off-street parking and waiting areas shall be hard surfaced and dust free.
 - One traffic lane shall be provided as a means of exiting the facility without having to enter the carwash building; such lane shall be in addition to those, which would be used by customers obtaining gasoline and waiting in line for the carwash. Such lane shall not be counted as part of the required reservoir parking space.
 - Reservoir stacking space equal in number to five times the maximum capacity of the auto wash shall be provided. Maximum capacity shall mean the greatest number of vehicles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
 - All buildings, vehicular stacking spaces, vacuuming or other outside use areas, except employee parking, shall have a minimum setback of 100 feet from a residential district, unless the district is separated by a major or secondary thoroughfare or collector street.
13. Outdoor sales space for exclusive sale of new or secondhand automobiles, house trailers, or rental of trailers or automobiles, subject to the following:

- a. The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose water accumulated within the area.
 - b. Ingress and egress to the outdoor sales area shall be at least 60 feet from the right-of-way intersection of any two streets.
 - c. No major repair or major refinishing shall be done on the lot.
 - d. Display of vehicles is, for the purposes of this ordinance, an accessory use. Such use may be permitted within a front yard except that a 20-foot landscaped open space shall be provided between any street and the display area.
14. Motels or hotels, subject to the following conditions:
- a. Ingress and egress shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. Each unit shall contain no less than two 200 square feet of floor area.
 - c. Guests shall not establish residence at a motel for more than 30 days within any calendar year.
15. Drive-in restaurants subject to the following:
- a. Vehicular access drives to a drive-in restaurant shall be located at least 60 feet from the right-of-way of any intersecting street.
 - b. No spaces set aside for the stacking of vehicles waiting to be served from a drive-in window shall be closer than 45 feet to any adjacent residential zoning lot, except when such lot is occupied by use other than a residential use.
16. Business in the character of a drive-in or open front store, subject to the following conditions:
- a. Ingress and egress points shall be located at least 60 feet from the right-of-way intersection of any two streets.
 - b. A minimum of five vehicle stacking spaces shall be provided per drive-through lane with a minimum of three additional spaces for the location at which orders are taken. Stacking lanes shall have a minimum width of eight feet and shall not conflict with parking or ingress and egress drives. The length of one stacking space is 20 feet. Stacking shall not be permitted within a required front yard.
17. Veterinary hospitals or clinics, subject to the following conditions:
- a. All activities shall be conducted within a totally enclosed building,
 - b. All buildings shall have a minimum setback of 100 feet from any RSA, RU-1 or RM district unless the district is separated from the use by a major or secondary thoroughfare.
18. General automotive repairs when the following conditions are met:
- a. All activities shall be conducted within a completely enclosed building.
 - b. Outside storage of vehicles or parts must be completely screened from public streets or residential districts in accordance with [section 2055](#) obscuring walls and landscaped berms.
 - c. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
 - d. Main buildings shall have a minimum setback of 100 feet from an R, RMC or RM district unless the district is separated from the use by a major or secondary thoroughfare or collector street.
19. Gasoline service stations and light automotive repair, as defined in this ordinance, subject to the following conditions:
- a. The minimum lot area shall be one-half acre.
 - b. A minimum frontage of 120 feet must be provided on any one road.
 - c. A maximum of two drives shall be permitted for interior parcels.
 - d. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 50 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - e. Off-street unloading space for liquid fuels, of ten feet by 50 feet, shall be provided but may be located in any required yard, notwithstanding [section 1910](#). If the use includes floor space for the sale of convenience items, an additional unloading space shall be provided in the ratio of at least ten square feet per front foot of building. Such space shall not be located in the front yard.
 - f. Outside storage of vehicles or parts shall be prohibited.
 - g. Repair work shall be permitted as an accessory use only.

20. Oil change facilities upon the condition that three stacking spaces shall be provided for each stall, rack or pit and subject to the following:
 - a. Stacking lanes shall have a minimum width of eight feet and shall not conflict with parking or ingress and egress drives.
 - b. The length of one stacking space is 20 feet.
 - c. Stacking shall not be permitted within a required front yard.
21. Bowling alleys, indoor archery ranges, indoor tennis courts, indoor skating rinks or similar form of indoor commercial recreation, provided that main buildings shall have a minimum setback of 100 feet from an RSA, RU-1 or RMC district unless the district is separated from the use by a major or secondary thoroughfare.
22. Outdoor space for seating areas accessory to a restaurant subject to the following conditions:
 - a. Such outdoor space shall not be located within 200 feet of a residential district or the residential portion of a PUD, unless separated from such residential area by a major or secondary thoroughfare.
 - b. The floor area devoted to such use shall not exceed 400 square feet or 50 percent of the usable floor area of the principal use, whichever is the greater.
 - c. No outside sound amplification or loudspeakers shall be permitted.
 - d. The conduct of such use shall not interfere with pedestrian circulation to and from adjacent uses or on sidewalks nor interfere with the sight distances of vehicular traffic.
 - e. Such outdoor use may be located in a required setback, provided that there are no permanent structures and provided that required open space areas and landscaped setbacks are not utilized for this purpose.
 - f. Off-street parking shall be provided on the basis of one space for each 100 square feet of usable floor space.
 - g. Exterior lighting fixtures shall not be located more than ten feet above the grade level below the light fixture, and the light source shall be totally shielded with opaque material on all sides and on top and the plane of the light diffusing media shall be parallel to the horizontal plane of the area to be lighted.
23. Ministorage buildings, with limited access to the building from outside, when the following conditions are met:
 - a. Doors providing access to individual storage units shall not be permitted on the front yard side of the building, or on any side abutting a public street, a residential district or the residential portion of a PUD.
 - b. Building facades adjacent to a residential district, the residential portion of a PUD or a public street shall be of the same finish material and be similar in appearance to the facade of the building abutting the front yard.
 - c. Vehicular aisles providing access to units on both sides of the aisles, whether interior or exterior, shall be not fewer than 30 feet wide.
 - d. Aisles providing access to units on only one side of the aisle shall not fewer than 24 feet wide, provided that there is more than one aisle available for circulation around a building. If there is only one aisle, then the aisle shall be not fewer than 30 feet wide.
 - e. There shall be no outdoor storage and no storage of hazardous, toxic or volatile substances.
 - f. The maximum percent of the zoning lot area covered by buildings shall be 50 percent.
 - g. For any building facade that exceeds 200 feet in length, the setback of that portion of the building shall be increased by an additional one foot for each ten feet of length, provided that if greater setbacks are required by other sections of this ordinance, the greater setback shall be provided.
24. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided that such use shall be located at the exterior end of the building mass located in a C-3 district and not near the intersection of two thoroughfares.
25. Automobile service centers when the following conditions are met:
 - a. Light automobile repair uses shall be a part of a large planned shopping center designed so as to integrate the uses within the site plan and architecture of the total shopping center; and
 - b. A building permit shall not be issued separately for the construction of any light automobile repair use within the C-3 district.
26. Industrial uses of a similar nature to the uses permitted in section 1505 and no more objectionable character and which will not be injurious or have an adverse effect on adjacent areas, and may, therefore, be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.
27. Indoor tennis or racquet court facilities, indoor ice or roller skating arenas and other similar uses which require large structures

such as are normally found in industrial districts. The main building shall have a minimum setback of 100 feet from an RSA or RU-1 district unless the district is separated from the use by a major or secondary thoroughfare or collector street.

28. Adult entertainment facilities, subject to the following conditions:
 - a. No adult entertainment facility shall be permitted within 400 feet of a church or public or private school property.
 - b. No adult entertainment facility shall be permitted within 400 feet of a residence or a district zoned for residential use.
 - c. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property line upon which the proposed use is to be located and the zoning district boundary, property or residence from which the proposed land use is to be separated.
29. Junkyards, provided the following conditions are met:
 - a. The site is located not closer than 1,000 feet to any residential district.
 - b. The minimum zoning lot shall be not fewer than 40 acres. The planning commission will determine, as a function site plan review, what percentage of the property should be used for storage or disassembly functions and what portions are needed to effectively screen the use from public view.
 - c. The use shall have direct frontage on a road classified as a major or secondary thoroughfare.
 - d. The site shall be located within one mile of a state highway, federal highway or freeway interchange.
 - e. Such uses must be entirely enclosed within a building or within solid masonry or brick obscuring wall a minimum of eight feet high.
 - f. No articles shall be stacked or piled so as to exceed the height of the wall.
 - g. There shall be no burning on the site.
 - h. All industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
30. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, subject to the following conditions:
 - a. Such use shall be enclosed within a building or within an obscuring wall, fence or berm on those sides abutting all residential or business districts, and on any yard abutting a public street.
 - b. The extent of such wall, fence or berm may be determined by the planning commission on the basis of use.
 - c. Such wall, fence or berm shall not be less than six feet in height, and may, depending on land usage, be required to be eight feet in height. A chainlink type fence, with heavy evergreen shrubbery inside of said fence, may be considered to be an alternative to a wall or berm.
31. Heating and electric power generating plants, provided that outside storage shall be completely screened from adjacent roads or residential districts with landscape berms.
32. Outdoor theaters subject to the following conditions:
 - a. Vehicular access shall be directly to a major or secondary thoroughfare.
 - b. All vehicles waiting or standing to enter the facility shall be provided off-street parking and waiting space and vehicles shall not be permitted to wait or stand within a public dedicated right-of-way.
 - c. All lighting used to illuminate the area shall be installed so as to be directed to and be confined to the premises.
33. Commercial or public television or radio towers, public utility transmitting towers, public utility microwaves and their attendant facilities, provided that the tower shall be located centrally on a continuous parcel having a dimension of at least equal to the height of the tower measured from the center of the base of the tower to all points of each property line.
34. Nursery gardens and garden supplies subject to the following conditions:
 - a. The zoning lot shall contain a minimum area of ten acres.
 - b. Vehicular access shall be in accordance with section 2020.3.
 - c. No building or storage area shall be permitted closer than 100 feet to any residence outside the boundary of the site.
 - d. No building, structure or storage area shall be located closer than 50 feet to any public right-of-way.
35. Solid waste and/or sanitary landfills subject to:

- a. State statutes.
 - b. The township's natural resource recovery ordinance and sanitary landfill licensing ordinance.
 - c. This use shall not be permitted in any definable surface water runoff, catchment area, or floodplain.
 - d. The zoning lot shall contain a minimum area of five acres. Said parcel shall have one property line abutting a paved road or have access across private property to a paved public road.
 - e. Vehicular access to the site shall be directly from a major or secondary thoroughfare.
 - f. The use shall not be permitted when the number of dwelling units within a one-half mile radii of the boundary of the zoning lot exceeds one unit for each five acres on the total land area within these radii.
 - g. The use shall not be permitted when a group of ten or more dwelling units or lots for such dwelling units are within 500-foot radii of the boundary of the zoning lot.
 - h. All uses shall be enclosed by a fence, six feet or more in height on all property lines and access shall be by a gate of the same height.
 - i. All areas within any development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be:
 - (1) Lacking hazards;
 - (2) Inconspicuous; and
 - (3) Blended with surrounding ground contours.
 - j. All permitted installations shall be maintained and operated in a neat, orderly condition so as to prevent discharge of materials deposited on the property to other properties and so as to prevent injury to any other property, individual, or the township in general.
36. Natural resource recovery/earth removal subject to:
- a. State statutes.
 - b. The township's natural resource recovery ordinance.
 - c. Nothing herein shall be construed to prohibit the disposition of clean earth (absent from foreign matter such as building materials, refuse, garbage, chemical or industrial wastes), or the moving of earth in connection with a building permit.
 - d. No earthen fill materials shall be permitted within any definable surface water runoff, catchment area or floodplain.
 - e. No excavation, truck parking, material storage, or fill shall take place within 200 feet of a dwelling unit, a residential lot of record, or any residential district. Such activity may take place not closer than 50 feet to any other property line. Sublateral support shall be provided to surrounding property.
 - f. No fixed machinery or temporary buildings shall be erected or maintained within 50 feet of any property line.
 - g. No slope shall exceed an angle of 45 degrees with the horizontal.
 - h. Access to the property shall be directly to a major or secondary thoroughfare. That portion of access road within the property shall be provided with a dustless surface.
 - i. The planning commission shall establish routes for truck movement in order to ensure minimum wear on public streets and damage to community properties.
 - j. All operations adjoining a residential use or residential district shall be screened as per section 2055.
 - k. Permitted installations shall be maintained in a neat orderly condition so as to prevent injury to other properties, any individual, or the township in general.
 - l. A schematic land use plan for potential development of the site, after removal or recovery is complete, shall be submitted for review by the planning commission.
 - m. All areas within the development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be:
 - (1) Lacking hazards;
 - (2) Excavated areas shall be graded so that no gradient is steeper than three horizontal to one vertical;
 - (3) A layer (four inches minimum) of top soil, as approved by the building inspector, shall be spread over the excavated areas, except areas lying below water level in accordance with a contour plan approved by the planning commission; and

- (4) The area shall be seeded with perennial rye grass and maintained until the area is stabilized and approved by the planning commission.
37. Private recreational parks, facilities or sports stadiums, subject to the following conditions:
- The minimum zoning lot shall not be less than 80 acres except that the planning commission may permit the use on a smaller parcel of land if the minimum size cannot be achieved because of extraordinary circumstances.
 - Vehicular access to the site shall be directly from a major or secondary thoroughfare.
38. Commercial airport/landing fields, together with accessory buildings and hangers, offices, repair shops, and incidental uses, subject to the following conditions:
- The minimum area required for commercial airport/landing field and/or facilities improvements shall be 160 acres.
 - Vehicular access to the site shall be directly from a major or secondary thoroughfare.
 - The planning commission shall be assured that there is a clear and unobstructed 50:1 glide slope approach to all landing strips and that no obstruction falls within the required approach zones.
39. Private aircraft landing strips subject to the following conditions:
- The minimum parcel size and lot dimension configuration must be adequate to permit a runway easement of at least 250 feet by 2,000 feet.
 - The planning commission shall be assured that there is a clear and unobstructed glide slope approach to the landing strip.
40. Forestry, including commercial logging operations, clearing, or destruction of forested or wooded areas, selective cutting or clearing for commercial or other purposes, or clearing of vegetation, subject to the following standards and regulations:
- Clear-cutting of all vegetation shall not exceed areas of more than five acres or more than 20 percent of the forest, whichever is less, except where pursuant to a state forestry cutting program or where class I, II or III agricultural soils are to be converted to agricultural uses.
 - A reforestation program shall be submitted which shall show a program for re-establishment of the forest on a sustained-yield basis, except where clearing is for agricultural use as in subsection a. above.
 - For commercial uses, a long-range cutting program shall be submitted to ensure that the forest is retained as an entity during the entire program. Such a program shall indicate the condition of the forest on a map showing:
 - Adjoining lands and neighbors;
 - The year of each cutting and reforestation; and
 - Species of trees in reforestation.
 - For clearing purposes, the proposed future use must be stated if any is identified.
 - All plans shall show how the general habitat and visual block of the forest is to be maintained so that the forest retains its visual and habitat qualities at all stages of the long-range cutting plan.
 - Post a bond to ensure reforestation.
 - Sign an agreement to be recorded that no cutting or clearing shall be considered to reduce the area of forest for any development.
41. Publicly owned and operated utility or service facilities, with negative impact, subject to the following:
- Any facility, which may have offensive odors or is otherwise unsightly, shall have a land area sufficiently large enough to overcome any potential detrimental impacts of odors or unsightliness. This determination will be made by the planning commission as a function of the approval of the site development plan.
 - Where there are potentially offensive odors, noise or air pollution, the facility which is the cause of said emissions shall not be situated within 1,000 feet of a lot line in the direction of the prevailing summer wind pattern and 300 feet from all other lot lines.
 - Where there are potentially unsightly conditions associated with the use, such conditions shall not be located within 300 feet of any lot line. Other appropriate measures shall also be employed to screen unsightly land uses.
 - The planning commission shall determine whether or not such facility must have direct access to a major or secondary thoroughfare.
42. Bed and breakfast as a secondary use subject to the following conditions:
- The principal use of the zoning lot is one-family residential and is owner occupied at all times.

- b. The zoning lot conforms with the lot area and width requirements and the building conforms with the height and setback requirements of article 18 schedule of regulations.
 - c. Vehicular access to the zoning lot shall be in accordance with section 2020.3.
 - d. No more than 35 percent of the residential floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
 - e. One off-street parking space shall be provided for each leasable bedroom in addition to the two residential spaces and shall be subject to the applicable requirement of section 1905.
 - f. Low intensity outside lighting for nighttime security and safety may be permitted subject to approval of the planning commission.
 - g. One nonilluminated sign, not more than two square feet in area and, if freestanding, not more than 4½ feet high may be permitted. Such sign may be permitted within a minimum yard setback area but shall not be nearer than ten feet to any road right-of-way and shall adhere to the requirements of section 2025 corner clearance.
43. An industrial solar energy collector system is subject to the following:
- A. The parcel lines of a parcel of property upon which an industrial solar energy collector system is constructed shall be at least 125 feet from any parcel line of a parcel of property upon which is located any residential dwelling, church, school, family or group child day-care home, bed and breakfast establishment, or any other residential facility.
 - B. An industrial solar energy collector system shall be constructed upon a parcel of property which has an area of at least 30 acres.
 - C. An industrial solar energy collector system must be located at least 125 feet from any lot line of the parcel of property upon which it is located.
 - D. An industrial solar energy collector system must include access roads which are at least 30 feet wide and which are paved or graveled in a manner sufficient to provide a solid base at all times of the year.
 - E. An industrial solar energy collector system must have a landscape buffer between any lot line and any structure of the industrial solar energy collector system that is at least 20 feet wide. The landscape buffer must have evergreen trees planted no more than eight feet apart. The evergreen trees must be four feet tall when planted and reach a height of at least ten feet within three growing seasons.
 - F. An industrial solar energy collector system must be surrounded by an eight foot tall chain link fence woven with green opaque material which restricts the view into the industrial solar energy collector system. The fence shall be installed at the setback line for the facility. The fence shall be designed to restrict unauthorized access. The gate must be the same height and constructed in the same manner as the fence. All structures must be at least 30 feet from the fence.
 - G. An industrial solar energy collector system must be 15 feet or less in height.
 - H. An industrial solar energy collector system must be located in the least visibly obtrusive location where panels would be functional.
 - I. An industrial solar energy collector systems must conform to all standards of the zoning district in which it is located.
 - J. An industrial solar energy collector system shall be constructed in a manner which follows: (i) all recommendations of an analysis by a qualified third party professional to minimize the potential impact upon wildlife and endangered species; (ii) all recommendations of an analysis of post construction wildlife mortality; and (iii) all pre-construction and post construction recommendations of the United States Fish and Wildlife Service which analyses must be submitted with the application for site plan approval. This determination shall be made by the planning commission as a function of the approval of the site development plan.
 - K. An industrial solar energy collector system shall be constructed in a manner which follows all recommendations of an analysis by a qualified third party professional to minimize the potential impact upon the natural environment including wetlands and fragile ecosystems, historical and cultural sites and antiquities which analysis must be submitted with the application for site plan approval. This determination shall be made by the planning commission as a function of the approval of the site development plan.
 - L. An industrial solar energy collector system shall be constructed in a manner which follows all recommendations of an analysis by a qualified third party professional to minimize the potential interference with any telecommunication systems being operated in the township which analysis must be submitted with the application for site plan approval. This determination shall

be made by the planning commission as a function of the approval of the site development plan.

- M. An industrial solar energy collector system shall be constructed in a manner which complies with the applicable provisions of the Michigan Natural Resources and Environmental Protection Act, including the provisions for water resource protection, soil erosion and sedimentation control, inland lakes and streams, and wetlands. This determination shall be made by the planning commission as a function of the approval of the site development plan.
- N. An industrial solar energy collector system's lighting system must contain light poles not more than 18 feet tall, and must be installed to minimize any adverse effect upon adjacent parcels of property. This determination shall be made by the planning commission as a function of the approval of the site development plan.
- O. An industrial solar energy collector system must comply with the Vienna Township Industrial Solar Collector System Licensing Ordinance.

(Ord. of 3-21-2005, § 2210; Ord. No. 449, § 5.01, 8-12-2019)

Sec. 2211. - Medical marihuana facilities.

A. *Standards.*

1. *Patient care center.* The construction and operation of every patient care center in the Charter Township of Vienna is permitted only by special land use permit, granted in accordance with article 22 of the Charter Township of Vienna Zoning Ordinance, in the local commercial district (C-1), general commercial district (C-2), shopping center district (C-3), highway commercial district (C-4).
2. *Home care center.* The construction and operation of every home care center in the Charter Township of Vienna is permitted in the one-family residential suburban district (RSA); one-family residential urban district (RU-1); and agricultural residential district (AR).
3. The development and locational standards set forth herein will be used by the planning commission to determine if the application satisfies the conditions that are precedent to the approval of a special land use.

B. *Definitions.*

1. *Statutory definitions.* The words and phrases used herein have the same meaning as set forth in the Michigan Medical Marihuana Act, MCL 333.26421 et seq., except as set forth herein.
2. *Applicant* means the person who applies for a permit for a patient care center.
3. *Consumption* means absorbing, smoking, inhaling, eating, vaporizing, and drinking.
4. *Building* means any permanent structure having a roof or other covering that is built, used, designed, or intended for the enclosure of persons, animals, chattel, or property of any kind.
5. *Enclosed, locked facility* means a closet, room, or other enclosed area, which may be indoors or outdoors, that is equipped with locks or other security devices.
6. *Home care center* means a facility, located at a primary caregiver's residence, that is operated by not more than one primary caregiver.
7. *Marihuana* means all parts of the plant Cannabis Sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin including soaps, balms, cooking oils, pastes, essential oils, teas, butters, and tinctures. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
8. *Medical marihuana facility* means a home care center or a patient care center.
9. *Outdoor enclosed, locked facility* means any enclosed, locked facility that is not located inside of a building.
10. *Parcel* means that property which is identified by a single parcel number by the Vienna Township Treasurer.
11. *Patient care center* means a facility established by one or more primary caregivers, not located at a primary caregiver's residence.
12. *Person* means any individual, partnership, corporation, association, or limited liability company.
13. *Physical improvement* means the improvement of real property using construction materials constructed in a manner that complies with section 2010 of the township zoning ordinance and all provisions of the township building ordinances, section 6-1 et seq.

14. *Planning commission* means the Charter Township of Vienna Planning Commission.
 15. *Primary caregiver* means a person who is at least 21 years old, who has agreed to assist with a patient's medical use of marihuana, who has never been convicted of a felony involving illegal drugs, and who possesses a registry identification card, which is not expired and has not been revoked.
 16. *Qualifying patient* means a person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued a registry identification card by the department, which is not expired and has not been revoked.
 17. *Registry identification card* means a document issued by the state department of community health that identifies a person as a registered qualifying patient or registered primary caregiver.
 18. *Township* means the Charter Township of Vienna, Genesee County, Michigan.
 19. *Township board* means the township board of trustees.
- C. *Procedure for issuance of special land use permit.*
1. *Application for permit.* An application for a permit must be completed by the applicant in conformance with article 22 of the Charter Township of Vienna Zoning Ordinance.
 2. *Application review.* The planning commission must:
 - a. Review the application for the special land use permit;
 - b. Make a finding as to whether the use as set forth and described in the application for the special land use permit complies with the requirements of the Charter Township of Vienna Zoning Ordinance, as amended by this amendment, and with statutes of the State of Michigan; and
 - c. Submit to the township board it[s] recommendation as to whether the special land use permit should be approved.
 3. *Public hearing.* Upon receipt by the township board of the recommendation of the planning commission, the township clerk must add to the township board agenda, and the township board must conduct, a public hearing on the application for special land use permit, in conjunction with the hearing on the application by applicant for a license, in accordance with the provisions of the township's medical marijuana license ordinance, and:
 - a. Review the application for the special land use permit (in conjunction with its review of the application for a license);
 - b. Make a finding as to whether the use as set forth and described in the application for the special land use permit complies with the requirements of the Charter Township of Vienna Zoning Ordinance, as amended by this amendment, and with statutes of the State of Michigan; and
 - c. Determine whether the special land use permit should be granted (in conjunction with its determination of whether the application for license should be granted).
- D. *Patient care center requirements.* A patient care center must be located and operated in accordance with the following requirements:
1. *Special land use requirement.* No patient care center may be operated in Charter Township of Vienna, except in accordance with this section 2211 of the Charter Township of Vienna Zoning Ordinance and unless a permit for special land use has been granted in accordance with article 22 of the Charter Township of Vienna Zoning Ordinance.
 2. *Population limitations.* Only one special land use permit may be issued pursuant to this ordinance for every 3,000 of population, or fraction thereof as determined by any of the following:
 - a. Federal decennial census;
 - b. Special census taken pursuant to MCL 141.907; or
 - c. Latest population estimates and projections prepared by the United States Department of Commerce, Social, and Economic Statistics Administration, Bureau of the Census.
 3. *Waiver of population limitation.* The quota requirement described in paragraph D(2) may be waived at the discretion of the township board if there is no existing medical marihuana special land use permit issued within a two-mile radius of the applicant's proposed location, measured along the nearest traffic route, of the applicant.
 4. *Location.* No patient care center is permitted on any of the following:
 - a. On a parcel of property of which any lot line is within 300 feet of any lot line of a parcel of property upon which is located any principal or accessory structure of another patient care center; or
 - b. On a parcel of property of which any lot line is within 300 feet of any lot line of a parcel of property upon which is situated any

single or multiple family residence, public park, school, child care facility, church or place of worship; or

- c. On a parcel of property of which any portion is situated within the following zoning districts: agricultural residential district (AR); one-family residential suburban (RSA); one-family residential urban (RU-1); multiple family residential (RM); multiple family condominium residential (RMC); mobile home park district (MHP), office service transition district (OST), office research district (OR), limited industrial district (I-1), general industrial district (I-2), or vehicular parking district (P-1).
5. *Entrances.* Entrances to a patient care center must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two inches in height that:
 - a. "Only persons with registry identification cards may enter"; and
 - b. "No alcoholic beverages of any type are permitted within the patient care center".
6. *Off-street parking.* All off-street parking of a patient care center must comply with the following:
 - a. All off-street parking must comply with the provisions of article 19 of the Charter Township of Vienna Zoning Ordinance; and
 - b. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes.
7. *Advertisements.* Advertisements, displays or other promotional materials of a patient care center must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.
8. *Signs and billboards.* The sign or billboard of a patient care center must not contain the word "marihuana," any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.
9. *Screened openings.* All building openings, entries, windows, and any other portion of the building as required by the planning commission, of a patient care center must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.
- E. *Home care center requirements.* A home care center must be operated in accordance with the following requirements:
 1. *Signs and advertisements.* A home care center is not permitted to install any exterior or interior sign, billboard, or advertisement for any purpose.
 2. *Outdoor enclosed, locked facility requirements.* Any outdoor enclosed, locked facility located within the township is subject to the following requirements:
 - a. *Zoning district.* An outdoor enclosed, locked facility must not be located on a parcel of property of which any portion is situated within the following zoning districts: one-family residential suburban (RSA); one-family residential urban (RU-1); multiple family residential (RM); multiple family condominium residential (RMC); mobile home park district (MHP); office service transition district (OST); office research district (OR); local commercial district (C-1); general commercial district (C-2); shopping center commercial district (C-3); highway commercial district (C-4); limited industrial district (I-1); general industrial district (I-2); and vehicular parking district (P-1).
 - b. *Location.* An outdoor enclosed, locked facility must be located on a parcel of property such that the outdoor enclosed, locked facility is at least 100 feet from the dwelling unit or 100 feet from the lot line of the parcel of property; and
 - c. *Construction.* An outdoor enclosed, locked facility must be constructed such that it is, an immovable physical improvement that makes the enclosed area secure and inaccessible to any person other than the qualify[ing] patient or the primary caregiver and the primary caregiver's qualifying patients.
- G. *Zoning standards.* A medical marihuana facility must conform to all standards of the zoning district in which it is located.
- H. *Other standards.* A medical marihuana facility must meet all applicable written and duly promulgated standards of the township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained.
- I. *Compliance.* At all times a person must comply with all federal, state and local rules, regulations and ordinances.

(Ord. No. 400, § II, 4-4-2011)

ARTICLE 23. - PLANNED UNIT DEVELOPMENT

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State Law reference— *Planned unit development, MCL 125.3503.*

Sec. 2300. - Planned unit development.

1. *Purpose; applicable regulations.*

2. The planned unit development (PUD) option is intended to permit, with township approval, private or public development that is substantially in accord with the goals and objectives of the master plan for land use.
3. The development permitted under this section shall be considered as an optional means of development only upon terms mutually agreeable to the township and to the developer.
4. Utilization of the PUD option will permit flexibility in the regulation of land development by encouraging innovation through an overall development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage the creation of useful open spaces particularly suited to the needs of the parcel in question; and provide appropriate housing, employment, service and shopping opportunities suited to the needs of the residents of the township.
5. It is further intended that the planned unit development may be used to permit nonresidential uses of residentially zoned areas; to permit residential uses of nonresidentially zoned areas; to permit densities or lot sizes that are different from the applicable district and to permit the mixing of land uses that would otherwise not be permitted; provided that other objectives are met and the resulting development would promote the public health, safety and welfare.
6. It is further intended that the development will be laid out so that the various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

(Ord. of 3-21-2005, § 2300)

Sec. 2305. - Definitions.

The term "planned unit development" means a specific parcel of land or several contiguous parcels of land, under single ownership or control, for which a comprehensive physical plan meeting the requirements of this section, establishing functional use areas, density patterns, a fixed system of streets (where necessary) provisions for public utilities, drainage and other essential services and similar factors necessary or incidental to development has been approved by the township board and which has been, is being, or will be developed in accordance with the approved plan.

(Ord. of 3-21-2005, § 2305)

Sec. 2310. - Criteria for qualifications.

In order to qualify for the planned unit development option, it must be demonstrated that all of the following criteria will be met:

1. The PUD option may be effectuated only in the following districts: RSA, RU-1, RMC, RM-2, OST, OR, C-1, C-2, C-3, C-4, I-1, I-1 and P-1.
2. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.
3. The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
4. The planned unit development must meet, as a minimum, one of the following objectives of the township:
 - a. To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses;
 - b. To permanently establish land use patterns which are compatible or which will protect existing or planned uses;
 - c. To accept dedication or set aside open space areas in perpetuity;
 - d. To provide alternative uses for parcels that can provide transition buffers to residential areas;

- e. To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, s
welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to
facilities;
 - f. To promote the goals and objectives of the master plan for land use;
 - g. To foster the aesthetic appearance of the township through quality building design and site development, the provision of trees
and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the
provision of open space or other desirable features of a site beyond minimum requirements; or
 - h. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.
5. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives
should be pursued through the normal zoning process by requesting a zoning change or variance.

(Ord. of 3-21-2005, § 2310)

Sec. 2315. - Uses permitted.

- 1. A land use plan shall be proposed for the area to be included within the PUD. The land use plan shall be defined by districts of the
zoning ordinance that are to be applicable to the various parts of the PUD area.
- 2. Uses permitted and uses permitted subject to special conditions in articles 4 through 17 of this ordinance shall be allowed within the
districts identified on the PUD plan, except that some uses may be specifically prohibited from districts designated on the PUD plan.
Alternatively, the township may permit uses not permitted in the district if specifically noted on the PUD plan. Conditions applicable to
uses permitted subject to special conditions shall be used as guidelines for design and layout but may be varied by the planning
commission, provided that such conditions are indicated on the PUD plan.

(Ord. of 3-21-2005, § 2315)

Sec. 2320. - Height, bulk, density and area standards.

The standards as to height, bulk, density, setbacks of each district shall be applicable within each district area designated on the plan except as
specifically modified and noted on the PUD plan.

(Ord. of 3-21-2005, § 2320)

Sec. 2325. - Submittal procedures and conditions.

- 1. *Preliminary determination as to qualification.*
 - a. Any person owning or controlling land in the township may make application for consideration of a planned unit development.
Such application shall be made by submitting a request for a preliminary determination as to whether or not a parcel qualifies for
the PUD option.
 - b. A request shall be submitted to the township. The submission shall include the information required by subparagraph c. below.
 - c. Based on the documentation submitted, the planning commission shall determine whether or not a parcel qualifies for the PUD
option under the provisions of section 2310 above. The submittal must include the following:
 - (1) Substantiation that the criteria set forth in section 2310 are, or will be, met;
 - (2) A schematic land use plan containing enough detail to explain the function of open space; the location of land use areas, streets
providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings
or floor areas contemplated; and
 - (3) A plan for the protection of natural features, if applicable.
 - d. The planning commission shall approve, conditionally approve or deny the applicant's request for qualification. A copy of the
minutes of the meeting and the action taken on the matter shall be forwarded to the township board. A preliminary determination
does not ensure a final approval of the planned unit development option, but is intended to provide an initial indication as to
whether or not an applicant should proceed to prepare a PUD plan upon which a final determination would be based.
- 2. *Request for final determination as to qualification.* An applicant who has been granted a preliminary determination for qualification the
planning commission may apply for final consideration under this section with the submission of the following materials:

- a. *Submittal of proposed PUD plan.* An application for review and recommendation by the planning commission shall be submitted to the clerk. The application shall include the following:
- (1) A boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer at a scale not smaller than one inch equals 100 feet;
 - (2) A topographic map of the entire area at a contour interval of not more than two feet. This map shall indicate all major stands of trees, bodies of water, wetlands and unbuildable areas at a scale not smaller than one inch equals 100 feet;
 - (3) A proposed land use plan indicating the following at a scale no smaller than one inch equals 100 feet:
 - (a) Land use areas represented by the zoning districts enumerated in articles 4 through 17 of this ordinance;
 - (b) Vehicular circulation including major drives and location of vehicular access. Preliminary proposals as to cross sections and as to public or private streets shall be made;
 - (c) Transition treatment, including minimum building setbacks to land adjoining the PUD and between different land use areas within the PUD;
 - (d) The general location of nonresidential buildings and parking areas, estimated floor areas and number of stories or height;
 - (e) The general location of residential unit types and densities or lot sizes by area;
 - (f) The location of all wetlands, water, watercourses, and proposed water detention areas;
 - (g) The boundaries of open space areas that are to be preserved and reserved and an indication of the proposed ownership thereof; and
 - (h) A schematic landscape treatment plan for open space areas, streets and border/transition areas to adjoining properties;
 - (4) A preliminary grading plan, indicating the extent of grading and delineating any areas that are not to be graded or disturbed;
 - (5) An indication of the contemplated water distribution, storm and sanitary sewer plan; and
 - (6) A written statement explaining in detail the full intent of the applicant, indicating the type of dwelling units or uses contemplated and resultant population, floor area, parking and supporting documentation, including the intended schedule of development.
- b. *Planning commission review of proposed PUD plan.*
- (1) The planning commission shall hold a public hearing on the PUD plan, with notice given in accordance with section 2805, public hearings.
 - (2) The planning commission shall review the proposed PUD plan and make a determination as to the proposal's qualification for the PUD option and for adherence to the following objectives and requirements. The commission shall report its findings and make its recommendations to the township board:
 - (a) The proposed PUD adheres to the conditions for qualification of the PUD option and promotes the land use goals and objectives of the township.
 - (b) All applicable provisions of this article and this ordinance shall be met. Insofar as any provision of this article shall be in conflict with the provisions of any other section of this ordinance, the provisions of this article shall apply to the lands embraced within a PUD area.
 - (c) There is, or will be at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and stormwater drainage system are adequate.
3. *Final approval of planned unit development.*
- a. Upon receipt of the report and recommendation of the planning commission, and after a public hearing, the board shall review all findings. If the board determines to grant the application, it shall instruct the township attorney to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval by resolution of the board, shall be executed by the township and the applicant. Approval shall be granted only upon the board determining that all provisions of this ordinance have been met and that the proposed development will not adversely affect the public health, welfare and safety. The agreement shall be recorded with the county register of deeds.
 - b. Once an area has been included within a plan for a PUD and that has been approved by the board, no development may take place in such area nor may any use thereof be made except in accordance with such plan or in accordance with a board-approved amendment thereto, unless the plan is terminated as provided herein.

- c. An approved plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the ar involved, by filing with the township and recording in the county records an affidavit so stating. The approval of the plan shall termina such recording.
- d. No approved plan shall be terminated after development commences except with the approval of the board and of all parties in interest in the land.
- e. Within a period of two years following approval of the PUD contract by the board, final plats or site plans for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted and approved within the two-year period, the right to develop under the approved plan may be terminated by the township.

(Ord. of 3-21-2005, § 2325)

Sec. 2330. - Submission of final plat, site plans; schedule for completion of PUD.

1. Before any permits are issued for any activity within the area of PUD, final plats or site plans and open space plans for a project area shall be submitted to the township for review by the planning commission of the following:
 - a. Review and approval of site plans shall comply with section 2810 as well as this section except as otherwise modified in the approved plan. Review and approval of plats shall comply with Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended, in addition to the requirements of this article.
 - b. Before approving of any final plat or plan, the commission shall determine that:
 - (1) All portions of the project area shown upon the approved plan for the PUD for use by the public or the residents of lands within the PUD have been committed to such uses in accordance with the PUD contract;
 - (2) The final plats or site plans are in substantial conformity with the approved contract and plan for the PUD; and
 - (3) Provisions have been made in accordance with the PUD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PUD contract.
2. If development of approved final plats or site plans is not substantially completed in three years after approval, further final submittals under the PUD shall cease until the part in question is completed or cause can be shown for not completing same.

(Ord. of 3-21-2005, § 2330)

Sec. 2335. - Fees.

Fees for review of PUD plans shall be established by resolution of the township board.

(Ord. of 3-21-2005, § 2335)

Sec. 2340. - Interpretation of approval.

Approval of a PUD under this article shall be considered an optional method of development and improvement of property subject to the mutual agreement of the township and the applicant.

(Ord. of 3-21-2005, § 2340)

Sec. 2345. - Amendments to PUD plan.

Proposed amendments or changes to an approved PUD plan shall be submitted to the planning commission. The planning commission shall determine whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the planning commission determines the proposed amendment is material in nature, the amendment shall be reviewed by the planning commission and the township board in accordance with the provisions and procedures of this section as they relate to final approval of a planned unit development.

(Ord. of 3-21-2005, § 2345)

ARTICLE 24. - SIGNS

Footnotes:

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State Law reference— *Highway advertising act, MCL 252.301 et seq.*

Sec. 2400. - Purpose.

The purpose of this section is to permit and regulate signs of all types in all zoning districts. The intent is to enhance the physical appearance of the township, to preserve scenic and natural beauty and to create an appearance that is attractive to business while preserving the general health, safety and welfare of the township. It is further intended to improve traffic safety by avoiding the distractions from conflicts created by overlapping signs.

(Ord. of 3-21-2005, § 2400)

Sec. 2405. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory sign means a sign pertaining to the principal use of the premises.

Area of sign means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display, excluding the necessary supports or uprights on which such sign is placed, provided that:

1. The necessary uprights or structures used to support a freestanding sign shall be excluded from the calculations of sign area, provided that the surface is not, by definition, a sign and provided further that the area of the support structure does not exceed 50 percent of the area of the sign being supported; and
2. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than three feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

Freestanding sign means any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.

Logo means a graphic symbol or initials accessory to a principal use but not including the name of a person or business.

Nameplate means a sign that may include the name of a single resident or single business, address, phone number, hours of operation, logo or other identifying symbol only.

Nonaccessory sign means a sign that is not pertaining to the principal use of the premises.

Real estate development sign means a freestanding sign that advertises five or more vacant lots in a single subdivision or five or more dwelling units in a single residential development of lots or dwelling units located within the township.

Sign means any words, numerals, figures, devices, designs, pictures or trademarks, painted upon or otherwise affixed to a building, wall, board, plate or any other structure for the purpose of making anything known. The definition of a sign shall not include the following:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of premises;
2. Flags and insignia of any government, except when displayed in connection with commercial promotion; or
3. Legal notices, identification information or directional signs erected by governmental bodies.

Temporary sign means a sign that is not constructed or intended for longterm use or is not permanently affixed to the ground or a structure.

Wall sign means a display that is painted on or attached directly to the building wall, window or door.

(Ord. of 3-21-2005, § 2405)

Sec. 2410. - Conditions applicable to signs in all districts.

1. Signs, as defined by this ordinance, are permitted to be erected or located in any use district subject to the conditions of this article.
2. No sign, except those established and maintained by governmental units, shall be located in, project into or overhang a public right-of-way or dedicated public easement.
3. All directional signs required for the purpose of orientation, when established by governmental units, shall be permitted in all use districts.
4. Accessory signs shall be permitted in any use district.
5. Nonaccessory signs shall be permitted only in I-1 districts, except as provided in section 2435.
6. Illuminated signs shall not be of the flashing or intermittent type.
7. The regulations of this section shall not apply to signs limited solely to providing directions or instructions for vehicular or pedestrian traffic within a zoning lot and which do not advertise or identify a business, except by means of a logo. Such sign shall not exceed four square feet in area and six feet in height; provided, however that within 25 feet of any street right-of-way, no more than two such signs shall be permitted per driveway entrance or exit.
8. Temporary signs, unless otherwise provided in this ordinance shall be permitted as follows:
 - a. Temporary freestanding or wall signs shall be permitted for any institutional quasi-public, charitable or public use in any zoning district.
 - b. Temporary freestanding or wall signs or temporary window signs shall be permitted for any use in the C or I-1 districts.

(Ord. of 3-21-2005, § 2410)

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Sec. 2415. - Accessory wall signs.

Accessory wall signs are permitted within the various use districts subject to the following conditions:

1. The number, type and area of permitted wall sign shall be controlled as follows:
 - a. Wall signs.

District	Wall Signs		Maximum Area (in square feet)	
	Type	Number (1)	With Freestanding Sign	Without Freestanding Sign
RSA, RU-1, RMC, RM, MHP and AR				
For dwellings	Nameplate	(2)	0	2
For principal bldgs. other than residential	Nameplate	(2)	2	2
	Accessory	1	25	25
OST	Nameplate	(3)	(6)	(6)
	Accessory	(4)	(7)	(12)
OR	Nameplate	(3)	(6)	(6)
	Accessory	(4)	(8)	(13)
C-1 and C-2	Nameplate	(3)	(9)	(9)

	Accessory	(5)	(10)	(10)
C-3 and C-4	Nameplate	(3)	(9)	(9)
	Accessory	(5)	(11)	(11)
I-1 and I-2	Nameplate	(3)	(6)	(6)
	Accessory	(5)	(11)	(11)

b. Footnotes to wall signs:

- (1) Street numbers shall not be counted as a sign when attached to or located on a building wall, provided such signs meet all other applicable sign requirements of this section.
- (2) One wall nameplate or one freestanding nameplate permitted for each dwelling.
- (3) One nameplate sign for each exterior building entrance. An exterior building entrance includes only those available for use by customers or patrons and does not include service or employee entrances.
- (4) One wall sign for each building facade, not to exceed a total of four.
- (5) Wall signs shall be permitted on only two facades of each business establishment; provided, however, that such wall signs shall not be permitted on a facade which faces a bordering residential district unless such district is separated from the nonresidential district by a major or secondary thoroughfare.
- (6) Six square feet maximum area per sign to be made up of individual nameplates not to exceed two square feet per office unit or industrial unit.
- (7) Wall signs shall be limited to an area equal to not more than ten percent of the area of the building facade upon which the sign is placed, but not to exceed 50 square feet for any one sign or the total of all such wall signs.
- (8) Same as (7) above but not to exceed 100 square feet in area.
- (9) Two square feet maximum area to be made up of individual nameplates.
- (10) Wall signs shall be limited to an area equal to not more than ten percent of the area of the wall of the establishment upon which the sign is placed.
- (11) Wall signs shall be limited to an area equal to not more than 15 percent of the area of the wall of the establishment upon which the sign is placed.
- (12) Same as (7) above but not to exceed 75 square feet in area.
- (13) Same as (7) above but not to exceed 150 square feet.

2. Additional wall sign conditions shall be as follows:

- a. Signs may be placed on roofs that are so nearly vertical as to resemble a wall. However, signs attached to such roof shall be vertical to the ground and shall be attached so that the sign does not project beyond or overhang the roof by more than one foot at the bottom of the sign and by more than two feet at the top of the sign, as measured in horizontal planes. The bottom of the sign shall not extend below the roof nor extend to within less than one foot of the top of the roof.
- b. Signs and street numbers shall not be placed on any penthouse or other architectural feature which is located above the highest point of the roof or parapet.
- c. No signs shall project beyond or overhang a wall, or any permanent architectural feature, by more than one foot and shall not project above or beyond the highest point of the roof or parapet.
- d. Permits, as set forth in section 2440, shall be required for all wall signs except sale, lease or rent signs permitted in section 2435 paragraph 1.

Sec. 2420. - Freestanding accessory signs.

Freestanding accessory signs are permitted within the various use districts and are subject to the following conditions:

1. Such signs shall be limited to one per zoning lot unless otherwise provided for below.
2. The location, number, type, area, setbacks and height of permitted freestanding signs shall be controlled as follows:
 - a. Freestanding signs.

District	Freestanding Signs		Minimum Setback* (in feet)		Maximum Height (in feet)	Maximum Area (in square feet)
	Type	Number	From Street	From RSA or RU-1 District		
RSA, RU-1, RMC, RM, MHP and AR						
For dwellings	Nameplate	(1)	0	0	6	2
For principal bldgs. other than residential	Accessory	1	(6)	50 (from property line)	6	32
RMC, RM and MHP	Accessory	1	25	50	6	32
OST (6)	Accessory - a	(2)	15	50	6	32
	Accessory - b		40	50	(7)	50
OR (6)	Accessory - a	(3)	25	50	8	32
	Accessory - b	(3)	50	50	(7)	(8)
C-1	Accessory	(2)	25	50	(7)	100
C-2	Accessory	(2)	25	50	(7)	100
C-3 (6)	Accessory - a	(2)	25	50	8	64
	Accessory - b	(2)	75	200	(7)	100(9)
C-4 (6)	Accessory - a	(2)	15	50	8	64
	Accessory - b	(2)	50	50	(7)	100
	Accessory - c	(4)	10	100	40	200

I-1 (6)	Accessory - a	(2)	25	50	8	32
	Accessory - b	(2)	50	50	(7)	150
I-2 (6)	Accessory - a	(2)	25	50	8	64
	Accessory - b	(2)	50	50	(7)	200

*See definition of "setback" in [section 205](#)

b. Footnotes to freestanding signs:

- (1) One freestanding nameplate or one wall nameplate for each dwelling unit.
- (2) One freestanding sign for each zoning lot unless the following apply:
 - (a) Two such signs may be permitted on a corner lot that has at least 300 feet of frontage on each of two major or secondary thoroughfares, provided that only one sign is oriented toward each thoroughfare.
 - (b) Two such signs may be permitted where the zoning lot, not a corner lot, has frontage on two major or secondary thoroughfares and has vehicular access via both such thoroughfares, provided that only one sign is oriented toward each thoroughfare.
- (3) One for each major thoroughfare frontage and one for each freeway frontage, provided that only one sign is oriented toward each thoroughfare or freeway.
- (4) One additional sign shall be permitted subject to the following:
 - (a) The sign shall be oriented toward a freeway and shall be located within 50 feet of the freeway right-of-way.
 - (b) The requirement for setbacks, height and area indicated under line (c) for the C-4 district shall apply.
- (5) Minimum yard setbacks apply. Setbacks based on formula do not apply.
- (6) The freestanding sign shall be subject to all the standards indicated on line (a) or to all the standards indicated on line (b).
- (7) The height of a sign shall not exceed 30 feet, but in no event shall the height exceed the highest point of the roof or parapet of any building on the lot.
- (8) Freestanding signs not exceeding eight feet in height may contain a maximum of 100 square feet in area. Signs exceeding eight feet in height shall be limited to 30 feet in height but in no event shall the sign project above the highest point of the roof or parapet of any building on the lot nor exceed 50 square feet in area.
- (9) On parcels of five acres or more, a maximum area of 200 square feet shall be permitted.

(Ord. of 3-21-2005, § 2420)

Sec. 2425. - Nonaccessory signs.

Except as otherwise provided [section 2435](#) paragraph 2, freestanding nonaccessory signs may be permitted only in I-1 districts and only with the approval of the zoning board of appeals, Such approval may be given where the erection or maintenance of the sign will not be detrimental to the use of any adjoining commercial or residential land.

1. One freestanding nonaccessory sign is allowed per zoning lot. Such sign shall comply with all requirements of [article 18](#) of this ordinance. Such sign shall not exceed 20 feet in height and shall not exceed 200 square feet in area.
2. Nonaccessory signs shall be constructed in such a manner that they will withstand normal wind forces. Signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.
3. Permits shall be issued for periods of two years and may be renewed by the building inspector. An inspection fee for each such sign shall be paid at the time application for a permit of its renewal is made. This permit is also conditioned on the requirements of

section 2440.

(Ord. of 3-21-2005, § 2425)

Sec. 2430. - Entranceway structures and signs.

Entranceway structures, for the purpose of supporting signs which identify developments, part or all of which are served by a minor public or private streets, such as subdivisions, industrial or office parks or multiple-family developments, may be permitted by the building inspector. Such structures and signs shall be approved and a permit issued subject to the following restrictions:

1. The entranceway structure shall be necessary in order to identify a development in which individual parcels or uses are accessible only by way of public streets which serve more than two zoning lots or by way of private streets or drives which serve more than two separate and distinct principal uses.
2. Such entranceway structures may be located within a public or private street right-of-way if approved by the governmental entity or property owner having jurisdiction or ownership of the right-of-way area and by the zoning board of appeals.
3. Such structures shall be located adjacent to a major or secondary thoroughfare or collector street and to the entrance road to a subdivision plat, site condominium, multiple-family development, mobile home park or other planned development.
4. Such structures may be located within a required setback provided it shall be set back a minimum of ten feet from any street right-of-way, and the location meets the requirements of section 2025, corner clearance.
5. No part of an entranceway structure, including supporting structures, shall be higher than ten feet nor longer than 20 feet.
6. Entranceway structures and signs may be located only in yards adjacent to streets entering the development indicated on the sign.
7. Entranceway structures that are to be located on individually owned parcels, rather than on parcels which are part of an overall development, may be allowed only in a private easement dedicated for such purposes, and provided that appropriate provision has been made to ensure continued maintenance of the structure.
8. The sign area shall be limited to the smallest maximum area in square feet permitted in the district in section 2420, paragraph 2.a. for freestanding signs; except that in the RSA, RU-1, RMC, RM, MHP and AR districts, the maximum size permitted shall be 32 square feet. The sign area shall be determined by the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character.

(Ord. of 3-21-2005, § 2430)

Sec. 2435. - Real estate and temporary construction signs.

The following types of signs are permitted on a temporary basis subject to the conditions applicable.

1. *Sale, lease or rent signs.* Signs used for advertising vacant land or existing buildings for rent, lease or sale shall be permitted when located on the land or building to be rented, leased or sold. Such sign shall not exceed 12 square feet in area and shall be removed immediately after such land or building is rented, leased or sold. Such signs shall be limited to one for each road upon which the zoning lot has frontage and shall not exceed six feet in height. The signs may be permitted in any yard, provided that a minimum setback of five feet is maintained in any yard abutting a private or public street or freeway.
2. *Real estate development signs.* Real estate development signs may be permitted subject to the provisions of paragraph 4 below and provided that the following conditions are met:
 - a. If located on the premises described, such signs shall be limited to one for each major thoroughfare or collector street frontage and one for each freeway frontage, provided that, only one sign is oriented toward each thoroughfare, collector street or freeway.
 - b. If not located upon the premises described, such sign shall be:
 - (1) Limited to one for each zoning lot;
 - (2) Located on a zoning lot that is vacant; and
 - (3) Limited in number to those reasonably necessary to direct the public to the premises on which the development is located.
 - c. Such signs may be located within the front yard setback, provided such sign does not exceed 32 square feet in area and eight feet in height.
 - d. Such signs may be larger than 32 square feet but shall not exceed 64 square feet in area, provided that such sign complies with

all setback requirements of article 18 of this ordinance.

- e. Illumination of such signs shall be permitted in any ORT, OR, C or I-1 district when the sign is located on the premises described and when the lot on which the sign is located abuts a major or secondary thoroughfare or collector street. Such illumination shall not be detrimental or annoying to surrounding property and shall be in accordance with section 2035, exterior lighting.
 - f. Such signs may be erected only after final plat approval of a subdivision, final plan approval of a site condominium or after a building permit is issued for a residential development.
3. *Temporary construction signs.* Temporary construction signs pertaining to projects under construction in the township shall be permitted only on the zoning lot upon which the construction is taking place, subject to the provisions of paragraph 4 below and to the following conditions:
- a. One such sign shall be permitted on the zoning lot for each major or secondary thoroughfare or collector street frontage, provided that only one sign is oriented toward each thoroughfare or collector.
 - b. Such signs shall not exceed 64 square feet in area.
 - c. Such construction signs need not meet setback requirements.
 - d. Temporary construction signs may be erected only after a site plan is approved and such sign shall be removed prior to the issuance of an occupancy permit.
4. *Real estate development signs and temporary construction signs.* Real estate development signs and temporary construction signs shall be subject further to the following conditions:
- a. A permit shall be required for such signs.
 - b. Such signs shall not exceed 15 feet in height.
 - c. The construction of such sign shall be such that it will withstand normal wind forces encountered in the area. All such signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.
 - d. A cash bond in an amount set by the township board shall be filed with the township treasurer by the applicant to guarantee the proper maintenance of the sign over the period for which the permit is issued and for removal of the sign after the expiration of the permit. If the applicant fails to maintain any sign properly, such bond shall be forfeited and the applicant shall be required to remove the sign.
 - e. Permits for such signs shall be for a period of one year and may be renewed by the building inspector upon the same conditions as set forth above. An inspection fee shall be paid to the township treasurer for each sign at the time of the original permit and at each renewal thereof.

(Ord. of 3-21-2005, § 2435)

Sec. 2440. - Sign permits.

1. Except for nameplates relating to residential dwellings, no accessory sign or nameplate shall be affixed to the exterior of a building until approved by building inspector, a fee paid and a permit issued. A new permit shall be required if such signs are relocated on the building or are increased in surface area or dimension.
2. No residential entranceway, freestanding accessory or nonaccessory sign shall be erected or altered until approved by the building inspector, a fee paid and a permit issued. A new permit shall be required if such signs are relocated on the ground or are increased in surface area or dimension. This provision shall not apply to residential nameplates permitted in residential zones or to those signs permitted in section 2435, paragraph 1 and section 2445.
3. No sign for which a permit has been issued shall thereafter be moved to another location within the township nor shall it be structurally altered in any way without the approval of the official or board that granted the original permit. An additional fee shall be paid at the time of application for permission to move or alter each such sign.

(Ord. of 3-21-2005, § 2440)

Sec. 2445. - Political signs and flags.

1. *Political signs.* Signs announcing or advertising the candidacy of persons running for public office or issues to be voted upon at any federal, state, county, municipal or school election shall be exempt from the terms of this section and this ordinance, provided that:

- a. Such signs shall not be located within the public street right-of-way.
 - b. Such signs shall not be put in place more than 90 days prior to the date of the election and shall be removed within 14 days after the election.
2. *Accessory flags.* In the I-1 and OR districts, two flags, accessory to the principal use and each not exceeding 24 square feet in area, shall be permitted per zoning lot, in addition to other signs and flags permitted in the district.

(Ord. of 3-21-2005, § 2445)

Sec. 2450. - Nonconforming signs.

It is the intent of this ordinance that the continued use of nonconforming signs shall not be encouraged.

1. A nonconforming sign shall immediately lose its nonconforming designation if:
 - a. The structure of the sign is altered in any way which tends to or makes the sign less in compliance with the requirements of this ordinance than it was before the alteration;
 - b. The sign is relocated to a position making it less in compliance with the requirements of this ordinance;
 - c. The sign is replaced; or
 - d. On the occurrence of any one of the provisions in subsections a., b. or c. of this section, the sign shall be immediately brought into compliance with this ordinance with a new permit secured therefore, or the sign shall be removed.
2. Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this ordinance regarding safety, maintenance and repair of signs; provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which does not conform with the provisions of this ordinance.
3. Except as otherwise provided in this section, any sign that is located on property which becomes vacant or on a building which is unoccupied for a period of 90 days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of 180 days or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

(Ord. of 3-21-2005, § 2450)

ARTICLE 25. - WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS

Sec. 2500. - Purpose and goals.

The purpose of this article is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this article are as follows:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
2. Encourage the location of towers in nonresidential areas;
3. Minimize the total number of towers throughout the community;
4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
8. Consider the public health and safety of communication towers; and
9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(Ord. of 3-21-2005, § 2500)

Sec. 2501. - Due consideration.

In furtherance of the goals set forth in section 2500, the township shall give due consideration to its master plan for future land use, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(Ord. of 3-21-2005, § 2501)

Sec. 2505. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative tower structure means manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Backhaul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, or long distance providers, or the public switched telephone network.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Preexisting towers and preexisting antennas means any tower or antenna for which a building permit or special land use permit has been properly issued prior to August 12, 1998, the effective date of this article, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(Ord. of 3-21-2005, § 2505)

Sec. 2510. - Applicability.

1. *New towers and antennas.* All new towers or antennas, or modifications of existing towers or antennas, in the township shall be subject to these regulations, except as provided in the following paragraphs 2, 3 and 4.
2. *Amateur radio station operators/receive only antennas.* This ordinance shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
3. *Preexisting towers or antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of paragraphs 5 and 6. of section 2515.
4. *AM array.* For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(Ord. of 3-21-2005, § 2510)

Sec. 2515. - General requirements.

1. *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
2. *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
3. *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the building inspector an inventory of any existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the township or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The building inspector may share such information with other applicants applying for administrative approvals or special land use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the township; provided, however that the building inspector is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. *Aesthetics.* Towers and antennas shall meet the following requirements:
 - a. *Finish and color of towers.* Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - b. *Blend with setting.* At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the natural setting and surrounding buildings.
 - c. *Color of antenna.* If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - d. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
5. *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
6. *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
7. *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the township irrespective of municipal and county jurisdictional boundaries.
8. *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
9. *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the township have been obtained and shall file a copy of all required franchises with the building inspector.
10. *Public notice.* For purposes of this ordinance, any special land use request, variance request, or appeal of an administratively approved use or special land use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in paragraph 11, [section 2530](#) in addition to any notice otherwise required by this zoning ordinance.
11. *Signs.* No signs shall be allowed on an antenna or tower.

12. *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of section 2535 of this ordinance.
13. *Multiple antenna/tower plan.* The township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(Ord. of 3-21-2005, § 2515)

Sec. 2520. - Permitted uses.

1. *General.* The uses listed in this section 2520 are deemed to be permitted uses and shall not require administrative approval or a special land use permit.
2. *Permitted uses.* The following uses are specifically permitted:
 - a. Antennas or towers located on property owned, leased, or otherwise controlled by the township, provided a license or lease authorizing such antenna or tower has been approved by the township; and
 - b. Antennas located on a previously approved tower upon submission of structural calculations certified and sealed by a licensed structural engineer certifying that the previously approved tower can support additional antennas. An antenna placed on a previously approved tower may be authorized by the building inspector and need not be submitted to the planning commission.

(Ord. of 3-21-2005, § 2520)

Sec. 2525. - Administratively approved uses.

1. *Generally.* The provisions set forth in this section 2525 shall govern the issuance of administrative approvals for towers and antennas.
2. *Approval by building inspector.* The building inspector may administratively approve the uses listed in section 2525, paragraph 9.
3. *Application and fee.* Each applicant for administrative approval shall apply to the building inspector providing the information set forth in paragraphs 5 and 7 of section 2530 and a nonrefundable fee in the amount of \$500.00 to reimburse the township for the costs of application review.
4. *Review by building inspector.* The building inspector shall review the application for administrative approval and determine if the proposed use complies with section 2515 of this ordinance and paragraphs 8, 9, 10 and 11 of section 2530.
5. *Response by building inspector.* The building inspector shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the building inspector fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.
6. *Waiver of setbacks.* In connection with any such administrative approval, the building inspector may, in order to encourage shared use, administratively waive any zoning district setback requirements in paragraph 8 of section 2530 or separation distances between towers in paragraphs 9, 10, and 11 of section 2530 by up to 50 percent.
7. *Reconstruction of existing tower.* In connection with any such administrative approval, the building inspector may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
8. *Prior to appeal upon denial.* If an administrative approval is denied, the applicant shall file an application for a special land use permit pursuant to section 2530 of this ordinance prior to filing any appeal that may be available under this zoning ordinance.
9. *List of administratively approved uses.* The uses listed in paragraphs 10 through 15 below may be approved by the building inspector after conducting an administrative review.
10. *Industrial or general commercial districts.* Any antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, may be approved by the building inspector if it is located in any limited industrial (I-1), general industrial (I-2) or general commercial (C-2) district.
11. *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the building inspector as an accessory use to any commercial, manufacturing, professional, institutional, or multi-family structure of eight or more dwelling units, provided as follows:
 - a. The antenna does not extend more than 30 feet above the highest point of the structure;
 - b. The antenna complies with all applicable FCC and FAA regulations; and
 - c. The antenna complies with all applicable building codes.

12. *Antennas on existing towers.* Any antenna which is attached to an existing tower may be approved by the building inspector and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with following:
- a. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the building inspector allows reconstruction as a monopole.
 - b. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna, provided that:
 - (1) Such height change may occur only one time per communication tower; and
 - (2) The additional height shall not require an additional distance separation as set forth in section 2530 of this ordinance. The tower's premodification height shall be used to calculate such distance separations.
 - c. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within 50 feet of its existing location.
 - d. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
 - e. A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to paragraphs 9, 10, and 11 of section 2530. The relocation of a tower hereunder shall in no way be deemed to cause a violation of paragraphs 9, 10, and 11 of section 2530.
 - f. The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in paragraphs 9, 10, and 11 of section 2530 shall only be permitted when approved by the building inspector.
13. *New towers in certain nonresidential zoning districts.* Any new tower in a nonresidential zoning district other than any limited industrial (I-1), general industrial (I-2) or general commercial (C-2) district may be approved by the building inspector, provided that:
- a. A licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant;
 - b. The building inspector concludes that the tower is in conformity with the goals set forth in section 2500 and the requirements of section 2515 of this ordinance;
 - c. The tower meets the setback requirements in section 2530, paragraph 8 and the separation distances in paragraphs 9, 10 and 11 of section 2530; and that the tower meets the following height and usage criteria:
 - (1) For a single user, up to 90 feet in height;
 - (2) For two users, up to 120 feet in height; and
 - (3) For three or more users, up to 150 feet in height.
14. *Alternative tower structure.* Locating any alternative tower structure in a zoning district other than any limited industrial (I-1), general industrial (I-2) or general commercial (C-2) district that, in the judgment of the building inspector, is in conformity with the goals set forth in section 2500 of this ordinance.
15. *Cable microcell network.* Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(Ord. of 3-21-2005, § 2525)

Sec. 2530. - Special land use permits.

1. *Generally.* The following provisions shall govern the issuance of special land use permits for towers or antennas by the planning commission:
 - a. If the tower or antenna is not a permitted use under section 2520 of this ordinance or permitted to be approved administratively pursuant to section 2525 of this ordinance, then a special land use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 - b. Applications for special land use permits under this section 2530 shall be subject to the procedures and requirements of article 22 of this ordinance, except as modified in this section 2530.

2. *Imposed conditions.* In granting a special land use permit, the planning commission may impose conditions to the extent the planning commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
3. *Certified information.* Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
4. *Application fee.* An applicant for a special land use permit shall submit the information described in this section 2530 and a nonrefundable fee as established by resolution of the board of trustees to reimburse it for the costs of reviewing the application.
5. *Information required.* In addition to any information required for applications for special land use permits pursuant to article 22 of this ordinance, applicants for a special land use permit for a tower shall submit the following information:
 - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan land use classification of the site and all properties within the applicable separation distances set forth in paragraphs 9, 10 and 11, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the building inspector to be necessary to assess compliance with this ordinance;
 - b. Legal description of the parent tract and leased parcel (if applicable);
 - c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;
 - d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to section 2515 paragraph 3 shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of existing towers and the owner/operator of any existing towers, if known;
 - e. A landscape plan showing specific landscape materials;
 - f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination;
 - g. A description of compliance with paragraphs 3 through 11 of section 2515, and paragraphs 5 through 8 of section 2530 and all applicable federal, state or local laws;
 - h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users;
 - i. Identification of the entities providing the backhaul network for the tower described in the application and other cellular sites owned or operated by the applicant in the municipality;
 - j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower; and
 - k. A description of the feasible locations of future towers or antennas within the township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
6. *Factors considered in granting special land use permits for towers.* In addition to any standards for consideration of special land use permit applications pursuant to article 22 of this ordinance, the planning commission may waive or reduce the burden on the applicant of one or more of these criteria in determining whether to issue a special land use permit if the planning commission concludes that the goals of this ordinance are better served thereby. To waive or reduce the burden, the planning commission shall consider the following factors:
 - a. The height of the proposed tower;
 - b. The proximity of the tower to residential structures and residential district boundaries;
 - c. The nature of uses on adjacent and nearby properties;
 - d. The surrounding topography, tree coverage and foliage;
 - e. The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - f. The proposed ingress and egress; and
 - g. The availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in the following paragraph 4. of this ordinance.
7. *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the

applicant demonstrates to the reasonable satisfaction of the planning commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the planning commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
8. *Setbacks.* The following setback requirements shall apply to all towers for which a special land use permit is required; provided, however, that the planning commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- a. Towers which do not require guy wires must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.
 - b. Towers which require guy wires must be set back a distance equal to at least 100 percent of the height of the tower from any adjoining lot line.
 - c. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
9. *Separation.* The separation requirements set forth in paragraphs 10 and 11 of this section 2530 shall apply to all towers and antennas for which a special land use permit is required; provided, however, that the planning commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

10. *Separation from off-site uses/designated areas.* Tower separation requirements for towers shall comply with the following minimum standards and shall be measured from the base of the tower to the lot line of the off-site uses or designated areas:

Off-site Use/Designated Area	Separation Distance
Single-family or two-family residential units ¹	200 feet or 300% of the tower height, whichever is greater
Vacant single-family or two-family residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% of the tower height, ² whichever is greater
Vacant unplatted residentially zoned lands ³	100 feet or 100% of the tower height, whichever is greater
Existing multi-family residential units	100 feet or 100% of the tower height, whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply

¹ Includes modular homes and mobile homes used for living purposes.

² Separation measured from base of tower to closest building setback line.

³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land.

11. *Separation distances between towers.* Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between

the base of the existing tower and the base of the proposed tower, pursuant to the site plan. The minimum separation distances, in linear feet, shall be as follows:

Existing Towers - Types				
	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole less than 75 ft. in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in height or greater	1,500	1,500	1,500	750
Monopole less than 75 feet in height	750	750	750	750

12. *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the planning commission may waive such requirements, if deemed appropriate.
13. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special land use permit is required; provided, however, that the planning commission may waive such requirements if the goals of this ordinance would be better served thereby:
- Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
 - In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(Ord. of 3-21-2005, § 2530)

Sec. 2535. - Buildings or other equipment storage.

- Antennas mounted on structures or rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following:
 - The cabinet or structure shall not contain more than 200 square feet of gross floor area nor be more than 13 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 200 square feet of gross floor area or 13 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 25 percent of the roof area.
 - Equipment storage buildings or cabinets shall comply with all applicable building codes.
- Antennas mounted on utility poles, or light poles/towers.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following paragraphs 3 or 4.
- Residential districts.* In residential districts, the equipment cabinet or structure may be located:

- a. In a front or side yard, provided the cabinet or structure is no greater than 13 feet in height or 200 square feet of gross floor area and the cabinet/structure is located a minimum of 25 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42 to 48 inches and a planted height of at least 36 inches.
 - b. In a rear yard, provided the cabinet or structure is no greater than 13 feet in height or 500 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
4. *Industrial or commercial districts.* In any limited industrial (I-1), general industrial (I-2) or general commercial (C-2) district, the equipment cabinet or structure shall be no greater than 20 feet in height or 500 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
 5. *Modification of building size requirements.* The requirements of paragraphs 1. through 4. above may be modified by the building inspector in the case of administratively approved uses or by the planning commission in the case of uses permitted by special land use permit, to encourage collocation.

(Ord. of 3-21-2005, § 2535)

Sec. 2540. - Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(Ord. of 3-21-2005, § 2540)

Sec. 2545. - Nonconforming uses.

1. *Not expansion of nonconforming use.* Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance, shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. *Preexisting towers.* Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.
3. *Rebuilding damaged or destroyed nonconforming towers or antennas.* Notwithstanding section 2540 of this ordinance, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special land use permit and without having to meet the set back requirements of paragraph 8, section 2530 and separation requirements of paragraph 9, 10, and 11 of section 2530. The type, height, and location of the tower on site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in section 2540 of this ordinance.

(Ord. of 3-21-2005, § 2545)

ARTICLE 26. - NONCONFORMING USES, STRUCTURES AND LOTS

Footnotes:

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

Sec. 2600. - Intent.

1. Within the districts established by this ordinance or by amendment, there may exist lots, structures, uses of land and structures, and

characteristics of use that were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

2. It is further recognized that certain nonconforming uses and structures do not negatively affect the value of nearby properties and are not contrary to the public health, safety, and welfare and that such use or structure was lawful at the time of its inception and that no useful purpose would be served by the strict application of requirements for nonconformities under this ordinance. Therefore, two classes of nonconforming uses and structures are designated: class A and class B.

(Ord. of 3-21-2005, § 2600)

Sec. 2605. - Class A nonconforming uses or structures.

Class A nonconforming uses or structures may be designated by the zoning board of appeals after a public hearing and after finding that the following conditions exist with respect to the use or structure:

1. The use or structure was lawful at its inception;
2. Continuance of the use or structure would not negatively affect nearby property values;
3. Continuance of the use or structure would not be contrary to the public health, safety, or welfare or the spirit of this ordinance;
4. No useful purpose would be served by strict application of the provisions of this ordinance with which the use or structure does not conform; and
5. An improvement to an existing nonconforming use or structure will result.

(Ord. of 3-21-2005, § 2605)

Sec. 2610. - Class A determinations.

1. *Conditions.* The decision to grant a class A designation shall be made in writing setting forth the findings and reasons on which it is based. Conditions may be imposed, including time limits, to ensure that the use or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this ordinance and further to ensure that at least the following standards are met:
 - a. Screening and landscaping may be required to improve compatibility with adjacent uses.
 - b. Conditions may be imposed so that the negative impacts of lighting, noise, sight or other features will be minimized.
 - c. Where such use is in close proximity to homes, parking should not be permitted to utilize curbside parking to an extent greater than the immediate property frontage of the nonconforming use.
 - d. New signage shall meet zoning district requirements. Existing nonconforming signs shall be eliminated or reduced in size and number as the zoning board of appeals may determine.
 - e. The exterior building materials utilized in any alterations to a building shall be of materials that are harmonious with those on the site and on abutting properties, wherever practical.
 - f. Enlargement of a building may be allowed provided such enlargement does not create a more nonconforming setback condition which would negatively impact conforming properties in the immediate vicinity.
 - g. The zoning board of appeals may require such other safeguards and improvements as it may deem necessary to protect conforming uses in the surrounding area.
2. *Temporary designations.*
 - a. Once the zoning board of appeals has conducted a hearing and has designated a nonconforming use or structure to the person requesting the designation, said class A designation shall be deemed temporary until the zoning board of appeals has received written verification from the zoning administrator that the person requesting the class A designation has complied with all conditions set forth by the zoning board of appeals.
 - b. Once the zoning board of appeals has received written verification from the zoning administration that the person requesting the class A designation has complied with said conditions, the class A designation shall become final, subject to other provisions of this ordinance as hereinafter prescribed.
 - c. No class A nonconforming use or structure shall be resumed if it has been discontinued for six consecutive months or 18 months in any three-year period. No class A nonconforming use or structure shall be used, altered or enlarged in violation of any condition

imposed to its designation.

- d. No temporary class A nonconforming use or structure which has not met with all the conditions set forth by the zoning board of appeals within six months from the date the nonconforming use or structure received a temporary class A designation, shall receive final approval unless a request for extension of time in which to fulfill the conditions set forth by the zoning board of appeals is submitted in writing to the zoning board of appeals along with sufficient reasons as to why the temporary class A designation should be extended. Upon a showing of good cause, the zoning board of appeals may extend the temporary class A designation for the nonconforming use or structure for up to six months.

(Ord. of 3-21-2005, § 2610)

Sec. 2615. - Revocation of class A designation.

Any class A designation shall be revoked upon a finding that the use or structure no longer qualifies for class A designation because of any changes to conditions or circumstances. The same procedures required for designation shall be followed, including a public hearing.

(Ord. of 3-21-2005, § 2615)

Sec. 2620. - Class B nonconforming uses or structures.

All nonconforming uses or structures, not designated class A, shall be class B nonconforming uses or structures. Class B nonconforming uses or structures shall comply with all the provisions of this ordinance relative to nonconforming uses or structures.

(Ord. of 3-21-2005, § 2620)

Sec. 2625. - Nonconforming lots.

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, 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 this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that, setbacks and other requirements not involving area or width of the lot shall conform the regulations for the district in which such lot is located.
2. If two or more lots, or a combination of lots and portions of lots, with a continuous frontage and single ownership are of record at the effective date of adoption or amendment of this section, or at any time thereafter; and if all or part of the lots do not meet the requirements for lot area or width as established by this ordinance, the lands involved shall be considered an undivided parcel or zoning lot for the purpose of this ordinance, and no portion of such undivided parcel or zoning lot shall be used or occupied which does not meet lot area or width requirements established by this ordinance, nor shall any division of the parcel or zoning lot be made which leaves remaining any lot with area or width below the requirements stated in this ordinance.

(Ord. of 3-21-2005, § 2625)

Sec. 2630. - Nonconforming uses of land.

Where, at the effective date of adoption or amendment of this ordinance, a lawful use of land exists that would not be permitted by the regulations imposed by this ordinance and where the uses involves individual structures, the use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No 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 this ordinance, except in bringing the land parcel into compliance with federal ADA requirements.
2. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of this ordinance.
3. If any nonconforming use of land ceases for any reason for a period of more than 12 months, any subsequent use of the land shall conform with the regulations specified by this ordinance for the district in which the land is located.

(Ord. of 3-21-2005, § 2630)

Sec. 2635. - Nonconforming structures.

Where a lawful structure exists or is lawfully under construction at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on area, height, yards, location on the lot or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful subject to the following provisions.

1. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that does not increase its nonconformity.
2. Any nonconforming structure which has been damaged or destroyed by any means to an extent of more than 50 percent of its market value as determined by the township assessor at the time of damage or destruction, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
3. Any nonconforming structure can be brought into federal ADA compliance at any time, and all work to alter the structure to bring it into conformance shall begin with ADA compliance.
4. Should the nonconforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. of 3-21-2005, § 2635)

Sec. 2640. - Nonconforming use of structures and land.

If a lawful use involving individual structures or a structure and land in combination exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions.

1. No existing structure devoted to a use not permitted by this ordinance 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 a use 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 the use at the time of adoption or amendment of this ordinance, but no use shall be extended to occupy any land outside the building.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is changed to a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
4. When a nonconforming use of a structure or structure and land in combination is discontinued or abandoned for 12 consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises or if it is a seasonal-type use), the structure, and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
5. When nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this article is defined as damage to an extent of more than 50 percent of the market value as determined by the township assessor at the time of destruction.
6. The use of a nonconforming building may be changed to another nonconforming use if the zoning board of appeals finds that the new use would markedly decrease the degree of nonconformance and would enhance the value and desirability of adjacent conforming uses.

(Ord. of 3-21-2005, § 2640)

Sec. 2645. - Repair or replacement.

1. During any consecutive 12-month period, the extent of repair or replacement shall not exceed 25 percent of the market value as determined by the township assessor of the nonconforming structure.
2. The cubic content or size of the structure shall not be increased.
3. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of the official.
4. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land or structure or of structures and land in combination. A change of ownership between persons does not remove the nonconformity nor extend time limits.

(Ord. of 3-21-2005, § 2645)

Sec. 2650. - Nonconforming status.

1. *Removal of status.*

- a. Any nonconforming structure or land may be made conforming by appropriate action or modifications which cause the structure or land to fulfill the requirements of the district in which it is located.
- b. In case of a nonconforming use which is a use designated as a special land use by this ordinance, the nonconforming status may be removed upon issuance of a special land use permit after the appropriate action has been taken in accordance with the provisions of this section. It shall be the responsibility of the person requesting the special land use permit to initiate the request.

2. *Uses not nonconforming uses.* Any use approved as a special land use or exception as provided in this ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use.

(Ord. of 3-21-2005, § 2650)

Sec. 2655. - Elimination of nonconforming structures or land.

The township may acquire by purchase, condemnation, or otherwise, private property for the removal of nonconforming uses and structures. The township board may in its discretion provide that the cost and expense of acquiring the private property be paid from general funds, or the cost and expense or any portion thereof may be assessed to a special district. The elimination of any nonconforming uses and structures in a zoned district as herein provided is hereby declared to be for a public purpose and for a public use. The township board shall have authority to institute and prosecute proceedings for the condemnation of nonconforming uses and structures under the power of eminent domain in accordance with the laws of the state or township relative to condemnation.

(Ord. of 3-21-2005, § 2655)

ARTICLE 27. - BOARD OF ZONING APPEALS

Footnotes:

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

Sec. 2700. - Creation and membership.

A board of appeals shall be established pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended and shall consist of at least five members. Said board shall be constituted and perform the duties and powers prescribed under said act and as provided in this ordinance. When said act presumes to grant the board more discretion or powers than this ordinance provides, then said board shall act in accordance with the intent of this ordinance.

(Ord. of 3-21-2005, § 2700)

Sec. 2705. - Meetings.

Meetings of the board of appeals shall be held at the call of the chairman and at such other times as the board may determine by its rules. All hearings conducted by the board shall be open to the public. The board shall maintain a record of its proceedings in the office to the township clerk which shall be a public record. The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence relative to the matters before it.

(Ord. of 3-21-2005, § 2705)

Sec. 2710. - Appeal procedure, fees and notice.

An appeal may be taken to the board of appeals by any person, firm or corporation, or by an officer, department, board or bureau affected by a decision of the building inspector. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by its rules, by filing with the building inspector and with the board of appeals a notice of appeal, specifying the grounds thereof. The building inspector shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken. A fee to be established by resolution of the township board shall be paid to the township clerk or designated official at the time the notice of appeal is filed. The notice of appeal shall also specify the requirements from which a variance is sought and the nature and extent of such variance on application forms supplied by the township clerk or other administrative official. An appeal shall stay all proceedings in furtherance of the appealed decision unless the building inspector certifies to the board after notice of appeal has been filed with him that by reason of the facts stated in the certificate a stay, would in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed.

(Ord. of 3-21-2005, § 2710)

Sec. 2715. - Public hearing.

1. The board of appeals shall fix a reasonable time for the hearing of appeals and shall give due notice thereof to the parties. The board of appeals may determine that the nature of an application is such that other property owners should be notified by mail of the hearing date.
2. Any person shall be accorded the right to appear in person or be represented by a duly authorized agent.
3. The board of appeals shall prepare an official record of each appeal and shall base its decision on this record. The official record shall include:
 - a. The relevant administrative records and the administrative orders issued thereon relating to the appeal;
 - b. The notice of the appeal;
 - c. Such documents, exhibits, photographs, or written reports as may be submitted to the board for its consideration;
 - d. Board members personal viewing of the property; and
 - e. Other relevant facts as determined by the hearing.

(Ord. of 3-21-2005, § 2715)

Sec. 2720. - Official record.

1. The written findings of fact, the conditions attached, and the decisions and orders of the board of appeals in disposing of the appeal shall be entered into the official record after they have been signed by the chairman of the board of appeals and after written notice of the disposition of the appeal has been served, either in person or by mail, upon the building official and the township clerk, and if requested, upon the applicant.
2. A copy of the official record of an appeal shall be made available for the parties to the appeal upon request and after the payment of such fee therefor as may be determined by the township board.

(Ord. of 3-21-2005, § 2720)

Sec. 2725. - Jurisdiction.

The board of appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this ordinance, but does have power to act on those matters where this ordinance provides for an administrative review, interpretation, exception, and to authorize a variance as defined in this section, and laws of the state. Said powers include:

1. *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order requirement, permit, decision or refusal made by the building inspector or any other administrative official in carrying out or enforcing any provision of this ordinance. If a variance is granted to a site plan reviewed by the planning commission under section 2810, the plan shall be referred back to the planning commission for review.
2. *Variance.* To authorize, upon an appeal, a variance from the strict application of the provisions of this ordinance where by reason of narrowness, shallowness, shape or area of a specific piece of property, or by reason of topographic conditions, or other conditions, the strict application of the regulations would result in undue hardship upon the owner of such property. In granting a variance, the

board may attach thereto such conditions regarding the location, character, and other features of the proposed uses that it may deem reasonable in furtherance of the purpose of this ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.

3. *Exceptions, interpretation, and special approvals.* To hear and decide requests for exception, interpretations of the zoning map, decisions on special use approvals where this ordinance specifically authorizes the board to pass. Any approval shall be subject to such conditions as the board may require to promote the intent and purpose of this ordinance. Such exceptions, interpretations and special approvals include:
 - a. Interpreting the provisions of this ordinance in such a way as to carry out the intent and purpose of the master plan for future land use; and
 - b. Permit the erection and use of a building or use of premises for public utility purposes.
4. *Temporary uses of buildings.*
 - a. Permit temporary buildings and uses for periods not to exceed 12 months in undeveloped sections of the township and for periods not to exceed six months in developed sections. Said permit may be renewed for such periods as the board may determine appropriate but not to exceed 12 months and six months respectively. In any event, not use of a temporary building shall exceed a period of two years.
 - b. Permit any temporary uses which do not require the erection of any capital improvement of a structural nature for a period of 12 months which may be renewed for up to 12 months.
5. *Conditions of granting.* In granting permits for the above temporary uses, the board shall do so under the following conditions:
 - a. The granting shall in no way constitute a change in the basic uses permitted in the district not on the property.
 - b. The granting shall be in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered, shall be made at the discretion of the board of appeals.
 - d. In classifying uses as not requiring capital improvement, the board of appeals shall determine that they are either demountable structures related to the permitted use of land; recreational developments such as, but not limited to, golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.
 - e. The use shall be in harmony with the general character of the district and shall not alter the natural character of the environment.
 - f. The board of appeals shall seek the review and recommendation of the planning commission prior to the taking of any action.
6. *Erection of accessory buildings.* Permit the erection of accessory buildings prior to the erection of a residence to which it is accessory in the agricultural residential (AR) district. The board of appeals shall extract as a condition of the approval, the amount of time required to erect the residence.
7. *Miscellaneous.* Make decisions on such other requirements this ordinance where the board of appeals is given jurisdiction.

(Ord. of 3-21-2005, § 2725)

Sec. 2730. - Land use variances.

Where, owing to special conditions, a literal enforcement of the provisions of this ordinance would involve an unnecessary hardship, the zoning board of appeals shall have the power upon appeal in specific cases to authorize such variation or modifications of the use regulations of this ordinance in accordance with the following procedures, with such conditions and safeguards as it may determine, as may be in harmony with the spirit of the ordinance so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this ordinance shall be granted unless it appears that the following requirements and procedures have been met and that all of the following facts and conditions exist.

1. *Information required.* Application for a use variance under this section shall include a plan drawn to scale detailing the specific use and improvements proposed by the applicant and a summary of the facts which support the following conclusions:
 - a. The property cannot be used for purposes permitted in the district;
 - b. Unique circumstances, peculiar to this property and not to general neighborhood conditions are present;

- c. The use would not alter the essential character of the area;
 - d. The problem is not self-created; and
 - e. Administrative relief affording reasonable use is not available.
2. *Pre-hearing conference.* Prior to scheduling the public hearing, applicant shall contact the building in order to schedule a pre-hearing conference. The purpose of a pre-hearing conference shall be to:
- a. Review the procedure for the public hearing, identify persons who will testify (directly or through affidavit) and identify the evidence to be offered by the applicant;
 - b. Attempt to secure a statement of agreed upon facts; and
 - c. Explore a means of providing relief to the applicant by way of nonuse variance, or other relief.
3. *Use variance decision by the board of appeals.*
- a. After the public hearing, the board may make a decision on the matter or adjourn the hearing to a date specific for further review.
 - b. If the board determines to grant a use variance, it shall be the minimum relief required to allow reasonable use of the property and also maintain the essential character of the area. Relief may be in the form of a use variance or in one or more nonuse variances. Conditions that are authorized by law may be included.

(Ord. of 3-21-2005, § 2730)

Sec. 2735. - Exercising powers.

In exercising its powers, the board of appeals may reverse or affirm wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official from whom the appeal is taken. The board shall not have authority to review decisions regarding special land uses, planned unit developments, cluster or open space options or other discretionary matters that are within the purview of the planning commission or the township board.

(Ord. of 3-21-2005, § 2735)

Sec. 2740. - Miscellaneous.

No order of the board of appeals permitting the erection or alteration of a building as provided in this ordinance shall be valid for a period of longer than one year, unless a building permit is issued and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the board of appeals permitting a use of a building or premises as provided in this ordinance, shall be valid for a period longer than one year unless such use is established within one year.

(Ord. of 3-21-2005, § 2740)

ARTICLE 28. - ADMINISTRATION AND ENFORCEMENT

Sec. 2800. - Enforcement provision.

Except where herein otherwise provided, the building inspector shall enforce the provisions of this ordinance.

(Ord. of 3-21-2005, § 2800)

Sec. 2805. - Notice of public hearing.

For uses making reference to this section, and in all applications for special land use approval, notice of the public hearing before the planning commission or the township board shall be given as required by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. of 3-21-2005, § 2805)

Sec. 2810. - Site plan review.

1. *Site plan review submission.* Whenever the provisions of this ordinance require submission of a site plan to the planning commission, it shall be submitted in accordance with the provisions of this section. A site plan shall meet all applicable requirements of this ordinance and shall be approved if in compliance with such requirements. In instances of conflict between any other township ordinance and this ordinance, the requirements of this ordinance shall prevail.
2. *Planning commission considerations.* In the process of reviewing a site plan, the planning commission shall consider the following:
 - a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, to nearby driveways of other property and in relation to pedestrian traffic;
 - b. The traffic circulation features within the site and the location of automobile parking areas;
 - c. The planning commission may make such requirements with respect to any matters as will ensure:
 - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets; and
 - (2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and of adjacent neighborhoods;
 - d. The planning commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
3. *Landscape plans.* Unless otherwise provided, whenever provisions of this ordinance require a landscape or greenbelt plan, approval of a site plan may be given subject to submission and approval of the landscape plan by the planning commission, prior to the issuance of a building permit.
4. *Effective approval period.* Site plan approval by the planning commission shall remain effective for a period of three years; provided, however, that any plan submitted with the application for a building permit shall meet all requirements of this ordinance in effect at the time application is made for the permit. If a building permit is not obtained within three years, the approval shall expire and become null and void.
5. *Submission requirements.* Site plans shall be submitted in accordance with the following:
 - a. Scale:
 - (1) For zoning lots of 25 acres or less: one inch equals 50 feet minimum; and
 - (2) For zoning lots of over 25 acres: one inch equals 100 feet minimum;
 - b. The location of driveways or intersecting streets within 100 feet of the zoning lot and on either side of the abutting street shall be indicated; and
 - c. A preliminary grading plan in detail sufficient enough to determine whether or not extensive grading of the site is proposed and to enable the building height to be determined. Spot grades are sufficient, but should include locations near the major corners of buildings. First floor elevations and rooftop elevations should be indicated, if the proposed building height is to be within five feet of the maximum height limit and the grade is not constant, the average grade along each major building face shall be provided.

(Ord. of 3-21-2005, § 2810)

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

Sec. 2815. - Guarantee for improvements.

1. *Cash guarantee for temporary waivers.* In those instances where the planning commission or zoning board of appeals decides that an improvement such as a wall, berm, acceleration/deceleration lane, etc., which is a requirement of this ordinance, should be temporarily waived, the planning commission or zoning board of appeals may require a cash guarantee to ensure the eventual construction of such improvement if it is required at a future date.
2. *Acceptable deposit.* If a guarantee is required, the applicant shall deposit cash, irrevocable letters of credit or other equivalent forms of security acceptable to the township attorney. The amount of such guarantee shall cover the estimated cost of the improvement.
3. *Release of monies.* The guarantee shall include a schedule of costs assigned to the improvements. Monies may be released to the applicant in proportion to work completed on the improvement after inspection of work and approval of the building official; provided, however, that ten percent of the estimated costs shall be retained by the township until all work has been completed and subsequently

inspected and approved by the building inspector.

4. *Each guarantee a separate agreement.* If more than one guarantee is involved in the guarantee of improvements, each such guarantee shall be treated as a separate agreement and the ten-percent holdback may be released upon satisfactory completion of such phase of construction and approval by the building official.

(Ord. of 3-21-2005, § 2815)

State Law reference— Performance guarantee, MCL 125.3505.

Sec. 2820. - Duties of the building inspector.

The building inspector shall have the power to determine zoning compliance as herein provided and grant occupancy permits, to make inspections of buildings or premises prerequisite to carrying out the duties of the enforcement of this ordinance. It shall be unlawful for the building inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until such plans have been inspected in detail and found to conform with this ordinance.

Under no circumstances is the building inspector permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out the building inspector duties.

The building inspector shall not refuse to issue a permit when conditions imposed by this ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said permit.

(Ord. of 3-21-2005, § 2820)

Sec. 2825. - Permits.

The following shall apply in the issuance of any permit:

1. *Permits not to be issued.* No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this ordinance.
2. *Permits for new use of land.* No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a new or different use unless a certificate of occupancy is first obtained for the new or different use.
3. *Permits for new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a new or different use unless a certificate of occupancy is first obtained for the new or different use.
4. *Permits required.* No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any change in structural parts, or other changes affected by this ordinance.
5. *Temporary buildings.* The building inspector is hereby authorized to permit a temporary building to be used as a field office in conjunction with a construction project, for a period not to exceed one year, or as otherwise provided by the board of appeals.

(Ord. of 3-21-2005, § 2825)

Sec. 2830. - Certificates of occupancy.

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply to all certificates:

1. *Certificates not to be issued.* No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land which is not in accordance with all the provisions of this ordinance.
2. *Certificates required.* No building or structure, or parts thereof, which is hereafter erected or altered shall be occupied or used unless and until a certificate of occupancy shall have been issued for such building or structure.
3. *Certificates including zoning.* Certificates of occupancy as required by the township building code for new buildings or structures, or parts thereof, or for alterations to or changes or use of existing buildings or structures, shall also constitute certificates of occupancy as required by this ordinance.
4. *Certificates for existing buildings.* Certificates of occupancy shall be assumed to have been issued for existing buildings, structures,

or parts thereof, and for existing uses of land that are in conformity with the provisions of this ordinance.

5. *Records of certificates.* A record of all certificates issued shall be kept on file in the office of the building inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
6. *Certificates for dwelling accessory buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
7. *Application for certificates.* Application for certificates of occupancy shall be made to the building inspector and such certificates shall be issued within five days after receipt of such application 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 ordinance and other codes and ordinances of the township.
If such certificate is refused for cause, the applicant shall be notified of such refusal and cause thereof, within the aforesaid five-day period.
8. *Temporary certificates of occupancy.* The building inspector may issue a certificate of occupancy for the principal building on a project before full completion of screening, planting, fencing, and parking if, it is determined that such items could not have been completed at the same time as the building. The building inspector may further require a performance bond be posted with the township for 100 percent of the costs of required improvements, unless a performance bond has already been posted pursuant to section 2715. In all such instances, the certificate of occupancy shall be marked "Temporary, for One Year Only" and shall not be renewable. As soon as the screening, plantings, fencing and parking are fully completed and inspected and approved by the building inspector, the "temporary" certificate shall be cancelled and a permanent certificate issued. If any portions of the required screening, fencing, planting or parking are not fully completed within one year following the date of the temporary certificate, then the certificate shall automatically become null and void and the building inspector shall cause the use of any portion of the premises to be stopped until a permanent certificate can be issued.

(Ord. of 3-21-2005, § 2830)

Sec. 2835. - Final inspection.

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

(Ord. of 3-21-2005, § 2835)

Sec. 2840. - Fees.

Application fees will be established by resolution of the township board for the filing of various types of applications and administrative review procedures as established by this ordinance. Fees may be imposed for inspection of properties pursuant to the granting of a certificate of occupancy or conformity, for the filing of site plans, special use permits, board of appeals, and generally to determine compliance with any part of this ordinance. The amount of fees to be determined by resolution of the township board for various types of administrative review and compliance inspections may account for all direct and indirect township costs including, where deemed necessary, for the costs of retaining planning, engineering, environmental or fiscal impact consulting assistance. Said fees may be collected by the building inspector or other designated township official, in advance of the issuance of any of the herein required permits and application processes. The schedule of fees as established by resolution of the township board is subject to amendment from time to time.

(Ord. of 3-21-2005, § 2840)

Sec. 2845. - Zoning commission.

The township planning commission is hereby designated as the board specified in Section 301 of Public Act No. 110 of 2006 (MCL 125.3301), as amended, and shall perform the duties of said board as provided in the statute in connection with the amendment of this ordinance.

(Ord. of 3-21-2005, § 2845)

Sec. 2850. - Changes and amendments.

The township board may, from time to time, on recommendation from the planning commission and on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established pursuant to the authority and procedure established in Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended.

(Ord. of 3-21-2005, § 2850)

Sec. 2855. - Petition for amendments.

Each petition by one or more owners for an amendment shall be submitted to the building inspector on standard forms provided. Said application forms shall be completed in the manner prescribed and such documents as required by the ordinance shall be filed with the township clerk. A filing fee, as provided by resolution of the township board, shall be levied against a petitioner to cover the costs of administering the application process and for advertising public hearings and other incidental costs relative to said petition. The township clerk shall transmit the application to the planning commission who shall hold a public hearing as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended, prior to any disposition of the petition.

(Ord. of 3-21-2005, § 2855)

Sec. 2860. - Amendment limitations.

A petition for rezoning, once denied by the township board, shall not be re-submitted within one year from the date of denial.

If the township board does not take any action to resolve a petition for rezoning after the public hearing within nine months, beginning with the initial day of filing, said petition shall be determined to have been denied.

(Ord. of 3-21-2005, § 2860)

Sec. 2865. - Repeal of prior ordinance.

In the interpretation and application of this ordinance, its provisions shall be held to be the minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience and general welfare. It is not intended by the ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinances other than the zoning ordinance, or with any rules or regulations previously adopted or issued, or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by the existing ordinances or by rules, regulations, or permits, the provisions of this ordinance shall control.

(Ord. of 3-21-2005, § 2865)

Sec. 2870. - Vested right.

Nothing in this ordinance shall 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.

(Ord. of 3-21-2005, § 2870)

Sec. 2875. - Enforcement, penalties and other remedies.

1. *Violations.* Any person, firm or corporation violating any of the provisions of this ordinance shall be responsible for a municipal civil infraction and be subject to the following:
 - A. *First offense.* The civil fine for a first offense infraction shall be no less than \$150.00;
 - B. *Second offense.* The civil fine for a second offense infraction shall be no less than \$250.00;
 - C. *Repeat offense.* The civil fine for any infraction which is a third or greater offense shall be no less than \$500.00.
 - D. In addition to the above civil fines, upon an admission or finding of responsibility for a municipal civil infraction, the township shall also be entitled to reimbursement for all costs, expenses, and/or charges incurred by the township in the cleanup and/or abatement of a municipal civil infraction violation.

- E. If the municipal civil infraction affects real property and the owner of said property is found responsible for said municipal civil infraction, the court may order the owner to abate the violation. If the owner of said real property fails to abate the violation in the time allowed by the township, the township shall have the right to enter upon the land to abate the municipal civil infraction violation and shall have the right and power to assess any and all costs incurred by the township for the abatement and cleanup of the violation to the tax roll of the property upon which the violation was located and to levy and collect such costs in the same manner as provided for the levy and collection of ad valorem real property taxes against said property.
- F. The township may also utilize all other sanctions authorized and provided for in Chapter 600 of the Revised Judicature Act of 1961, Subchapter 87, being MCLA §§ 600.8701—600.8735, as amended, in prosecuting municipal civil infraction violations.
- G. Failure of an alleged violator to appear within the time specified in a municipal civil infraction citation or at the time scheduled for hearing or appearance shall be a misdemeanor and the penalty shall be a fine not to exceed \$500.00, or imprisonment in the Genesee County Jail for a term not exceeding 90 days, or both fine and imprisonment.
- H. A municipal civil infraction action brought for any violation of this chapter shall follow the procedures set forth in Chapter 600 of the Revised Judicature Act of 1961, including Subchapter 87 therein, specifically MCLA §§ 600.8701—600.8735, as amended.
2. *Public nuisance per se.* 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 this ordinance 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.
 3. *Fines, imprisonment.* The owner of any building, structure or premises, or part thereof, where any condition in violation of this ordinance shall exist or shall be created and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof, shall be liable to the fines and imprisonment herein provided.
 4. *Each day a separate offense.* A separate offense shall be deemed committed upon each day a violation occurs or is continued.
 5. *Rights and remedies are cumulative.* The rights and remedies provided herein are cumulative and are in addition to any other remedies provided by law.

(Ord. of 3-21-2005, § 2875; Ord. No. 444, 1-14-2019)

State Law reference— Certain violations as nuisance per se, MCL 125.3407.

Sec. 2880. - Severance clause.

Sections of this ordinance shall be deemed to be severable, and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

(Ord. of 3-21-2005, § 2880)