

Title VIII - ZONING

CHAPTER 81. - USE OF THE TERM "TITLE"

Section 81-1. - "Title" refers to zoning ordinance heretofore adopted.

This title is a codification of the Charter Township of Lansing zoning ordinance adopted on August 1, 1966, as it has subsequently been amended. Use of the term "title" herein shall refer to said ordinance heretofore adopted, and provisions regarding the effective date of this "title" shall refer to August 20, 1966, the effective date of said zoning ordinance.

CHAPTER 82. - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 82-1. - Rules of construction.

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

- (1) A "building" or "structure" includes any part thereof.
- (2) The word "building" includes the word "structure."
- (3) The word "lot" includes the word "plot" or "parcel."

Section 82-2. - Definitions.

For the purpose of this title the following terms and words are defined as follows:

- (1) *Accessory building.* A subordinate building or structure on the same lot with the main building, or part of the main buildings, exclusively occupied by or devoted to an accessory use.
- (2) *Accessory use.* A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main use.
- (3) *Adult bookstore.* An establishment of which more than 25 percent of its stock in trade, books, magazines, and/or other periodicals available for sale, lease, or observation contains matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein).
- (4) *Adult entertainment establishment.* An establishment engaged in commercial activity, whether intermittently or full time, involving more than 25 percent of its business in the sale, display, exhibition, or reviewing of materials, books, magazines, films, photographs, demonstrations, or presentations depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein).
- (5) *Adult mini-motion-picture theater.* An enclosed building which offers for an admission fee, membership fee, or other valuable consideration material describing, depicting, or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) by any means of display, including, but [not] limited to, motion pictures, television or live performances.
- (6) *Adult motion picture theater.* An establishment, whether in a completely enclosed building or not, which offers, for an admission fee or other valuable consideration, the viewing of motion picture films which depict, portray, simulate, or represent "specified sexual activities" or "specific anatomical areas" during more than 25 percent of its operating hours.
- (7) *Alley.* Any dedicated public way other than a street, providing a secondary means of access to a property, not less

than 18 feet wide nor more than 30 feet wide.

- (8) *Animated sign.* Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign; provided, however, that a slow rotation of a sign shall not be considered animation.
- (9) *Apartment.* A room or suite of rooms, including bath and culinary accommodations, in a two-family or multiple dwelling intended or designed for use as a residence by a single family.
- (10) *Apartment, garden.* A group of two or more multiple dwelling buildings not over two stories in height, located on the same lot, that offer each dwelling unit direct access to an open yard area.
- (11) *Automobile or trailer sales area.* Any space used for display, sale, or rental of motor vehicles or trailers, in new or used and operable condition.
- (12) *Basement.* A story having part but not more than one-half its height below finished grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes, by other than a janitor employed on the premises (see *Cellar*).
- (13) *Boardinghouse.* A building other than a hotel, where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding five persons.
- (14) *Building.* A structure, either temporary or permanent, having a roof supported by columns or walls.
- (15) *Building, height of.* The vertical distance measured from the curb level to the highest point of the roof surface if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. For buildings set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building provided its distance from the street line is not less than the height of such grade above the established curb level.
- (16) *Cellar.* A story having more than one-half of its height below the average finished level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement. Also a cellar shall not be used as a separate business or dwelling.
- (17) *Church.* A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- (18) *Convalescent, nursing and rest homes.* A building wherein infirm, aged or incapacitated persons are accepted and furnished shelter, care, food, lodging and needed attention, or nursing for a compensation.
- (19) *Curb level.* The level of the established curb in front of the building measured at the center of such front; where no curb has been established the county engineer shall establish such curb level or its equivalent for the purposes of this title.
- (20) *Drive-in restaurant.* A location where food is prepared and consumed within or without the building or removed from the building and lot for consumption.
- (21) *Driveway.* A designated roadway constructed of standard road building material on which vehicles gain ingress or egress to a property.
- (22) *Dwelling.* Any building, or portion thereof, which is designed or used exclusively for residential purposes (see *Trailer*).
- (23) *Dwelling, one-family.* A detached building, designed for or occupied exclusively by two families living independently of each other.
- (24) *Dwelling, two-family.* A building designed for or occupied exclusively by two families living independently of each other.

- (25) *Dwelling, multiple.* A building or portion thereof used or designed as a residence for three or more families living independently, but not including automobile courts, motels, or hotels.
- (26) *Essential services.* The phrase "essential services" means the erection, construction, alteration, or maintenance of public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police callboxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.
- (27) *Family.*
- a. One or more persons related by blood or marriage occupying a dwelling unit and living as a single, nonprofit housekeeping unit.
 - b. A collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.
- (28) *Filling station.* Also known as gas stations or service stations. Any building or premises used for the dispensing, sale or offering for sale at retail of any motor fuels, oils or lubricants. Also permitted as of right, the sale and service of minor motor vehicle repair such as tires, batteries, plugs, points, minor motor tuneups, generators, starters, radiator hoses, fan belts and the replacements of small parts which are carried as stock for sale.
- (29) *Fire rating.* Shall be as recommended by fire underwriters' laboratories or the equivalent.
- (30) *Garage, parking.* A structure or series of structures for the temporary storage or parking of motor vehicles, having no public shop or service in connection therewith, other than for the supplying of motor fuels and lubricants, air, water, and other operating commodities to the patrons of the garage only.
- (31) *Garage, private.* An accessory building or portion of a main building designed or used primarily for the storage of motor-driven vehicles, boats, house trailers, and similar vehicles owned and used by the occupants of the building to which it is accessory.
- (32) *Garage, public.* Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.
- (33) *Group housing.* A residential development involving the ultimate construction of a group of one-family, two-family dwellings or multiple-family or combination of multiple and two-, or one-family dwellings on a lot, parcel or tract of land, or on a combination of lots under one ownership.
- (34) *Health club.* An establishment which offers service in the form of massages, baths, exercise or similar services, singly or in combination, to the public for an admission charge, membership fee, or other valuable consideration. The term "health club" does not include:
- (1) Hospitals, nursing homes, medical clinics, or the office or quarters of a physician, a surgeon, a chiropractor, or an osteopath; or
 - (2) Exercise clubs exclusively for annual members and their guests where the services, without massage in any form, are performed by a person of the same sex as the members or guests; and where the facilities (other than basketball courts, racquetball courts, squash courts, tennis courts, handball courts, swimming pools,

weight rooms, gymnasiums, or similar facilities) are not utilized by members of both sexes at the same time;
or

(3) Barbershops and beauty parlors.

- (35) *Home occupation.* Any occupation or profession carried on as a subordinate use by a member of a family, residing on the premises, in connection with which there is used no advertising sign; provided that (a) no commodity is sold upon the premises; (b) not over 25 percent of the total actual floor area of any one story is used for home occupation or professional purposes; and (c) no person is employed other than a member of the immediate family residing on the premises; (d) no such home occupation may be conducted in an accessory building; and (e) no such home occupation shall require interior or exterior alterations.
- (36) *Hotel.* A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals in which there are more than ten sleeping rooms usually occupied singly, and no provision made for cooking in any individual room or apartment.
- (37) *Junkyard.* A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used clothing, used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.
- (38) *Kennel.* Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of five or more dogs, cats, or other household pets of the mammal group over the age of six months.
- (39) *Lodginghouse.* A building where lodging only is provided for compensation to three or more, but not exceeding five persons, in contradistinction to hotels open to transients. A building for lodging more than five persons shall be considered an apartment or hotel.
- (40) *Lot of record.* A lot which is a part of a subdivision, the map of which has been recorded in the office of the register of deeds, or a lot described by metes and bounds, the deed to which has been recorded in the office of the register of deeds at the time this title is passed.
- (41) *Lot.* Land occupied or to be occupied by a building and its accessory buildings, or by any other single activity permitted herein, together with such open spaces as are required under this title and having its principal frontage upon a street.
- (42) *Lot, corner.* A lot situated at the junction of two or more streets; or a lot bounded entirely by streets; or a lot in which the interior angle formed by the extensions of the street lines in the directions which they take at their intersections with lot lines, other than street lines, forms an angle of 135 degrees or less. In the event that any street line is a curve at its point of intersection with a lot line other than a street line, the tangent to the curve at that point shall be considered the direction of the street line. Any portion of a corner lot whose nearest frontage is more than 100 feet from the point of intersection of the two street lines or of the two tangents shall be subject to the regulations applicable to either a through lot, or an interior lot.
- (43) *Lot, interior.* A lot other than a corner lot.
- (44) *Lot, through.* An interior lot having frontage on two parallel, or approximately parallel, or converging streets.
- (45) *Massage.* The performance of manipulative exercises upon the human body of another by any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or otherwise stimulating with the hands, or other parts of the human body, or with any mechanical or bathing device, commonly used in the practice of massage, with or without supplementary aids or lotions.

- (46) *Massage parlor.* An establishment having a fixed place of business where a person offers the service of massage to for or in conjunction with an admission charge, membership fee, or other valuable consideration. The term "massage" does not include:
- (1) Hospitals, nursing homes, medical clinics, or the office or quarters of a physician, a surgeon, a chiropractor, or an osteopath; or
 - (2) Exercise clubs exclusively for members or clientele where the services, without massage in any form, are performed by a person of the same sex as the members or clientele; or
 - (3) Barbershops and beauty parlors.
- (47) *Motel.* A combination or group of two or more detached, semidetached, or connected permanent buildings occupying a building site integrally owned, and used as a unit to furnish living accommodations for transients only.
- (48) *Nonconforming building or structure.* Any lawful building or other structure which does not comply with the applicable bulk regulations for the district, either at the effective date of this title or as a result of a subsequent amendment thereto.
- (49) *Nonconforming use.* Any lawful use, whether of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this title or as a result of a subsequent amendment thereto. However, no principal use shall be deemed nonconforming because of failure to provide required accessory off-street parking spaces, or required off-street loading berths.
- (50) *Reserved.*
- (51) *Pets.* Household pets shall be construed to include dogs, cats, canaries, parakeets, and other kindred animals and fish usually and ordinarily kept as household pets. As used herein it shall not be construed to include horses, mules, donkeys, cows, bulls, sheep, goats, rabbits, fowl and other domesticated animals.
- (52) *Public park.* Any park, playground, beach, outdoor swimming pool, parkway, within the jurisdiction and control of a governmental agency authorized by state statutes to own and maintain parks.
- (53) *Public utility.* Any person, firm, corporation, municipal department, or board fully authorized to furnish and furnishing, under municipal regulation to the public, electricity, gas, steam, communication services, telegraph services, transportation, or water.
- (54) *Restaurant.* A building where food is prepared and consumed only within the building.
- (55) *Specified anatomical areas.*
- (1) Less than completely and opaquely covered: (a) human genitals, or pubic regions, (b) buttocks, and (c) female breasts below a point immediately atop of the areola; and
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (56) *Specified sexual activities.*
- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse, sodomy, sadomasochistic abuse, bestiality, besechality [sic], buggery, lesbianism, homosexuality, human excretory functions, fellatio, or cunnilingus;
 - (3) Fondling or erotic touching of human genitals, pubic region, buttock or female breast.
- (57) *Story.* That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if no such floor above, the space between such floor and the ceiling next above it.
- (58) *Story, half.* A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished

off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

- (59) *Street*. A thoroughfare which affords a principal means of access to abutting property and which has been accepted as a public street.
- (60) *Streets, private*. Shall mean any street, road, or lane which is privately owned and used by the public. This does not pertain to private drives or roads that lead to private dwellings.
- (61) *Structure*. Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.
- (62) *Structural alterations*. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.
- (63) *Takeout restaurant*. A location where food is prepared or offered for sale but must be removed from the building and lot for consumption.
- (64) *Trailer or trailer coach*. Any vehicle with or without motive power, designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed as to permit occupancy as a dwelling or sleeping place by one or more persons, and licensable as a trailer coach under Act No. 300 of the Public Acts of 1949, as amended, and any vehicle with motive power designed primarily for living, sleeping or used to carry a unit so designed.
- (65) *Trailer coach park*. Any lot, site, parcel or tract of land under the control of any person, upon which three or more occupied trailer coaches are harbored, or which is offered to the public for that purpose, regardless of whether a charge is made thereof or not, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such trailer coach park.
- (66) *Yard*. An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.
- (67) *Yard, front*. A yard extending across the front of the lot between the side lot lines and measured between the front line of the lot and the nearest point of the building (see *Yard, rear*).
- (68) *Yard, rear*. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be the opposite end of the lot from the front yard.
- (69) *Yard, side*. A yard between the side lot line and the nearest side line of the building and extending from rear line of building to the front line of the building.
- (70) *Zone*. A section or district of the political subdivision for which the regulations governing the height, area, use, structure, or size of buildings and premises are the same.
- (71) *Child care center*. A facility, other than a private residence receiving one or more children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. Child care center does not include a Sunday school, vacation Bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period, or not greater than eight hours per day for a period not

to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than three hours, while persons responsible for the children are attending religious services.

- (72) *Family day care home.* A private residence in which the operator permanently resides as a member of the household in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.
- (73) *Group day care home.* A private residence in which the operator permanently resides as a member of the household in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

(Ord. No. 31.97, § 2, 5-28-85; Ord. No. 31.108, § 1, 10-28-86; Ord. No. 31.114, § 1, 6-21-88; Ord. No. 31.158, § 1, 3-23-04)

CHAPTER 83. - GENERAL PROVISIONS

Section 83-1. - Zones.

In order to regulate and restrict the location, erection, alteration or use of buildings, structures or land, the township is hereby divided into eight zones known as:

"A"	Residential zone
"B"	Residential zone
"C"	Residential zone
"D"	Administrative and professional zone
"E"	Local business zone
"F"	Commercial zone
"G"	General business zone
"H"	Industrial zone

Section 83-2. - Zoning maps.

The boundaries of said zones are shown upon the map or maps designated as "Official Zoning Map of the Charter Township of Lansing" and located in the office of the township clerk. The zoning maps and all notations, references, and other information appearing thereon are hereby declared to be a part of this title and of the same force and effect as if the zones therein designed were fully set forth by metes and bounds herein. References, notations, and other information shown thereon are likewise incorporated herein with like force and effect.

Section 83-3. - Zone boundaries.

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

- (1) The zone boundaries are street centerlines unless otherwise shown; and where the designation on the zoning maps indicates a boundary approximately upon a street line, such street centerline shall be construed to be the boundary;
- (2) Where the zone boundaries are not shown to be street centerlines, the zone boundaries shall be construed to be lot lines when the land has been platted; and where the designation on the zoning maps indicates a zone boundary approximately upon property lines, said property lines shall be construed to be the boundary;
- (3) In undivided property, the zone boundary lines on the zoning maps shall be determined by measurement according to the scale of the maps.

Section 83-4. - Area regulations.

No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this title, nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided, nor shall the area of any lot be reduced below the minimum requirement herein established.

Section 83-5. - Building regulations.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to:

- (1) Exceed the height or bulk limit herein established for the district in which such building is located;
- (2) Intrude upon the area required for the front, side, and rear yards as herein established, unless specifically permitted as an exception in this title; provided, further, that the same yard space shall not serve as required yard area for more than one building.

Section 83-6. - Use regulations.

Except as hereinafter provided no building shall be erected, reconstructed or structurally altered, nor shall any building or premises be used for any purposes other than is permitted in the zone in which said building or premises is located.

Section 83-7. - Accessory building.

Where an accessory building is attached to the side or front of a main building by a wall or roof, such accessory building shall be considered part of the main building for the purpose of determining the required dimensions of yards, but if it is attached to the rear of the main building in such a manner that it is completely to the rear of all portions of the main dwelling, it may be considered an accessory building for determining required yard dimensions. An accessory building, unless attached and made part of the main building on a lot as provided in this section, shall not be less than ten feet from the main building.

Re: Building code. Nor shall any such accessory building on a permanent foundation, completely to the rear of all portions of the main dwelling and not attached to said dwelling, be erected closer than five feet to any rear lot line and not closer than five feet to any sideline.

Accessory buildings without a permanent foundation may be three feet from the rear lot line.

(Ord. No. 31.112, § 1, 10-13-87)

Section 83-8. - Corner lot accessory building.

Where a corner lot adjoins the side boundary of a lot in any residential zone no part of any accessory building within 25 feet of the common lot line shall be nearer the street bounding the side lot line than the least depth of any front yard requirement along such side street, except that in the case of a narrow corner lot where compliance with this requirement would give an impracticable depth to a private garage, the zoning board of appeals may permit the construction of such garage as near to such side street lot line as will give a practicable depth, but in no such case shall any part of such garage projecting beyond the building to which it is accessory be closer than two feet to the interior side lot line, or permit a garage building over 22 feet in length (see section 83-12). When the rear lot line forms a part or all of a side lot line of an adjacent lot, the garage shall not be closer to the rear lot line than five feet.

Section 83-9. - Essential services.

Essential services shall be permitted as authorized and regulated by law and other titles in any district, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this title.

Section 83-10. - Fences, walls, and landscape buffers.

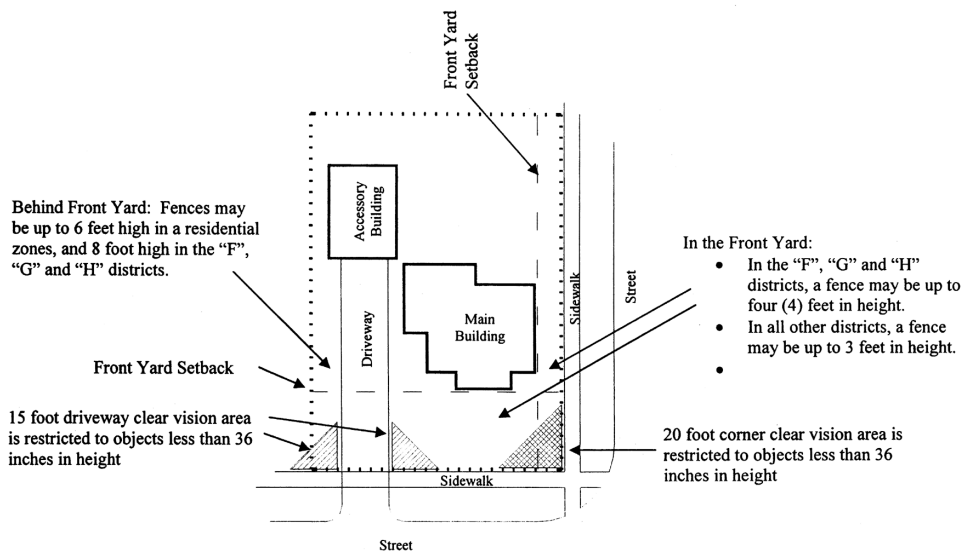
Fences, walls, and landscape buffers. The purposes of this section are to protect the use and enjoyment of property by providing for the passage of air and light; to protect the public welfare and safety by providing for the safe movement of motor vehicles and pedestrians; and to facilitate police and fire fighting services, no person shall erect, construct, modify, replace, plant or grow any fence or planting screen in violation of this chapter.

Section 83-10.1. Definitions.

- (A) *Fence* means any wall (except a retaining wall), screen, partition, or similar structure existing on a yard, which either encloses or divides land into distinct areas, separates contiguous properties, obstructs the passage of light and air into adjacent land, or obstructs the vision of motorists or pedestrians on or near public roads. Ornamental features such as walls, screens, trellises or arbors that are not located on a property or setback line may be allowed by the zoning administrator.
- (B) *Planting screen* and *landscape buffer* refer to a dense row of low-branching trees, shrubs, vines, or other plant species and types which either enclose or divide land into distinct areas, separate contiguous properties, obstruct the passage of light and air into adjacent land, or obstruct the vision of motorists or pedestrians on or near public roads.

Section 83-10.2. Fences standards.

- (A) *Residential districts.*
 1. Fences may be up to three feet in height in the front yard.
 2. Fences may be up to six feet in height in the side and rear yards.



Fence Standards

(B) *General standards.*

1. No fence, wall, planting screen or accessory structure greater than 36 inches in height as measured from grade, shall be located within a triangular section of land formed by two 15-foot perpendicular lines intersecting at the driveway and the right-of-way line and a connecting line.
2. All fences erected by an individual property owner must be located on his/her property.
3. With the exception of wireless pet restraint systems, no electrically charged fences are permitted.
4. In the "F", "G" and "H" zoning districts a wall, fence or yard enclosure may be up to eight feet in height in the side and rear yards, while fences in the front yard may be up to four feet in height.
5. For corner lots, each street frontage will be considered a front yard.
6. No person shall place, string or maintain barbed wire as part of any fence, other work or structure in any zoning district unless approved by the planning commission as a special use permit. A special use permit for this purpose shall only be considered for fences eight feet in height in the F, G or H zoning districts.
7. It is unlawful to construct any private fence or barrier within a public right-of-way.
8. All fences shall be maintained in a good condition so that they do not result in blight or an unreasonable hazard to persons who might come near them. Failure to maintain the fence shall be considered a violation of this section under chapter 17.
9. On any corner no fence, wall, planting screen or accessory structure shall rise over 36 inches in height above the level adjacent public right-of-way or sidewalk within 20 feet of any corner of said right-of-way so as not to interfere with traffic visibility across the corner.
10. Fences over six feet in height and retaining walls over four feet in height will require a building permit.

(Ord. No. 31.140, § 1, 4-30-96; Ord. No. 31.153, § 1, 9-29-98; Ord. No. 31.161, § 1, 6-28-05)

Section 83-11. - Reserved.

Editor's note— Ord. No. 31.161, § 2, adopted June 28, 2005, repealed § 83-11, which pertained to fences in side and rear yards and derived from Ord. No. 31.153, § 1, adopted Sept. 29, 1998.

Section 83-12. - Garages and carports.

In any residential zone, no garage or carport shall be erected closer to the side lot line than the permitted distance for the dwelling unless said garage or carport shall be completely to the rear of the main dwelling, erected on said lot, in which event the garage or carport may be erected five feet from the interior side lot line. If any wall is five feet or less from the property line, such wall shall be of one-hour fire rated material and entirely without windows or other openings. For lots less than 50 feet wide, a detached garage or carport, completely to the rear of the main dwelling, may be two feet from the interior side lot line, providing: Any wall five feet or less from the property line shall be of one-hour fire rated material and without windows or other openings.

No garage or carport shall be erected closer than five feet to any rear lot line, except that when a garage or carport is entered at right angles to an alley, it shall not be closer than 12 feet to the rear lot line.

An accessory building, garage, or carport, unless attached and made part of the principal building on a lot as provided in [section 83-7](#), shall not be less than ten feet from the main building. Re: Building code.

(Ord. No. 31.134, § 1, 7-12-94)

Section 83-13. - Lot-building relationship.

Every building hereafter erected or structurally altered shall be located on a lot of record as herein defined, or on a lot approved by the township, and, except in the case of an officially approved garden apartment development, or multiple housing project as provided herein, there shall be no more than one main building and the customary accessory buildings on one lot within a residential zone.

Section 83-14. - Through lot.

In any zone a through lot shall have a front yard, as hereinafter provided for its particular zone, along each street lot line.

Section 83-15. - Trailer dwelling.

It is prohibited to occupy any trailer as a dwelling in the Charter Township of Lansing except that said trailer be located in a licensed trailer coach park.

Section 83-16. - Removal of soil, sand, or other material.

The use of land for the removal of topsoil, sand, or other material native to the land is not permitted in any zone except under the temporary permit from the Lansing Township Board, which may be denied or issued in appropriate cases upon the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect, or leave the surface of the land, at the expiration of such permit, in an unstable condition, or unfit for the growing of turf, or for other land uses permitted in the zone in which such removal occurs.

Section 83-17. - Street closures.

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Section 83-18. - Structural damage.

Any building or structure which may in whole or in part be damaged or destroyed by fire, accident, windstorm or for any other reason, must be rebuilt in accordance with the regulations in this title and other pertinent provisions of this Code or all debris removed and the lot restored to a safe and sightly condition not more than six months from occurrence.

Section 83-19. - Yards for open land uses.

Where a lot is to be occupied for permitted uses without buildings or structures thereon, the side yards and front yards required herein for the zone within which such lot is located shall be provided and maintained between such use and the respective lot lines: Provided, that side and rear yards shall not be required on lots without buildings or structures used for garden purposes or public playgrounds.

Section 83-20. - Streets, private.

A. Schedule of road widths.

Motor Vehicle Parking Allowed	Traffic Use	Minimum Road Width
No parking on road	2-way rd.	20 feet
Parallel parking 1 side only	1-way rd.	20 feet
Parallel parking 2 sides	1-way rd.	26 feet
Parallel parking 2 sides	2-way rd.	36 feet

B. Suitable turning facilities shall be provided at the terminus of all dead-end streets.

Section 83-21. - Landfill.

The filling or dumping of dirt and/or sand only is permitted without special permit provided the surface of such material is graded within a reasonable time in a manner preventing collection of stagnant water, and which leaves the ground surface in a condition suitable for the growing of turf or for other land use permitted in the zone.

Section 83-22. - Mobile home dwellings.

No person shall use, occupy or permit the use or occupancy of a mobile home or trailer home as otherwise defined herein, as a dwelling within any district within the township, not designated as a licensed mobile home park, unless:

- A. A permit for the placement thereof and a building permit for the installation of the structure has been obtained. All applications for said permits shall be accompanied by a nonrefundable fee equal to fees provided for in section 88-2.5 of the township Code of Ordinances which shall be used to defray the cost of inspection as provided in this ordinance; and
- B. Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the Charter Township of Lansing Code of Ordinances relating to uses, size of premises, floor area, setback, side lot and rear lot requirements specified for the particular zoning district in which said premises is situated; and
- C. Said mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities are available to said

premises, said mobile home shall be connected thereto; and

- D. A mobile home shall be installed pursuant to the manufacturer's setup instructions and shall have a wall of the same perimeter dimensions as the mobile home and constructed of such materials and type as required in the applicable building code for single-family dwellings, and shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the building code applicable within the Charter Township of Lansing; and
- E. Construction of, and all plumbing, electrical apparatus, and insulation within and connected to, said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280), and as from time to time amended; and
- F. If placed within a flood zone, said mobile home shall meet all requirements for construction of dwellings on site within said zone; and
- G. Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards.

(Ord. No. 57, § 1, 9-8-81)

Section 83-22.1. The foregoing requirements in section 83-22 notwithstanding, the placement and use of a mobile home in any residential district within the Charter Township of Lansing shall be aesthetically compatible with single-family dwellings in the district, and as a minimum said mobile homes:

- A. Shall be so placed and situated so that the wheels shall be removed and the underside or chassis of said mobile home shall be completely enclosed and connected to the foundation; and
- B. Shall be placed upon the property in such a way that its appearance shall be compatible with single-family dwellings constructed on site within said district. (Ord. No. 57, § 1, 9-8-81)

Section 83-22.2. As used herein the term "mobile home" shall mean a movable or portable dwelling constructed to be towed on its own chassis and designed for permanent yearround living as a single-family dwelling. The term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities. (Ord. No. 57, § 1, 9-8-81)

Section 83-22.3. No person shall occupy any mobile home as a dwelling within the township until a certificate of occupancy shall be issued by the building inspector, which permit shall indicate satisfactory compliance with all requirements of the Charter Township of Lansing Code of Ordinances. (Ord. No. 57, § 1, 9-8-81)

CHAPTER 84. - PARKING AND LOADING PROVISIONS

Section 84-1. - Definitions.

The word "erected" as used in connection with any required off-street parking or loading shall be construed to refer only to such buildings as may be entirely newly erected after the effective date of this provision, and all subsequent amendments, but shall not be construed to refer to additions or alterations to buildings which exist on the effective date of this provision that increase the bulk of said buildings less than 50 percent, nor to cases of 50 percent, or less, demolition, destruction or condemnation, as set forth in section 86-7 of this title.

"Floor area" is the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings.

"Floor area, usable." For the purposes of computing parking requirements, floor area shall be considered as that area to be used for the sale of merchandise or services; serving patrons, clients or customers; or warehouse and storage areas. Such floor area which is used or intended to be used principally as stairways, elevator shafts, mechanical rooms or sanitary facilities shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

In the case of multiple uses, parking shall be computed on the actual usable floor area of each use.

(Ord. No. 31.127, § 1, 7-30-91; Ord. No. 31.170, § 1, 4-4-18)

Section 84-2. - Loading space.

On the same premises with every building, structure, or part thereof, erected, enlarged, or changed in use for purposes indicated in the following table or other uses similarly involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets or alleys and, thus, help relieve traffic congestion.

Section 84-2.1. Required off-street loading space. Accessory off-street loading spaces, each being not less than 12 feet in width, 25 feet in length, and 14 feet in height, open or enclosed, shall be provided for all permitted uses in conformity with the following table:

Type of Use	For Floor Area (in square feet)	Required Berths*
Commercial uses. Retail stores, personal services establishments, amusement, automotive service	First 2,000	none
	Next 15,000 or fraction thereof	1
	Next 15,000 or major fraction thereof	1
	Next 20,000 or major fraction thereof	1
	Each additional 40,000 or major fraction	1
Hotels or offices	First 2,000	none
	Next 50,000 or fraction thereof	1
	Each additional 100,000 or major fraction	1
Wholesale and storage establishments, building material or contractor's yards	First 20,000 or fraction thereof	1
	Each additional 20,000 or major fraction thereof	1
Manufacturing	First 20,000 or fraction thereof	1
	Each additional 20,000 or fraction thereof	1
Undertakers or funeral parlors	First 5,000 or fraction thereof	1
	Each additional 10,000 or fraction thereof	1
Hospitals**	First 10,000	none
	Each additional 200,000 or fraction thereof	1
Schools, churches, clubs, public assembly buildings	For each building	1

*Whenever any use specified in the table is located on an open lot, the requirements set forth in the table for floor area shall apply to the lot area used for such use.

**Requirements in this table are in addition to area utilized for ambulance parking.

Section 84-2.2. Plans. Detailed plans shall be submitted [to] the planning and development department [on] how the off-street loading space shall be arranged and to indicate sufficient space for maneuvering as well as adequate ingress and egress to and from the street subject to review before any permits are issued or approved.

Section 84-2.3. Site requirements. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed, and any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational or religious purposes or abuts a residential zone there shall be provided a masonry wall having a height of not less than four feet between the off-street loading space and said residential, educational, recreational or religious premises or residential zone.

Section 84-2.4. Joint use. Nothing in this title shall be construed to prevent the joint use of off-street loading space for two or more buildings or uses on the same or contiguous premises if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the provisions of this title.

(Ord. No. 31.170, § 1, 4-4-18)

Section 84-3. - Off-street parking.

Hereafter no building shall be erected or altered and no land used unless there be provided adequate off-street parking space or spaces for the needs of the tenants, personnel, and patrons together with means of ingress and egress. The space may be provided in a building, or in the open.

Section 84-3.1. General rules. Off-street parking requirements shall be met within the following general provisions:

- (1) Loading spaces as required in section 84-2 shall not be construed as supplying off-street parking space.
- (2) When units of measurements determining the number of required parking spaces result in 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.
- (3) Whenever a use requiring off-street parking is increased in floor area, or other unit of measure, and such use is located in a building existing on or before the effective date of this title, additional parking shall be provided and maintained in amount hereafter specified for that use, subject to provisions of section 84-1.
- (4) Off-street parking facilities for single or two-family residential uses shall be located on the same lot, or parcel as the building they are intended to serve.
- (5) In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned and similar in character to the use not listed shall apply.
- (6) No parking shall be permitted in yards around the house except upon the driveway. The officers of the police department, code enforcement officer or township board designee may enforce this subdivision in the same manner as the planning and development department.
- (7) Wheel stops shall be provided and located so as to prevent any vehicle from projecting over lot lines, required setbacks or sidewalks.
- (8) Section 85.11.2 (4) a through 85.11.2 (4) j shall also apply. (Ord. No. 31.100, § 1, 5-14-85; Ord. No. 31.104, § 1, 3-4-86; Ord. No. 31.127, § 1, 7-30-91; Ord. No. 31.159, §§ 1, 2, 3-23-04)

Section 84-3.2. Collective parking. Parking spaces required for non-residential uses may be reduced in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of peak operation do not overlap. Shared parking shall be located within 300 of the building it is intended to serve, and determined based on the following:

- (1) *Computation.* The number of shared spaces for two or more distinguishable land uses shall be determined by the following procedure:
- Determine the number of spaces required by each use based on square footage of usable floor area and the ratio of spaces per square feet provided within the table in section 84-3.3.
 - Multiply the minimum parking required, calculated above, for each individual use, as set for in the table below, by the appropriate percentage indicated in the table, for each of the six designated time periods.
 - Add the resulting sums for each of the six columns or time periods.
 - Select the column or time period with the highest total parking requirement, based on the above calculation, and use that total as the minimum shared parking requirement.

General Land Use Classification	Weekdays			Weekends		
	2:00 a.m.— 7:00 a.m.	7:00 a.m.— 6:00 p.m.	6:00 p.m.— 2:00 a.m.	2:00 a.m.— 7:00 a.m.	7:00 a.m.— 6:00 p.m.	6:00 p.m.— 2:00 a.m.
Office/warehouse/industrial	5%	100%	5%	0%	10%	0%
Retail sales and services	0%	90%	80%	0%	100%	60%
Restaurant (not 24-hour)	10%	70%	100%	20%	70%	100%
Residential	100%	60%	100%	100%	75%	90%
Theatre	0%	40%	90%	0%	80%	100%
Hotel: Guest rooms (calculate conference and restaurant facilities separately)	100%	55%	100%	100%	55%	100%
Conference/convention facilities	0%	100%	100%	0%	100%	100%
Place of worship	0%	25%	50%	0%	100%	50%
School, grades K—12	0%	100%	25%	0%	30%	10%

Community center, library, museum	0%	100%	80%	0%	100%	80%
-----------------------------------	----	------	-----	----	------	-----

- (2) Not more than 50 percent of the off-street parking facilities required for theatres, churches, bowling alleys, dancehalls, and establishments for the sale and consumption of alcoholic beverages, food, or refreshments may be supplied by off-street parking facilities provided for other buildings or uses.
- (3) Other uses. If one or more of the uses proposing shared parking is not found in the table above, the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based on this information, the zoning administrator shall determine appropriate shared parking requirement for uses in the calculation (1) above.
- (4) The shared parking spaces shall be maintained as long as the uses they serve are in operation.
- (5) The property owner or owners shall sign and record, with the register of deeds, a shared parking agreement that includes:
 - a. For two or more separately owned properties, a copy of a written, legally binding agreement providing for the shared use of a parking (guaranteeing access to, use of, and management of designated parking spaces), shall be filed with the zoning administrator within a reasonable amount of time following execution.
 - b. Where a shared parking application includes two or more properties owned by the same person or entity, a sworn, notarized statement shall be submitted to the zoning administrator, representing that, in the event of any change of ownership of any of the participating properties, a written, legally binding agreement providing for the continued use of shared parking (guaranteeing access to, use of, and management of designated parking spaces), will be entered into with subsequent owners and a copy provided to the zoning administrator, with copies of all amended, renewed, replacement, or successor agreements filed with the zoning administrator within a reasonable amount of time following execution.
- (6) The required off-street parking for a particular use may be reduced by a proportionate share through the use of any publicly owned parking lot within 300 feet of street travel, or for which it has been assessed.

Section 84-3.3. Amount of space. The number of required off-street parking spaces for new buildings or buildings used for new purposes, additions thereto, and additions to existing buildings as specified, shall be determined in accordance with the following minimum parking provisions:

Use	Required Parking Space
<i>Residential</i>	
1. One- and two-family dwellings	Two parking spaces for each family dwelling unit
2. Multiple dwellings	Two parking spaces per dwelling unit
3. Residential rental properties	Refer to <u>section 69A-10</u>

4. Mobile home park	One space for each occupant of legal driving age (refer to <u>Section 69A-10</u>)
5. Boarding houses and lodging houses, fraternities, private clubs	One space for each occupant of legal driving age
6. Senior independent housing	Two spaces for each unit
7. Assisted living	One space for each two beds, plus one space per employee based on maximum employment shift. Should the units revert to general occupancy, the required parking shall be two spaces per unit
<i>Institutional</i>	
8. Auditoriums (incidental to schools), churches, theaters, buildings of similar uses with fixed seats	One space for each four persons allowed under maximum occupancy, provided by the architect, plus one space per on-duty employee based on maximum employment shift
9. Nursing home, orphanage, or similar use	One parking space for each five beds, plus one space per on-duty employee based on maximum employment shift, including doctors and nurses
10. Library, museum, post office, and noncommercial gallery	One space per 400 square feet of usable floor area, plus one space for each employee based on maximum employment shift
<u>11</u> . Hospitals	One parking space for each three patient beds; plus one space for each staff or visiting doctor; plus one space for each employee or volunteer based on maximum shift
12. Clinics, medical offices, dental offices, and urgent care	Three spaces for each exam room, plus one space for each employee and professional
13. Elementary and junior high schools with bus service	One space for each teacher, administrator, and employee; additional parking required for an auditorium and/or gymnasium

14. Elementary and junior high schools without bus service	One space for each teacher, administrator, and employee; additional parking required for an auditorium; one stacking space for every three students, not to interfere with parking spaces or fire lanes. Stacking spaces may be reduced based on school operations by Zoning Administrator
15. High schools	One for each teacher, employee, and administrator; plus one for each ten students. Plus the requirements of the auditorium, assembly hall, or gymnasium provided at a rate 50% of the requirements for those uses as specified herein
16. Colleges, universities, and business or trade schools	One per three persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes
17. Stadia and sports arenas	One for each three seats and one for each one employee under maximum employment shift
18. Dance and union halls, civic clubs, fraternal orders, exhibit halls, ballrooms, banquet halls, conference centers, or any similar type of use.	One per 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 based on maximum employment shift
19. Mortuaries or funeral homes	20 spaces for each 1000 square feet in service parlors, chapels and reception areas, plus one for each funeral vehicle stored on the premises
20. Public utility uses	One per on-duty employee based on maximum employment shift, plus one for each utility vehicle stored on site.
<i>Commercial</i>	

21. Hotel, motel, or other commercial lodging	One space each for 80% of total guest rooms, plus one for each employee in the largest working shift, plus the amount required for accessory uses provided at the rate of 50% or the requirements for such uses as specified herein
23. Retail stores and centers, except as otherwise specified herein, less than 25,000 square feet	Five spaces for each 1000 square feet of usable floor area
23. Retail stores and centers, except as otherwise specified herein, 25,000 square feet or greater	Four spaces for each 1000 square feet of usable floor area
24. Retail centers with retail shopping mall (enclosed)	Five spaces for each 1000 square feet of usable retail floor area plus four spaces for each 1000 square feet of enclosed concourse area
25. Establishments for sale and consumption of alcoholic beverages, food or refreshments, including outdoor patio seating	One space for each 50 square feet of usable floor area, plus one for every 4 seats, plus one per employee on maximum shift. Ratios may be altered by Zoning Administrator based on limiting occupancy when supported by unique operational plan
26. Establishments for sale and consumption of food or refreshments, without alcohol, including outdoor patio seating	One space for each 75 square feet of usable floor area, plus one for every four seats, plus one per employee on maximum shift. Ratios may be altered by zoning administrator based on limiting occupancy when supported by unique operational plan
<u>27.</u> Drive-through takeout restaurants and drive-through windows for eating establishments	Ten stacking spaces, plus a bypass lane, plus any required spaces for the restaurant to which the drive-through is accessory. Stacking spaces shall not encumber parking lot circulation or required spaces
28. Carry-out restaurants	One per 200 square feet of usable floor area, plus one space per employee based on maximum employment shift
<u>29.</u> Office without client visits (general)	One space for each 250 square feet of usable floor area

30. Office with regular client visits (professional)	One for each 200 square feet of usable floor area
31. Business and professional office, greater than 50,000 square feet	One for each 300 square feet of usable floor area
32. Radio or television station or studio	One per employee based on maximum employment shift, plus any required spaces for an auditorium or public seating space with a studio
33. Banks, credit unions, savings and loan establishments, pharmacies, cleaners, tailors, and similar businesses	One per 250 square feet of usable floor area, plus one space for each employee on maximum employment shift, plus five stacking spaces for the first drive-through window or ATM lane, and two for each thereafter
34. Furniture and appliance stores, household equipment or furniture repair or service shops, hardware and paint stores	One space for each 500 square feet of usable floor area, plus one per employee according to maximum employment shift
35. Beauty parlors, barbershops, tanning salons, massage therapists, nail salons, tattoo and piercing parlors	Two spaces for each tanning bed, massage table, workstation, beauty parlor and/or barbershop chair; plus one for each employee according to maximum employment shift
36. Laundromats and coin-operated dry cleaners	One for each two washing machines, plus one space for each on-site employee based on maximum employment shift
37. Child care centers	One space for every eight children, plus one space for each employee under maximum employment shift. One stacking space for every five children, not to interfere with parking spaces or fire lanes, if curbside pick-up is allowed
38. Automobile sales	One space for every 400 square feet of usable floor area in the showroom, one space for each automobile, recreational vehicle or trailer for sale, one space for every employee on the maximum shift, and additional two spaces for each service stall in the service area if applicable

39. Motor vehicle repair	Three spaces for each repair and service stall, plus one for every employee based on maximum employment shift
40. Automotive detail shops and auto body shops	Five spaces for each service area, plus one for each employee based on maximum employment shift
41. Drive-through carwashes, automatic	One space per employee based on maximum employment shift, plus ten stacking spaces per automatic wash operation or line. A 30-foot long drying space shall also be provided at the exit of each washing line to prevent undue amounts of water from collecting on the public street and creating a traffic hazard
42. Drive-in carwashes, self-service	Two stacking spaces per wash bay at the entrance, and one space at the exit
43. Full-service gasoline stations, Quick Lubes, and self-service gas stations	One per employee based on maximum employment shift, plus one per fueling location, one stacking space per two fueling locations, two spaces per service repair bay, and any required spaces for permitted accessory or associated uses (restaurants, convenience stores, etc.)
44. Athletic facilities, health clubs, fitness clubs, dance studios, personal training facilities, swimming clubs, tennis clubs, gymnasiums	One per three persons allowed within the maximum occupancy load, plus one space per employee based on maximum employment shift
45. Bowling alleys	Four spaces for each lane plus one space for each employee on the largest working shift, plus any required spaces for permitted accessory or associated uses (restaurants, retail stores, etc.)
46. Private golf clubs, golf courses, and par three golf courses	Four spaces for each hole plus one space for each employee based on maximum employment shift, plus amount required for accessory uses
47. Driving ranges	One per tee, plus one per employee based on maximum employment shift

48. Miniature golf courses	Three per golf hole plus one space per employee based on maximum employment shift
49. Greenhouses without retail and medical marijuana indoor growing facilities	One parking space per employee based on maximum employment shift, plus one visitor parking space for every 2,500 square feet
50. Warehouses, wholesale stores, storage areas, contractor facilities, on-site equipment storage, and truck terminals	One space for each 800 square feet of usable floor area plus one for each employee based on maximum employment shift, plus one per fleet vehicle or equipment vehicle stored on site
51. Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops	One space for each employee based on maximum employment shift, plus one for each company vehicle stored on the premises, plus three visitor parking space for the first 10,000 square feet of usable floor area or portion thereof, and one space for every additional 10,000 square feet
52. Miniwarehouses to include a building or group of buildings that contain varying sizes of individual, compartmentalized stalls or lockers	Five spaces per development plus two spaces for a full-time caretaker, one per employee based on maximum employment shift, and one space for every 20 storage units. Access to individual storage units shall provide for loading/unloading of vehicles adjacent to units without impeding internal traffic flow

(Ord. No. 31.100, § 1, 5-14-85; Ord. No. 31.113, § 1, 1-5-88; Ord. No. 31.119, § 1, 6-21-88; Ord. No. 31.127, § 1, 7-30-91)

Section 84-3.3a. Where a use is not specifically listed in a schedule of parking requirements, the parking requirements of a similar use shall apply. The zoning administrator shall make the interpretation. (Ord. No. 31.100, § 1, 5-14-85)

Section 84-3.4. Existing parking. Any building used for an existing purpose which meets the parking requirements of this title on the effective date thereof or at any subsequent time shall continue to comply fully with all the requirements hereof. Any new buildings constructed or existing buildings used for new purposes after the effective date of this title shall comply fully with the requirements of section 84-3.3. Any building used for an existing purpose which partially meets the requirements of this title on the effective date thereof or any subsequent time shall thereafter continue to comply as nearly with these requirements as the highest degree of compliance reached. (Ord. No. 31.100, § 1, 5-14-85)

Section 84-3.5. General requirements.

- (1) The parking space required in section 84-3 and its subdivisions shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.
- (2) No charge shall be made for parking to the customers, employees, or visitors of the establishment providing the parking facilities.
- (3) No business involving the repairs or services to vehicles permitted thereon, or sale or display thereof, shall be conducted from or upon such premises.
- (4) No advertising signs shall be erected on required parking spaces except that not more than one directional sign at each point of ingress or egress may be erected which may also bear the name of the operator of the lot and enterprise it is intended to serve. Such signs shall not exceed 20 square feet in area nor an overall height above the ground of 15 feet and shall not project beyond the property line of the premises.
- (5) A suitable means of ingress or egress for vehicles to premises used for parking shall be provided, and shall open directly from and to a public street, alley, or highway. Exits from parking lots serving nonresidential uses, which are adjoining or opposite property zoned for residential purposes shall not exceed 25 feet in width in the aggregate onto a residential street. The location of all entrances and exits shall be approved by the planning and development department, along with appropriate road agencies, prior to the granting of any permit therefor.
- (6) All parking lots shall be surfaced with a hard or semi-hard, dust-free surface.
- (7) All parking lots in commercial and multi-family residential (excluding single and two-family) zones shall be lighted after dark throughout the hours when they are accessible to the public. Such lighting shall not exceed an intensity of ten footcandles nor shall it be less than one footcandle at pavement level, with a total average of five footcandles on the site. The installation of such lighting shall be so hooded or shielded as to reflect the light away from abutting or neighboring property.
- (8) Whenever a parking lot in a nonresidential zone abuts a lot zoned for residential use there shall be placed an approved four-foot-high masonry wall or fence along the mutual boundary; provided, that the wall or fence shall be reduced to three feet in height between the front property line and a point 25 feet back from the front property corner of the residential property.
- (9) For every 20 parking spaces required, or fraction thereof, one space may be dedicated to electric vehicles only and still count toward the required number of spaces.
- (10) It shall be unlawful for any person to push or deposit snow, or cause snow to be pushed or deposited from his/her own personal driveway or parking area into the public streets and/or right-of-way so as to cause a nuisance or obstruction. The township may cause such deposits of snow to be removed from the street, and the cost of such removal shall be charged to the property owner.

No person, firm, corporation, property owner or occupant shall remove snow or ice from any parcel of real estate and place it upon another parcel of real estate without the express permission of the owner of the parcel of real estate upon which the snow or ice is to be placed.

No person, firm, corporation or partnership or the owner, tenant, lessee or occupant of any premises having parking spaces reserved for vehicles, or any contractor employed for the removal of snow and ice, shall block access to parking spaces reserved for vehicles by the plowing, piling or placement of snow and ice in such reserved spaces.

All snow shall be cleared from parking aisles and parking spaces within 24 hours of snowfall, and snow shall not be stored in any parking space, parking aisle, driveway, or sidewalk.

Section 84-3.6. Restricted accessory parking for commercial and industrial areas. The township board may permit accessory parking for commercial and industrial purposes within an adjacent residential zone under the following conditions and safeguards:

- (1) A public hearing is held by the township board in accordance with the procedure given in section 88-2.4.
- (2) All of the requirements, except those conflicting with this section, given in section 84-3.5, are enforced.
- (3) No parking shall be permitted between the street line and the building line established by the required minimum front yard depth in the zone in which such lot is located. The resulting open area shall be planted to grass, or otherwise landscaped to create a permanent green area.
- (4) An approved four-foot-high masonry wall or fence shall be built along the mutual boundary of the restricted accessory parking area and adjacent land zoned to a residential classification except for the boundary included within a required front yard. (See next item.)
- (5) Whenever a lot located in a residential zone and used for accessory parking purposes is located across the street from other land in any residential zone, that portion of the lot used for parking purposes shall be enclosed with an approved four-foot-high masonry wall or fence placed along the building line.
- (6) Ingress and egress for vehicles to premises used for parking shall be provided and shall be by means of streets or alleys through the business or industrial property, the alley adjacent to the business and residential property, or by means of streets adjacent to such parking premises where such means of ingress and egress can be established adjacent to an alley and not adjacent to land designated for residential use.

Section 84-3.7. Plot plan to be filed. Each owner, occupant, or person in charge of any building, or premises for which off-street parking facilities are required or permitted, under the provisions of this chapter, shall be required to file a plot plan for approval of the parking area proposed at least ten days prior to the use of such parking area. Such plot plan shall show the boundaries of the property involved, the location and size of building or buildings on said property, use of property parking spaces, circulation patterns and construction plan for boundary walls or fences as approved.

(Ord. No. 31.170, § 1, 4-4-18)

CHAPTER 85. - USE, HEIGHT, AREA REGULATIONS

Section 85-1. - "A" residential zone.

The "A" residential zone is designed to provide a district for single-family detached dwellings with suitable open space at a medium density. Community facilities and open uses which serve the residents or are benefited by an open residential environment are also included with special provisions to protect the residential character of the zone.

Section 85-1.1. Uses permitted. The specific uses permitted in the "A" residential zone shall be the erection, construction, alteration, conversion or use of buildings and/or land for:

- (1) Uses permitted as of right:
 - a. One-family dwellings.
 - b. Public parks and playgrounds.
 - c. Golf courses, except miniature courses and driving ranges operated for commercial purposes. A clubhouse is permitted as an accessory building of a private golf course: Provided, it is located 100 feet or more from all its

- property lines.
- d. Licensed or accredited schools.
 - e. Museums, libraries, fire stations, and other public buildings except garages and maintenance buildings.
 - f. Railroad rights-of-way but not including road yards, shops, roundhouses, or commercial activity within the railroad right-of-way.
 - g. Pipeline rights-of-way not to exceed 20 feet in width in which may be laid, maintained, and operated any number of pipelines: Provided, that the surface of the lands disturbed in laying and maintaining said lines shall be restored as near as may be to their original condition by the owner of the right-of-way.
 - h. Accessory buildings not exceeding 24 feet by 24 feet or 576 square feet with a maximum door opening of six feet in width. Provided, such buildings shall be erected and maintained only as accessories to the main use situated on the same lot and shall not involve an activity connected with any business or manufacturing or be used as storage buildings of construction equipment and materials.
 - i. Pets, but not kennels as defined herein.
 - j. Private garages with one-car capacity for each 20-foot unit of street frontage up to three-car total combined car capacity of attached and detached garages. A two-car garage shall not exceed 24 feet by 26 feet or 624 square feet and a three-car garage shall not exceed 32 × 24 feet or 768 square feet.
 - k. Temporary buildings or trailer offices for uses incidental to on-site construction work, which buildings or trailer office shall be removed upon the completion or abandonment of the construction work.
 - l. One nonilluminated trespassing, safety, or caution sign not over two square feet in area shall be permitted on one lot.
 - m. Not more than one nonilluminated subdivision sign advertising the sale or rental of premises for subdivision development on which it is maintained and having an area not to exceed 100 square feet nor three square feet for each lot within the subdivision shall be permitted in a subdivision. The overall height of any ground sign permitted herein may extend not more than 12 feet above the ground. Such signs shall set back from any street lot line at least a distance in feet equal to the number of square feet area of the sign but in no case less than 20 feet or more than 100 feet; when attached to a building they shall be attached flat, not projecting from the face of the building. Such subdivision signs are permitted only on a temporary permit basis which shall be issued for a maximum legal effective period of not over two years. Such signs shall be removed when the permit becomes void or when active real estate sales operations cease, whichever condition comes first.
 - n. A sign advertising the rental, lease, or sale of an individual or single isolated parcel upon which it is maintained shall not exceed six square feet in area.
 - o. One bulletin board for a church or school, not over 12 square feet in area, when located at least 12 feet from all property lines. Such sign may be illuminated if the source of light is not visible.

One ground sign for a church or school with a maximum height of eight feet above ground and a maximum display area of 40 sq. ft. A sign greater than three feet in height above ground must not be within ten feet of the property line.
 - p. Private swimming pool: As an accessory use provided that the requirements established by chapter 103 of this Code are met.
 - q. Family day care homes:
 - (1) There shall be fenced contiguous open space of a minimum of 3,000 square feet provided on the subject parcel. Said open space shall not be located within a required front setback area.

- (2) The family day care home shall be properly licensed by Michigan Department of Social Services.
- (2) The board of trustees may authorize the following uses by special permit if the following conditions are satisfied: a public hearing is held in conformance with section 88-2.4, the specific standards of the particular use stated herein are met, and the general spirit and purpose of this zone are maintained.
- a. Churches: Provided, the site is a minimum of one acre in size (43,560 square feet), the building to be used as a church is not a tent, basement or cellar structure, the parking area is adequately screened from the surrounding residential area and not in the front yard, the site is on a collector street (secondary major thoroughfare) or major thoroughfare capable of serving the extra traffic, a convent is not permitted as an accessory use, and standards stated for this use elsewhere in this title shall be fulfilled.
 - b. Parsonages or ecclesiastic residences not located upon a church site: Provided not more than three unrelated persons will permanently reside in the premises, including domestic help, and provided further that the applicant shall demonstrate that the premises are to be used for residential and not for office or business purposes.
 - c. Public utility buildings for gas, water, electrical service, telephone exchanges, transformer stations and substations: Provided, that any facilities used in connection therewith and located in the open air shall not be within 50 feet from any lot line; have a greenbelt at least four feet in width around the entire inside perimeter of the lot, but with due consideration given to points of ingress and egress and traffic visibility; shall not be used for the storage of equipment or vehicles; shall be judged as being not injurious to the surrounding neighborhood.
 - d. Home occupations: Provided, the requirements as set forth in the definition in section 82-2(29)(35) [sic] are fulfilled. Any home occupation requiring persons not members of the immediate family to bring, or appear at the home to obtain articles shall have the effective period of the special permit limited to one year with the possibility of renewal annually after review.
 - e. Supporting towers or masts exceeding ten feet above the highest point of the roof if conditions stated in section 85-9.2 are met.
 - f. Group day care homes:
 - (1) There shall be a fenced contiguous open space for a minimum of 3,000 square feet provided on the subject parcel. Said open space shall not be located within a required setback area.
 - (2) Group day care home shall not have more than one employee working at the home at any given time other than the primary caregiver and members of their immediate family.
 - (3) The group day care home shall be properly licensed by the Michigan Department of Social Services.
 - g. Communication towers as allowed in chapter 105 with exception of guyed wired towers.
 - (1) Minimum site size required will be 60 feet frontage with 100 feet depth.
 - (2) Setbacks: Front, 25; side, 15 feet; rear, 30 feet.
 - (3) No signage permitted on the site except what is allowed or required on the tower.
 - (4) Applicant must demonstrate attempts of co-location.
 - (5) Height: 100 feet maximum with measurement to be made from ground level.
 - (6) Landscaping of accessory buildings and tower: Landscaping and screening shall be provided in the form of shrubs, trees or bushes with a minimum height of six feet that will not interfere with the maintenance of the structures.

Opaque fencing will be required not to exceed six feet in height in the rear and side yards. (Ord. No. 31.94, § 1, 5-3-83; Ord. No. 31.103, § 1, 4-2-85; Ord. No. 31.115, § 1, 6-21-88; Ord. No. 31.125, § 1, 9-25-90; Ord. No. 31.144, § 1, 12-9-97)

Section 85-1.2. Front yard.

In the "A" residential zone there shall be a front yard having a depth of not less than 25 feet; provided, however, that where established buildings within the same block vary from this minimum required front yard, a new building shall be constructed with a front yard equal to the average of those for buildings located on each side of the proposed building; provided, further, that this regulation shall not be so interpreted as to require a front yard of more than 50 feet or less than 15 feet.

No accessory building shall project into the required front yard area, but steps and ornamental projections may extend from the face of the building into the required front yard a maximum of four feet.

Section 85-1.3. Side yards for dwellings. In the "A" residential zone there shall be a minimum side yard on each side of a dwelling building located upon a separate lot in accordance with the following schedule:

- (1) *Side yards.* In a residential zone A, there shall be a side yard of ten percent of the width of the lot at the building line on one side and a minimum of nine feet on the second side (allowing access to the rear yard).
- (2) *Corner lots.* A side yard abutting the side street of a corner lot shall not be less than 25 feet in width. Providing: A lot of record with frontage of less than 51 feet may have a side yard abutting the side street reduced to not less than 15 feet. (See [section 83-8.](#))

Section 85-1.4. Side yards for schools, churches, public assembly buildings. In the "A" residential zone there shall be a minimum side yard of 15 feet on each side of a school, church, library, and other public assembly buildings.

Section 85-1.5. Projection into side yards. Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and other similar features may project into a required side yard a maximum of 24 inches.

Section 85-1.6. Rear yard. In the "A" residential zone there shall be a rear yard having a depth of not less than 30 feet.

Section 85-1.7. Building height. In the "A" residential zone no building hereafter erected or structurally altered shall exceed 2½ stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.

Section 85-1.8. Lot coverage. In the "A" residential zone no building shall cover with its usual accessory buildings more than 40 percent of the total lot area.

Section 85-1.9. Lot area.

In the "A" residential zone every building hereafter erected or structurally altered for a one-family dwelling or other buildings permitted as of right shall be located upon a lot having an area of not less than 7,200 square feet. All interior lots shall be a minimum width of 60 feet frontage on the street and all corner lots shall be a minimum width of 66 feet: Provided, that interior lots on irregular and curving streets shall have a minimum frontage of 50 feet and the width at the building line shall be a minimum of 60 feet.

Any lot of record with an area less than 7,200 square feet or with a width less than that required may be used only for a one-family dwelling and the usual accessory buildings.

Section 85-1.10. Interior living space. The minimum square feet of living space, exclusive of any area contained within an attached garage and porches, required for each family shall be 720 square feet of floor area at ground level for one-story dwelling, 624 square feet for dwellings over one story in height.

Section 85-2. - "B" residential zone.

The "B" residential zone is intended to be used principally for one-family dwellings but two-family dwellings are permitted to provide for limited investment in rental dwellings and the occasional need for two related families to be in close proximity to each other. There is no intent to limit the two-family dwelling to two dwelling units lying side by side, or one above another, but two independent or freestanding one-family dwellings on one lot will not be permitted under the term "two-family dwellings."

Section 85-2.1. Uses permitted. The specific uses permitted in the "B" residential zone shall be the erection, construction, alteration, conversion or use of buildings and/or land for:

- (1) Uses permitted as of right.
 - a. Any use permitted as of right in "A" residential zone and listed in section 85-1.1 subsection (1).
 - b. Two-family dwellings.
- (2) The board of trustees may authorize the following uses by special permit if the following conditions are satisfied: a public hearing is held in conformance with section 88-2.4, the specific standards of the particular use stated herein are met, and the general spirit and purposes of this zone are maintained.
 - a. Any use allowed in the "A" residential zone by special permit and listed in section 85-1.1 subsection (2). (Ord. No. 31.148, § 1, 12-9-97)

Section 85-2.2. Front yard. The front yard requirements shall be the same as those stated in section 85-1.2 for the "A" residential zone.

Section 85-2.3. Yard requirements. The front, side, rear yard requirements shall be the same as those stated in sections 85-1.2, 85-1.3, 85-1.4, 85-1.6.

Section 85-2.4. Projections into side yards. Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and other similar features may project into a required side yard a maximum of 24 inches.

Section 85-2.5. Building height. No building hereafter erected or structurally altered shall exceed 45 feet. Provided, however, public, semipublic buildings, churches, permitted in the zone may be erected to a height not exceeding 60 feet if the building is set back from each required yard line at least one more foot for each foot of additional building height above 45 feet. Accessory buildings shall not exceed 15 feet in height.

Section 85-2.6. Lot coverage. No building with its accessory building shall cover more than 40 percent of the total lot area.

Section 85-2.7. Lot area.

Every building hereafter erected or structurally altered for a one-family dwelling, public library, or fire station shall be located upon a lot having an area of not less than 7,200 square feet. A two-family dwelling, museum, or other public building permitted by right in this zone but not specifically mentioned shall be located upon a lot having an area of not less than 10,000 square feet.

Any lot of record with an area less than 7,200 square feet or with a width less than that required may be used only for a one-family dwelling and the usual accessory buildings.

All interior lots shall be a minimum width of 60 feet frontage on the street and all corner lots shall be a minimum width of 66 feet: Provided, that interior lots on irregular and curving streets shall have a minimum frontage of 50 feet and a width at the building line shall be a minimum of 60 feet.

Section 85-2.8. Interior living space. The minimum square feet of living space, exclusive of any area contained within an attached garage and porches, required for a one-family dwelling shall be 720 square feet of floor area at ground level for one-story dwellings, 624 square feet for dwellings over one-story in height. A two-family dwelling shall provide a minimum of 720 square feet of living space, exclusive of any area contained within an attached garage and porches, for each family, and such buildings shall have a minimum floor area at ground level of 720 square feet.

Section 85-3. - "C" residential zone.

The "C" residential zone is designed to provide a district for various types of residential buildings and group developments under specific population density controls. It is intended to recognize that various forms of residential living and site development are desirable, but at the same time regulate such developments to prevent congestion on the public streets, reduce hazards to life and property, provide desirable light and air to dwelling units, recreation space and basic amenities. Community facilities and open uses which serve the residents or are benefited by a residential environment are also included with special provisions.

Section 85-3.1. Uses permitted. The specific uses permitted in the "C" residential zone shall be the erection, construction, alteration, conversion or use of buildings and/or land for:

(1) Uses permitted as of right.

- a. Any use permitted as of right in "B" residential zone and listed in section 85-2.1 subsection (1).
- b. Multiple dwelling.
- c. Group housing, garden apartments. Two or more residential buildings of similar or different character may be built upon one lot when a final project plan thereof is submitted to and approved by the planning commission subject to the following conditions:
 1. Buildings shall be for residential purposes and customary accessory uses only.
 2. Multiple dwellings, garden apartments will be designed for no more than eight dwelling units in one building at ground level.
 3. The lot is serviced by public water and sanitary and storm sewer systems.
 4. Lot area, parking, recreation space, and other requirements for this zone are satisfied.
 5. The project is to be developed and maintained as one unified design.
- d. Boardinghouse.
- e. Lodginghouse.
- f. Orphanages; convents; convalescent, nursing and rest homes.
- g. Churches: Provided, the site is a minimum of one acre in size (43,560 square feet), the building to be used as a church is not a tent, basement or cellar structure, the parking area is adequately screened from the surrounding residential area and not in the front yard, the site is on a collector street (secondary major thoroughfare) or major thoroughfare capable of serving the extra traffic, and standards stated for this use elsewhere in this title shall be fulfilled. A convent or parochial school shall not be considered an accessory building.
- h. Private garages up to 320 square feet per dwelling unit.

- i. Swimming pools, as an accessory use, provided that the requirements of chapter 103 of this Code are met.
 - j. One ground sign for an apartment complex with a maximum height of eight feet above ground and a maximum display area of 40 square feet. A sign greater than three feet in height above ground must not be within ten feet of the property line.
- (2) The board of trustees may authorize the following uses by special permit if the following conditions are satisfied: a public hearing is held in conformance with section 88-2.4, the specific standards of the particular use stated herein are met, and the general spirit and purposes of this zone are maintained.
- a. Any use allowed in the "A" residential zone by special permit and listed in section 85-1.1 subsection (2) as an accessory use to any of the uses authorized in this section 85-3.1 with the same minimum standards stated in section 85-1.1 subsection (2).
 - b. Campgrounds: Provided, the plan is approved by the State of Michigan in accordance with PA 368 of 1978 as amended (MCL 332.12501 and MSA 14.1512501); the development is in accordance with the following standards:
 - 1. Site development uses. Any campground park may include recreation units, one permanent building for conducting the business operation, accessory buildings for storage of materials and equipment necessary for the operation of the campgrounds, off-street parking.
 - 2. Space requirements. The minimum unit area of premises used or occupied by each recreation unit shall be 2,500 square feet, clearly defined on the ground by stakes, posts, or other markers, except that where a separate parking area is provided on the campground premises for motor vehicles and no motor vehicles are parked on the recreation unit area, the minimum unit area of the premises used or occupied by each recreation unit shall be 2,000 square feet.
 - 3. Spacing. There shall be unobstructed open spaces between the sides or end and sides of adjacent recreation unit of not less than 15 feet and not less than ten feet of unobstructed open space between the ends of adjacent recreation units. Hitches shall not extend beyond the boundary lines of the sites. Space between recreation units may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet from the nearest adjacent site boundary.
 - 4. Yards. No recreation unit shall be located closer than 25 feet from the right-of-way line of a public street, or 15 feet from the trailer coach park side property line, or 20 feet from the rear property line.
 - 5. Roads. One passenger motor vehicle may be parked on the private road in front of the recreation unit site, provided it complies with the Schedule of Road Widths as follows:

SCHEDULE OF ROAD WIDTHS

Motor Vehicle Parking Allowance	Traffic Use	Min. Road Width
No parking on road (separate lot or on-site parking provided)	2-way road	20 feet
Parallel parking, 1 side only	1-way road	20 feet
Parallel parking, 2 sides	1-way road	26 feet
Parallel parking, 2 sides	2-way road	36 feet

- 6. Parking. One and one-half parking spaces shall be provided per trailer coach site within the trailer coach park.
- 7. Access. Each individual trailer coach site shall abut or face on a clear unoccupied paved space, driveway, roadway or street of no less than 20 feet in width, which shall have unobstructed access to a public highway.

8. Walks. A 30-inch wide concrete walk shall be provided from the entrance of each trailer to all required service facilities.
9. Building height. No building or structure hereafter erected or altered shall exceed 15 feet.
10. Screens. A greenbelt planting strip, not less than eight feet in width, shall be located along lot lines not bordering a street. An open-structure wood or wire mesh fence may be built on the property lines in lieu of a greenbelt; said fence shall be not less than four feet nor more than six feet in height and shall not include barbed wire in its construction.

A planting or fence may be used across the front of the property if it is no closer than 25 feet to the front property line.

11. If any of these requirements are less than those in State of Michigan Act 243, Public Acts 1959, as amended, the state requirements shall prevail.
- c. Private clubs, lodges, community centers: Provided, the site is a minimum of one-half acre in size, the use is social and not a business, the parking area is adequately screened or walled from the surrounding lots zoned for residential purposes.
 - d. Day nursery: Provided, there is not more than one dwelling unit used for residence purposes on the site; the site shall contain a minimum area of 9,000 square feet on which there may be kept four children in addition to the children of the foster family; for each child not a member of the family in excess of four there shall be provided 200 square feet of lot area in addition to the base figure of 9,000 square feet; there shall be provided on the site a usable outdoor play area at the rate of 75 square feet per child, exclusive of required front yard, required side yard along a street, and of driveways and parking areas. The play area shall be fenced for safety.
 - e. A use permitted in the administrative and professional zone: Provided, it is on a lot of not less than one acre in size and adjacent or across a street or alley from a lot located in the administrative and professional zone and fronting upon the same street. (Ord. No. 31.128, § 1, 4-21-92; Ord. No. 31.136, § 1, 6-27-95; Ord. No. 31.147, § 1, 12-9-97)

Section 85-3.2. Yards for one building per lot. In the "C" residential zone the yard requirements when there is only one major building on one lot shall be in accordance with the following schedule:

- (1) For all buildings there shall be a front yard having a minimum depth of 25 feet; provided, however, that where established buildings within the same block vary from this minimum required front yard, a new building shall be constructed with a front yard equal to the average of those for buildings located on each side of the proposed building; provided, further, that this regulation shall not be so interpreted as to require a front yard of more than 50 feet or less than 15 feet.

No accessory building shall project into the required front yard area, but steps, and ornamental projections may extend from the face of the building into the required front yard a maximum of four feet.

- (2) Residential buildings two stories or less in height shall have two minimum side yards in accordance with the schedule stated in section 85-1.3.
- (3) Residential buildings over two stories or 30 feet in height shall have a minimum side yard on each side of the building of seven feet plus five feet for each story over two in height.
- (4) Nonresidential buildings shall have two side yards, each of which shall be 15 feet for a building two stories or 30 feet in height and 20 feet for a building three stories or 40 feet in height. Any building or portion of a building over 40 feet in height shall have two side yards of 20 feet plus one foot for each additional foot of height above

40.

- (5) For all buildings there shall be a rear yard having a minimum depth in accordance with the following schedule:
- a. Residential buildings—30 feet for the first two stories plus five feet for each additional story over two.
 - b. Nonresidential buildings—30 feet for the first 30 feet of height plus one-half foot for each additional foot in height over 30 feet.

Section 85-3.3. Regulations for group housing. The following requirements shall apply to group housing projects when two or more garden apartments, apartment buildings, one-family homes, or mixture of housing types are located on the same lot as permitted in the "C" residential zone:

- (1) The minimum horizontal distance between buildings (that is front to front, rear to rear, or front to rear, as the case may be) shall be 50 feet for buildings two stories in height, and this shall be increased by not less than five feet for every story added: Provided, where the difference in elevation of a site between buildings is equal to the height of one or more stories, these increases of five feet may be reduced by the township planning commission when reviewing the project plans. The minimum distance between buildings may be decreased by as much as ten feet toward one end if it is increased by a similar distance at the other; and consistent modifications are permitted by the township planning commission to accommodate plans which are not conventional in their outline or in their relations to other buildings.
- (2) The horizontal distance between the ends of buildings shall be 20 feet or more for one- or two-story dwellings. Where the end of one building is opposite the face or rear of another building the minimum horizontal distance between them shall be 30 feet for buildings two stories in height. These distances shall be increased by not less than five feet for every story added.
- (3) The horizontal distance between corners of adjacent buildings that do not face each other or overlap shall be 20 feet.
- (4) Distances between building wings shall be not less than the projection of such wings, or one-half of the height of such walls measured between the finished grade and the top of the parapet, whichever is the greater.
- (5) No closed courts shall be permitted. However, open arcades or garden walls not over six feet in height shall not be deemed enclosing features.
- (6) No dwelling unit in a development shall be farther than 100 feet from a street or private access drive.
- (7) No building shall be closer than 25 feet to any street or private access road; 35 feet to any rear property line; ten feet to an interior side property line for buildings up to 35 feet in height. For each foot of building height above 35 feet add one foot to the required ten feet from an interior-side property line and to the rear yard.
- (8) Private street circulation shall meet the following minimum requirements for public safety:
 - a. A minimum pavement width of 20 feet when parking is prohibited.
 - b. No dead-end street shall be more than 300 feet in length, or serve more than 100 families as a means of vehicular access.
 - c. Suitable turning facilities are provided for vehicles at the terminus of all dead-end streets.

Section 85-3.4. Play areas. A play area especially planned for children under eight years of age shall be provided in all rental developments for eight or more family dwelling units upon one lot. This area shall consist of a minimum of 25 square feet per family dwelling unit and be provided as an integral part of the proposed development.

Section 85-3.5. Building height.

The maximum height of the buildings housing the principal use shall be governed by the required yard and lot area requirements.

Accessory buildings shall not exceed 15 feet in height.

Section 85-3.6. Lot coverage. Not more than 40 percent of the lot, excluding the area within private roads of a group housing project, shall be covered by buildings.

Section 85-3.7. Lot area.

Every building hereafter erected or structurally altered for a one-family dwelling shall be located upon a lot having an area of not less than 6,000 square feet. All interior lots shall be a minimum of 50 feet frontage on the street and all corner lots shall be a minimum width of 60 feet: Provided that interior lots on irregular and curving streets may have a minimum frontage of 40 feet if the width at the building line is at least 50 feet.

Any lot of record with an area of less than 6,000 square feet or with a width less than that required may be used only for a one-family dwelling and the usual accessory building: Provided, whenever two or more adjacent lots of record have individually an area of less than 5,000 square feet or frontage less than 50 feet, but were under the same ownership at the effective date of this title, they shall be considered as one parcel or partitioned to create lots conforming with these standards for building purposes.

Two-family and the various types of multiple dwellings shall be located upon a lot having at least the minimum area as set forth in the classifications that follow according to the designation established by the planning commission and approved by the township board, which are to be established according to the requirements of the geographical area, facilities available, master plan and other relevant criteria in relation to the township master plan:

		Lot Area (Sq. Ft.)*
C(1) Low density dwelling unit		
	Each family unit	6,000
C(2) Intermediate low density dwelling unit		
	First family dwelling	6,000
	Each family dwelling over the initial dwelling unit	3,000 plus 500 sq. ft. for the second bedroom per unit. 750 sq. ft. for each bedroom over two per unit
C(3) Medium density dwelling unit		
	First family dwelling	6,000
	Each family dwelling over the initial dwelling unit	2,000 plus 500 sq. ft. for each bedroom over one
C(4) High density dwelling unit		
	First family dwelling	6,000
	Each family dwelling over the initial dwelling unit up to a total of six	2,000 plus 500 sq. ft. for each bedroom over one. Each family dwelling over the initial six dwelling units—1500 sq. ft. plus 500 sq. ft. for each bedroom over one.

*This does not include land within existing or proposed public or private streets.

All lands presently zoned multiple dwelling shall be classified for the purpose of this ordinance under density C-1 until reclassification is approved by the planning commission and approved by the township board according to the above criteria.

Lodginghouses and boardinghouses shall be located upon a lot area of not less than 6,000 square feet plus an additional 600 square feet for each roomer. (Ord. No. 31.89, § 1, 7-17-79)

Section 85-3.8. Interior living space. Every building hereafter erected or structurally altered for a one-family dwelling shall conform to the livable floor space requirements given in section 85-1.10, for two-family and multiple dwellings the minimum square feet of living space for each family shall include the following, in addition to a bath, utility room, storage space, and other general space requirements:

Bedrooms	Living Room	Dining Space	Kitchen	First Bedroom	Second Bedroom	Third Bedroom	Fourth Bedroom
1	150	40	50	120			
2	160	50	55	120	<u>108</u>		
3	180	60	<u>65</u>	120	<u>108</u>	<u>90</u>	
4	195	80	75	120	<u>108</u>	<u>108</u>	90

Note: Areas given are net areas inside room walls, exclusive of closets, halls, or offset entrances.

Section 85-4. - "D" administrative and professional zone.

The administrative and professional zone is intended for quiet, nonretail type business and public health activities which desire pleasant surroundings for their employees and can provide a harmonious relationship with a residential area.

Section 85-4.1. Uses permitted. The specific uses permitted in the "D" administrative and professional zone shall be the erection, construction, alteration, conversion or use of buildings and/or land as provided in this section.

(1) The following uses are permitted as of right:

- a. Offices of surgeons, physicians, dentists, and other similar professional persons concerned with improving personal and community health.
- b. Hospitals, medical clinics, sanitariums, rest and convalescent homes.
- c. Offices of architects, engineers, artists, and others employed in the graphic arts.
- d. Offices in which the personnel will be employed for work in one or more of the following fields: executive, administrative, legal, writing, clerical, stenographic, accounting, insurance and similar enterprises.

e. 1.

Wall signs must be attached flush with the face of the building, visible only from the street upon which the building fronts and of a size which does not exceed 20 square feet in area, extend above the height of the eaves nor beyond the width of the building.

2. a.

Individual professional buildings containing one office may have one ground sign with a maximum height of eight feet above ground and a maximum display area of 40 square feet.

b. Signs greater than three feet in height above ground must not be within ten feet of the property line.

3. a.

Buildings containing two or more offices which are under separate business management but not located within an office complex may have one ground sign per building with a maximum height of eight feet above ground and a maximum display area of 60 square feet.

b. Signs greater than three feet in height above ground must not be within ten feet of the property line.

4. a. Office complexes (land parcels containing two or more office buildings) may have one sign per entrance driv feet in height above ground with a maximum display area of 60 square feet and must not be within ten feet line.
- f. Parking as an accessory use; provided, that it is not located within the front yard minimum requirement specified in section 85-4.2.
- g. An accessory building and use customarily incident to a use authorized by this section. A pharmacy or apothecary shop, store limited to corrective garments and appliances for the injured or handicapped, optical company, or restaurant may be permitted as accessory uses to an entire building: Provided, it is within the building to which it is accessory and does not have a direct outside entrance for customers.
- (2) The board of trustees may authorize the following uses by special permit: business college, trade schools, music conservatories, dance studios, vocational schools, child care centers per standards in section 85-1(2) and other educational institutions. Such uses may be authorized by the board of trustees only after a public hearing is held in conformance with section 88-2.4 and in keeping with the general spirit and purpose of this zone.
- (3) Communication towers as allowed in chapter 105:
- a. Minimum site size required will be 60 feet frontage with 100 feet depth.
- b. Setbacks: Front, 50 feet (unless pre-established building line); side, 15; rear, 20 feet.
- c. No signage permitted on the site except what is allowed or required on the tower.
- d. Applicant must demonstrate attempts of co-location.
- e. Height: 100 feet maximum with measurement to be made from ground level.
- f. Landscaping of accessory buildings and tower: Landscaping and screening shall be provided in the form of shrubs, trees or bushes with a minimum height of six feet that will not interfere with the maintenance of the structures. Opaque fencing will be required not to exceed six feet in height in the rear and side yards.
- The zoning board of appeals may grant variances pursuant to section 87-4 from the lot dimension requirements, building height regulations and yard width and depth regulation required of uses permitted in this zone, in accordance with the conditions set forth in section 87-4. (Ord. No. 31.95, § 1, 10-18-83; Ord. No. 31.116, § 1, 6-21-88; Ord. No. 31.124, § 1, 7-31-90; Ord. No. 31.141, § 1, 4-30-96; Ord. No. 31.145, § 1, 12-9-97)

Section 85-4.2. Front yards. The minimum front yard for a building shall be 25 feet for all portions one or two stories in height, 50 feet for those portions three stories or more in height.

Section 85-4.3. Side yards. The minimum side yard on each side of a building shall be ten feet for a one- or two-story building, 15 feet for a three-story building, 20 feet for a four-story building. Whenever the side yard is used for parking, an approved fence or masonry wall at least four feet and not more than six feet high shall be placed along the boundary line of the side yard abutting a residential zone. (Ord. No. 31.124, § 1, 7-31-90)

Section 85-4.4. Rear yards. The minimum rear yard shall be 40 feet for a one- or two-story building, 50 feet for a three-story and 60 feet for a four-story building. An approved fence, wall, berm or plantings in the form of shrubs, trees, or bushes, with a minimum of four feet in height providing a continuous barrier shall be placed along all boundary lines of a rear yard abutting a residential zone. Provided: Said wall, fence, or berm shall be reduced to three feet in height for that portion of a common boundary line extending from the residential building to the front property line of a residential zone. (Ord. No. 31.132, § 1, 6-29-93)

Section 85-4.5. Building height. The maximum height of buildings shall be four stories or 45 feet unless each required yard is increased one foot for every two feet of height above 45 feet.

Section 85-4.6. Lot coverage. No building shall cover with its usual accessory buildings more than 40 percent of the total lot area.

Section 85-4.7. Landscaping. The front yard area and any side yard not used for parking or driveway space shall be planted and maintained in accord with an appropriate landscape design.

Section 85-5. - "E" local business zone.

The local business zone is designed to accomplish two purposes. First, it will provide convenient retail and personal service establishments for the day-to-day needs of a small tributary area, with a minimum impact upon surrounding residential development.

Second, it will accommodate a major portion of existing strip commercial developments. Such zones will only permit low-bulk development. It is the basic intent to place most future commercial development in planned centers or in the commercial zone rather than in small local business zones.

Section 85-5.1. Uses permitted. The specific uses permitted in the local business zone shall be the erection, construction, alteration, conversion or use of buildings and/or land for:

(1) Uses permitted as of right.

- a. Retail store where groceries, fruit, vegetables, meat, dairy products, baked goods or confections are supplied for persons residing in the surrounding residential area.
Foodstuffs may be prepared, or manufactured, on the premises as an accessory activity if the sale of the product is limited to the local retail store.
- b. Drugstore.
- c. Hardware, paint, and wallpaper stores.
- d. Variety, dry goods, apparel, and bicycle stores.
- e. Music store.
- f. Book, flower and gift shops.
- g. Repair shop for bicycles, electrical appliances, television and radio sets, shoes.
- h. Electrical appliance store, including television and radio sales.
- i. Laundromat, hand laundries, furniture and carpet cleaning establishments.
- j. Barber, beauty shops and massage therapists.
- k. Fur and dry cleaning establishments, provided that nonflammable and odorless cleaning fluid or solvent is used.
- l. Eating and drinking establishments, including takeout restaurants without drive-through window service.
- m. Financial institutions, including real estate and insurance companies.
- n. General and professional offices and offices incidental to other uses in the "E" Local Business Zone including offices for personal and business services.
- o. Accessory buildings, uses, and accessory parking lots.
- p. Accessory advertising signs subject to the following limitations:

1. All on-premises signs must pertain to the activity of said building. When abutting a residential zone, side yard conform with section 85-5.4.
 2. One pole sign structure with signs may be in the front yard but shall not project over the property line.
 3. There shall be only one pole or ground sign structure with signs for each building regardless of the number of businesses except where the building has frontage on two streets in which case an additional sign will be allowed based on its frontage on the other street, not to exceed 100 square feet for a pole sign and 32 square feet for a ground sign Only one sign will be allowed in any yard (per definition in section 82-2).
 4. No pole sign shall be over 100 square feet in area or over 25 feet above the crown of the road and must be eight feet or more above grade.
 5. Additional signs pertinent to the activity within the building must be either wall signs or awning signs. Permanent wall signs must be flat against the main building or parallel to the building with a projection not exceeding eight inches and may face only public streets or parking areas which are part of the development. The aggregate sign area of all signs on any wall shall not exceed 20 percent of the area of such wall.

Awning signs may have a maximum projection of 36 inches and copy area allowed will be the same as for wall signs.
 6. Ground signs within ten feet of property line must not be more than three feet above grade at the top of the sign and not exceed 15 square feet in area.
 7. Ground signs set back more than ten feet of the property line may be eight feet in height and shall not be over 32 square feet in area.
 8. No animated or flashing advertising signs shall be permitted.
 9. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view.
 10. Temporary portable signs as allowed in section 102-18.
 11. Political signs must be in compliance with section 102-21.
 12. Communication towers as allowed in chapter 105:
 - a. Minimum site size required will be 60 feet frontage with 100 feet depth.
 - b. Setbacks: Front, 50 feet (unless pre-established building line); side, 15 feet; rear, 20 feet.
 - c. No signage permitted on the site except what is allowed or required on the tower.
 - d. Applicant must demonstrate attempts of co-location.
 - e. Height: 100 feet maximum with measurement to be made from ground level.
 - f. Landscaping of accessory buildings and tower: Landscaping and screening shall be provided in the form of shrubs, trees or bushes with a minimum height of six feet that will not interfere with the maintenance of the structures. Opaque fencing will be required not to exceed six feet in height in the rear and side yards.
- (2) The board of trustees may authorize the following uses by special permit if the following conditions are satisfied: A public hearing is held in conformance with section 88-2.4, the specific standards of the particular use stated herein are met, and the general spirit and purposes of this zone are maintained.
- a. Filling stations: Provided, the station shall not be located within 25 feet of a residential zone unless separated therefrom by a street or alley; no installations, except walls or fencing and permitted signs, lighting and

essential service either above ground or below, may be constructed closer than 25 feet to the front property line; the operation of the use will not create dangerous or other objectionable traffic conditions and the driveways shall be located as far from a street intersection as practical, but no less than 50 feet; no engine or body repairing or steam cleaning shall be permitted.

- b. Private and fraternal clubs: Provided the operation of use will not create dangerous or other objectionable conditions.
 - c. Eating and drinking establishments, with entertainment, which must be fully clothed.
 - d. Publicly owned buildings, public utility buildings, telephone exchange buildings, gas regulator stations, transformer stations without storage yards, water and sewage pumping stations.
 - e. Child care center:
 - (1) The minimum lot area requirement shall be 20,000 square feet.
 - (2) A dropoff/pickup area shall be provided for motorists off of the public street. This area shall be in addition to the required parking as found in subsection 84-3.3(37) and shall meet the following standards:
 - a. Meets all standards in Chapter 84 of this Title
 - b. Provides one space for each five children of licensed capacity.
 - (3) There shall be a fenced, contiguous open space of a minimum of 5,000 square feet provided on the subject parcel. Said open space shall not be located within a required front setback area.
 - (4) The child care center shall be properly licensed by the Michigan Department of Social Services.
 - f. Off-premises directional advertising signs will be allowed only for properties with no street frontage and can only be placed on directly adjacent properties and only with the authorization of the property owner. No sign may exceed 15 square feet.
- (3) The planning commission may authorize the following uses by temporary permit for not more than 30 days in any one year without a public hearing:
- a. Christmas tree sales lot.
 - b. Revival tent. (Ord. No. 31.99, § 1, 5-14-85; Ord. No. 31.105, § 1, 9-30-86; Ord. No. 31.11, § 1, 6-21-88; Ord. No. 31.131, § 1, 6-29-93; Ord. No. 31.142, § 1, 7-22-97; Ord. No. 31.146, § 1, 12-9-97; Ord. No. 31.162, 5-2-06)

Section 85-5.2. Indoor service. No goods shall be displayed outside of the building.

Section 85-5.3. Front yard. A minimum front yard of 25 feet appropriately landscaped and maintained shall be required.

Where the front of local business property faces residential property, a 20-foot buffer strip shall be required which is not part of the normal road right-of-way or utility easement. Such buffer may be a berm or plantings in the form of shrubs, trees, or bushes with a minimum of four feet in height and properly maintained. The buffer may be part of the 50-foot front yard setback required above. (Ord. No. 31.137, § 1, 7-25-95)

Section 85-5.4. Side yard. A five-foot setback will be required, except on that side of a lot abutting residential property or when the side of a local business lot faces residential property; in which case, there shall be a side yard of not less than seven feet with a continuous hedge, berm or masonry wall not less than four feet and not more than six feet in height beginning 25 feet from the front property line. A 20-foot buffer strip may be provided instead of the berm or masonry wall. (Ord. No. 31.137, § 1, 7-25-95)

Section 85-5.5. Rear yard. A five-foot rear yard shall be required, except where the local business zone abuts on a residential zone in which case there shall be a rear yard of not less than 25 feet. An approved fence or masonry wall not less than four feet nor more than six feet in height shall be maintained along all portions of a rear yard boundary of the local business zone that is a mutual boundary with a residential zone. (Ord. No. 31.137, § 1, 7-25-95)

Section 85-5.6. Building height. No building hereafter erected or structurally altered shall exceed two stories or 28 feet in height.

Section 85-6. - "F" commercial zone.

The commercial zone is intended to accommodate a wide range of retail and business services found outside of a metropolitan center. Normally these developments will be of medium bulk proportions and designed shopping centers would be encouraged.

Section 85-6.1. Uses permitted. The specific uses permitted in the commercial zone shall be the erection, construction, alteration, conversion or use of buildings and/or land for:

(1) Uses permitted as of right:

- a. All uses permitted as of right in the "E" local business zone, and listed in subsection 85-5.1(1), and uses by special permit listed in subsection 85-5.1(2), excluding filling stations and the uses permitted under subsection 85-5.1(2)d.
- b. Retail stores, similar in character to those that sell jewelry, sports equipment, hobby and handcraft merchandise, beverages, tobacco, dry goods, firearms, automobile parts, household furniture and furnishings and supplies. Provided that, only assembly of products clearly incidental to the conduct of a retail business on the premises may be permitted.
- c. Personal service businesses similar in character to dressmaking or tailoring and self-service businesses similar to laundromats.
- d. Businesses servicing other businesses such as office supply stores, repairing of typewriters and other office machines, optical lens grinding, dental laboratories, repairing musical instruments or photographic equipment.
- e. Bus passenger stations or bus terminals, if the roadway of the street upon which the bus entrance or exit is located, is at least 30 feet wide between curbs.
- f. Business colleges, trade schools, music conservatory, dance studios, nursery schools, and other educational institutions.
- g. General office and professional office buildings.
- h. Greenhouses, florist shops, nursery stock sales.
- i. Hospitals, medical clinics, and convalescent homes.
- j. Hotels and motels.
- k. Parks.
- l. Parking garages and parking lots.
- m. Pet hospitals, pet shops and kennels where the animals and birds are kept entirely within the buildings at all times.
- n. Photographic reproduction and blueprinting.
- o. Printing, publishing and related trades and arts.

- p. Radio broadcasting and telecasting stations, studios and offices.
- q. Undertaking parlors, or mortuaries.
- r. Taxicab stations or limousine terminals.
- s. An accessory building or use customarily incidental to a use authorized by this section. A dwelling unit for a caretaker or watchman may be included within a building as an accessory use, although such use will not be applicable to distance restrictions in subsection u. below.
- t. Any signs permitted in the A, B, C, D and E zones will be permitted. One pole sign for multiestablishment commercial centers will be allowed based on one square foot of signage for each front foot of the building, with a maximum of 300 square feet in area and a maximum height of 25 feet above the crown of the road. When a building has frontage on two or more streets an additional sign will be allowed based on its frontage on the intersecting street, not to exceed 300 square feet in area. Only one sign will be allowed in any yard (per definition in section 82-2). The square footage is to be divided among tenants in the building according to their percentage of the usable square footage of the building.
- u. Adult bookstores, adult motion picture theaters, adult mini-motion-picture theaters, health clubs, massage parlors, and adult entertainment establishments (herein called "adult use business"); provided that the following conditions are met:
 - 1. No such adult use business may be located within 500 feet (measured from property line to property line) of any residential zone or use, single- or multiple-family dwelling, church, school or park; and
 - 2. No such adult use business may be located within 1,000 feet (measured from property line to property line) of any other building or land used as an adult bookstore, adult motion picture theater, health club or adult mini-motion-picture theater, massage parlor or adult entertainment establishment; and
 - 3. Any sign or signs proposed for the adult use business must comply with the other township requirements, and shall not include photographs, silhouettes, drawings, or pictorial representations that depict specified sexual activities or specified anatomical areas; and
 - 4. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two inches in height, that state:
 - i. "Persons under the age of 18 years are not permitted to enter the premises."
 - ii. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
 - 5. No product for sale or gift, nor any picture or other representation of any product for sale or gift which depicts or relates to specified sexual activities or specified anatomical areas shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property. When an adult use business is located on a property where parking and pedestrian access is shared with other nonadult use businesses, then this requirement will be enforced from within five feet of the portion of building housing the adult use business.
- v. Furniture reupholstering and repair (excluding furniture stripping).
- w. Outdoor entertainment such as circuses, carnivals, parades or concerts where more than 150 people are expected to attend with proper licensing as provided herein and in title VI, chapter 60. This section is not meant to regulate activities associated with licensed or accredited schools. Approval of license shall be subject to provision for adequate sanitary services as approved by the township building department. The license shall be subject to the following conditions which shall be specified on each license:

1. Licensee shall not admit to the premises any person who is then under the influence of intoxicating beverages or of drugs, nor shall licensee knowingly permit the possession, sale or consumption of intoxicating beverages or controlled substances on his/her business premises.
2. Licensee shall provide sufficient fences or barriers or shall so patrol the boundaries of his/her business premises as to efficiently prevent his/her patrons from directly trespassing on neighboring premises.
3. Licensee shall so conduct his/her business to ensure that it shall not give rise to a nuisance of noise, vibration, smoke, odor or dust.
4. Licensee shall limit his/her business activities to the hours of 12:00 noon to 10:00 p.m. on Sunday through Thursday and from 12:00 noon to 11:00 p.m. on Friday and Saturday.

The fees and cleanup deposit to be charged for licenses issued pursuant to this section shall be established by the township board by resolution. The fee schedule so established by the township board shall be posted in the office of the township clerk.

Prior to issuance of the license, a deposit for cleanup of the property shall be deposited with the township clerk's office. This amount shall be refunded after the event if the site is properly cleaned. A public liability and property damage insurance policy insuring licensee and the township against any liability imposed on such person or the township providing for payment up to \$500,000.00 in the event of injury or death of any one person, and for payment up to \$1,000,000.00 in the event of injury or death of more than one person and for payment of up to \$1,000,000.00 for property damage is required.

Each applicant for a license shall file with the township clerk a bond in the penal sum of \$10,000.00 indemnifying the township against any and all violations of any ordinance, regulation or rule of the township and to indemnify the township for any and all damage to public property of any kind or nature.

- x. Communication towers as allowed in chapter 105:
 1. *[Minimum site size.]* Minimum site size required will be 60 feet frontage with 100 feet depth.
 2. *Setbacks.* Front—50 feet (except when there is a pre-established building line less than 50 feet); side—15 feet; rear—20 feet.
 3. *Signage.* No signage permitted on the site except what is allowed or required on the tower.
 4. *Collocation.* Applicant must demonstrate attempts of collocation.
 5. *Height.* 300 feet maximum with measurement to be made from ground level.
 6. *Landscaping of accessory buildings and tower.* Landscaping and screening shall be provided in the form of shrubs, trees or bushes with a minimum height of six feet that will not interfere with the maintenance of the structures. Opaque fencing will be required not to exceed six feet in height in the rear and side yards.
 - y. Catering.
 - z. Churches.
 - aa. Drive-in and takeout restaurants without drive-up window service.
 - bb. Tattoo parlors and body-piercing studios
- (2) The board of trustees may authorize the following uses by special permit if the following conditions are satisfied: A public hearing is held in conformance with section 88-2.4, the specific standards of the particular use stated herein are met, and the general standards stated in section 88-2.4 are met and the general spirit and purposes of this zone are maintained.

- a. Drive-ins and takeout restaurants with drive-up window service: Provided the operation of the use will not create other objectionable traffic conditions and the driveways shall be located as far from a street intersection as practical, but not less than 50 feet.
- b. Filling stations: Provided they meet the standards given in subsection 85-5.1 (2)a.
- c. Miniature golf courses.
- d. Public assembly buildings similar to theaters, auditoriums, clubs, and lodges.
- e. Publicly owned buildings, public utility buildings, telephone exchanges, transformer stations and substations with service yards but without storage yards. Water and sewage pumping stations.
- f. Recreation centers similar to arcades, bowling alleys, skating rinks, dance studios when conducted wholly within a completely enclosed building.
- g. Autowash.
- h. Miniwarehousing and storage in bulk for such material as building materials, contractor's equipment, furniture, food, fabrics, hardware, and similar goods: Provided that such permitted storage buildings shall not store scrap or junk metals, petroleum and other inflammable fluids in aboveground tanks, paint and paint materials, discarded or salvaged material, or be used for wrecking or dismantling of motor vehicles.
- i. Public garages, auto repair and oil change.
- j. Carpet cleaning and laundries.
- k. Automobile and trailer sales or rentals.
- l. Production by hand of crystal glass art novelties, pottery, figurines, or similar ceramic products using previously pulverized clay.
- m. Retail stores and pharmacies with drive-up window: Provided the operation of the use will not create dangerous or other objectionable traffic conditions and the driveways shall be located as far from a street intersection as practical, but not less than 50 feet. (Ord. No. 3197, § 3, 5-28-85; Ord. No. 31.106, § 1, 9-2-86; Ord. No. 31.109, § 1, 5-26-87; Ord. No. 31.110, § 1, 7-21-87; Ord. No. 31.118, § 1, 6-21-88; Ord. No. 31.121, § 1, 8-1-89; Ord. No. 31.126, § 1, 10-23-90; Ord. No. 31.129, § 1, 7-28-92; Ord. No. 31.130, § 1, 6-2-93; Ord. No. 31.138, § 1, 8-22-95; Ord. No. 31.149, § 1, 2-3-98; Ord. No. 31.160, § 1, 5-31-05; Ord. No. 31.163, 5-14-06)

Section 85-6.2. Front yard. A 50-foot setback will be required except when there is a preestablished building line less than 50 feet; in such cases, the setback shall not be less than 25 feet. When two or more business structures are set back for the purpose of providing suitable parking in front, new construction on adjacent lots shall conform to that setback insofar as is practical to the creation of a functional joint parking design.

Where the front of commercial property faces residential zoned property, a 20-foot buffer strip shall be required which is not part of the normal road right-of-way or utility easement. Such buffer may be a berm or plantings in the form of shrubs, trees, or bushes with a minimum of four feet in height and properly maintained. The buffer may be part of the 50-foot front yard setback required above. (Ord. No. 31.121, § 1, 8-1-89; Ord. No. 31.135, § 1, 7-25-95; Ord. No. 31.160, § 1, 5-31-05)

Section 85-6.3 Side yard. A five-foot setback will be required, except on that side of a lot abutting residential zoned property or when the side of a commercial lot faces residential zoned property; in which case, there shall be a side yard of not less than seven feet with a continuous hedge, berm, or masonry wall not less than four feet and not more than six feet in height beginning 25 feet from the front property line. A 20-foot buffer strip may be provided instead of the berm or masonry wall. (Ord. No. 31.135, § 1, 7-25-95; Ord. No. 31.160, § 1, 5-31-05)

Section 85-6.4. Rear yard. A five-foot rear yard shall be required except where the commercial zone abuts on a residential zone without an intervening alley, in which case there shall be a rear yard of not less than 25 feet for the first two stories, or 28 feet. Six inches shall be added to the required rear yard for each additional foot of building height over 28 feet. A fence, approved by the building inspector (sites that do not require planning commission approval), or masonry wall at least four feet and no more than six feet high shall be placed along the boundary line of a rear yard abutting a residential zone. (Ord. No. 31.123, § 1, 2-27-90; Ord. No. 31.135, § 1, 7-25-95)

Section 85-6.5. Building height. In the commercial zone no building hereafter erected or structurally altered shall exceed six stories or 65 feet in height.

Section 85-6.6 Landscape standards. Landscape standards shall conform with sections 85-11.2(3) through 85-11.2(3)b.4. (Ord. No. 31.160, § 1, 5-31-05)

Section 85-7. - "G" general business zone.

The general business zone is intended for a wide range of business activities. Most of the permitted enterprises will need considerable space per customer. Service in the form of repairs, truck traffic, and outdoor storage will be normal characteristics.

Section 85-7.1. Uses permitted. The specific uses permitted in the general business zone shall be the erection, construction, alteration, conversion or use of buildings and/or land for:

(1) Uses permitted as of right:

- a. All uses permitted as of right and by special permit in the commercial zone and listed in section 85-6.1.
- b. Bottling works, including milk bottling or distributing station.
- c. Cold-storage plant.
- d. Furniture reupholstering and repair, or redecorating store or shop.
- e. Monument sales.
- f. Plumbing supply and contracting shops.
- g. Repair shops for electrical appliances, lawn mowers, bicycles, motorcycles and other equipment.
- h. Sales agencies for contractor and agricultural equipment.
- i. Sign painting shop.
- j. Tin and sheet metal shop.
- k. Any customary accessory building and use.
- l. Any signs permitted in "F" commercial with the same restrictions provided no more than two advertising signs not exceeding in the aggregate more than 600 square feet shall be permitted. In no event is any sign to exceed 300 square feet.
- m. Outside storage yards that are completely enclosed by a well-maintained masonry wall or solid fence six feet high.
- n. Painting, varnishing, vulcanizing, bump shops.
- o. Safety compliance facilities as described in chapter 71A ("Medical Marihuana Facilities") and defined by the Medical Marihuana Facilities Licensing Act, Act 281, Public Acts of Michigan, 2016, as amended.

- (2) The board of trustees may authorize the following uses by special permit if the following conditions are satisfied: A public hearing is held in conformance with section 88-2.4, the specific standards of the particular use stated

herein are met, and the general spirit and purposes of this zone are maintained.

- a. Trailer coach park: Provided, the conditions established in section 85-3.1, subsection (2)b are met.
- b. Outdoor or drive-in theater: Provided, it complies with the following requirements:
 1. Picture screens shall not be permitted to face the street and shall be so located as to be out of view of any major thoroughfare.
 2. Not more than one entrance should exist for each access street.
 3. On two-lane streets where left turns are permitted, the entrance should not exceed 40 feet in width.
 4. On three or more lane streets where left turns are prohibited, the entrance lane should not exceed 14 feet in width.
 5. On three or more lane streets where left turns are permitted, the entrance should not be over 19 feet wide.
 6. Entry turn speeds of 20 miles per hour or a 30-foot corner radius should be provided for right turn movements.
 7. Entry turn speeds of ten miles per hour or a ten-foot corner radius should be provided for left turn movements.
 8. Separated entries should be provided for right and left turns where arrival volume is nearly equally divided by direction.
 9. Where left turns are prohibited, the exit should not be more than 14 feet wide.
 10. Where left turns are permitted, the exit should not be more than 19 feet wide with a small island divider at the exit point.
 11. Acceleration and deceleration lanes should be used if possible.
 12. Left turns at entrances or exits should be prohibited on the major street where possible.
 13. Ticket gates should be provided in accordance with the following ratios: One ticket gate for 300-car capacity theater; two ticket gates for 600-car capacity theater; three ticket gates for 800-car capacity theater; four ticket gates for 1,000-car capacity theater.
 14. The screen tower shall not exceed 65 feet in height.
 15. A minimum yard of 75 feet shall separate said drive-in theater from any public street used for access, or exit purposes. This yard shall be landscaped and properly maintained at all times in accordance with the plan of development approved at the time a building permit was issued.
- c. Advertising signs such as billboards or bulletin boards may be permitted providing they do not extend over the property line. No billboard type advertising sign shall exceed 672 square feet in total area, provided, that double panel billboards back to back may be allowed providing they do not exceed 1,344 square feet total area, per location, with an allowance for cutouts not to exceed 28 square feet additional on each panel and provided further that they do not create a visual obstruction to traffic or obscure any existing advertising sign or building front when viewed from the edge of the pavement, from a distance of 300 feet in either direction, nor shall such signs be erected forward of the building setback line, and provided further that no billboard-type advertising sign shall be located within 500 feet of any other billboard sign. All such signs shall further comply with the provisions of chapter 102, Sign Regulations.
- d. Any building may have an additional sign when the building has frontage on two intersecting streets.
 1. Such sign shall be limited to advertising the use of a business activity occurring within that building.
 2. Such sign may contain advertising on more than one side and may be placed so as to be visible from both

streets upon which the building fronts, but in no case may the sign extend over a property line.

3. No such sign shall have any one side of more than 300 square feet of area.
 4. The maximum height of such sign shall not exceed 25 feet above the crown of either intersecting street, and the minimum height of such sign shall be at least eight feet above the grade immediately below the sign.
 5. Such sign shall not be animated as defined in section 82-2 of this Code.
- e. Carting and express.
 - f. Circus, carnivals, private stadiums.
 - g. Dog kennels, animal hospitals. (Ord. No. 31.96, § 1, 6-26-84; Ord. No. 31.107, § 1, 9-2-86; Ord. No. 31.139, § 1, 8-22-95)

Section 85-7.2. Yard and height requirements. In the general business zone the yard and height requirements shall be the same as for the commercial zone and specified in sections 85-6.2, 85-6.3, 85-6.4, and 85-6.5.

Section 85-7.3. Landscape Requirements.

- (1) A minimum of one deciduous tree shall be planted for each 40 lineal feet or portion thereof of public road frontage, plus, a minimum of one ornamental tree shall be planted for each 100 lineal feet or portion thereof of public road frontage, plus, a minimum of eight shrubs shall be planted for each 40 lineal feet or portion thereof of public road frontage. For the purpose of computing length of public road frontage, openings for driveways and sidewalks shall be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings, as approved by the township.
- (2) Screening in the form of a landscape berm, greenbelt, or wall shall be required wherever a commercial, office, or industrial use is located adjacent to a residential use, school, park or similar public area. Landscape screening shall consist of closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier that is at least six feet above ground level within three years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. If a wall is used instead of landscaping, the material and details must be provided as part of the planned development application.
- (3) Off-street parking areas shall be provided with at least 30 square feet of interior landscaping per parking space. Each interior landscaped area will include at a minimum one deciduous tree and eight shrubs. Existing mature trees shall be retained whenever identified feasible by the township board.

(Ord. No. 31.169, § 1, 4-4-18)

Section 85-8. - "H" industrial zone.

The industrial zone is established for the purpose of encouraging within it the development of manufacturing, processing, storage, and office establishments in a setting suitable for such activities and mutually advantageous for the permitted uses. It is intended to prohibit residential uses and discourage intensive retail commercial enterprises as being incompatible with the primary uses permitted.

Section 85-8.1. Uses permitted. The specific uses permitted in the industrial zone shall be the erection, construction, alteration, conversion or use of buildings and/or land, subject to the following restrictions, for:

- (1) Uses permitted as of right:
 - a. Uses permitted as of right in the general business zone and listed in section 85-7.1 as items (1)b through (1)n inclusive. This purposely omits the usual retail store (except automobile and trailer sales or rentals),

hospitals, schools, residencies and similar land uses.

- b. Advertising signs and billboards provided no billboards shall exceed 672 square feet and provided further that no more than one double billboard back to back shall be allowed in any one location which said double billboard shall have a total surface area of not to exceed 1,344 square feet, per location, with an allowance for cutouts not to exceed 28 square feet additional on each panel; and no billboard shall be permitted which is less than 300 feet from any other billboard in the "H" industrial zone or in any adjacent zone in which a billboard may be located.
- c. Assembly and packaging plants, including specifically automobile and automotive components manufacturing and assembly plants and all manufacturing operations incidental thereto; and all defense material assembly and manufacturing operations to which such plants might be converted.
- d. Dog kennels, animal hospital.
- e. Electric appliance and apparatus assembly and manufacturing.
- f. Electroplating.
- g. Greenhouses.
- h. Industrial research laboratories.
- i. Lumber, coal, brick, stone, contractor supply and storage yards: Provided, such use is entirely enclosed within a well-maintained masonry wall or solid wood fence not less than six feet in height.
- j. Machine shop or blacksmith shop, wrought iron shop, tool and die shop.
- k. The manufacturing, compounding, processing and packaging or treatment of bakery goods, candy, chewing gum, soft drinks, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments (except fish, sauerkraut, vinegar and yeast), macaroni and noodles, oleomargarine (compounding and packaging only). The freezing and packaging of fruits, fruit juices, vegetables and meats.
- l. The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, thread, and paint not requiring a boiling process.
- m. The manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
- n. The manufacturing of small electrical parts, neon signs.
- o. The manufacturing of children's vehicles, including baby carriages, bicycles, scooters, wagons, or similar vehicles.
- p. Offices.
- q. Parking garages.
- r. Photoengraving, photographic reproduction and blueprinting.
- s. Poultry killing.
- t. Production by hand of crystal glass art novelties, pottery, figurines, or similar ceramic products using previously pulverized clay.
- u. Motor freight depot or trucking terminal: Provided, the truck entrance is from and exit is to a street whose roadway is at least 30 feet between curbs; and the loading or unloading platform is at least 50 feet from the street upon which it faces.
- v. Precision instrument and optical equipment manufacturing.

- w. Restaurants.
 - x. Stone, marble, granite grinding, dressing, and cutting.
 - y. Television and radio broadcasting towers.
 - z. Accessory uses clearly appurtenant to the main use of the lot.
 - z-1. Public utility buildings, telephone exchanges, transformer stations with service yards. Water and sewage pumping stations.
 - z-2. Miniwarehousing and storage in bulk for such material as building materials, contractor's equipment, furniture, food, fabrics, hardware and similar goods.
 - z-3. Warehousing with or without on-site sales, provided retail sales to the general public are incidental to the main use of the establishment.
 - z-4. Military armories.
 - z-5. Communication towers as allowed in chapter 105:
 1. Minimum site size required will be 60 feet frontage with 100 feet depth.
 2. Setbacks: Front — 50 feet (unless pre-established building line); Side — 15 feet; rear — 20 feet.
 3. No signage permitted on the site except what is allowed or required on the tower.
 4. Applicant must demonstrate attempts of co-location.
 5. Height: 300 feet maximum with measurement to be made from ground level.
 6. Landscaping of accessory buildings and tower. Landscaping and screening shall be provided in the form of shrubs, trees or bushes with a minimum height of six feet that will not interfere with the maintenance of the structures. Opaque fencing will be required not to exceed six feet in height in the rear and side yards.
 - z-6. Medical marihuana class A grower facility as described in chapter 71A ("Medical Marihuana Facilities") and defined by the Medical Marihuana Facilities Licensing Act, Act 281, Public Acts of Michigan, 2016, as amended, with the following restrictions:
 1. Shall be prohibited within 1,000 feet of: (A) a school property, as defined by Public Act 368 of 1978, as amended, including any facility with after school programs; (B) a child care center as defined and licensed by Public Act 116 of 1973, as amended, to ensure compliance with federal "Drug-Free School Zones"; or (C) any other child care and/or day care facility licensed by the State of Michigan. Shall be prohibited within 1,000 feet of a location or building at which another grower as allowed by Chapter 71A ("Medical Marihuana Facilities"), or a Caregiver as licensed under Chapter 71 ("Medical Marihuana"), is located or operating.
 2. Distances specified in this section shall be measured from property line to property line, and applies at the time the initial application is made.
 - z-7. Automobile and trailer sales and rentals.
- (2) Uses permitted if complying with the following standards: Automatic screw machines when operated with noise silencers or by other sound absorbing devices, stamping machines, punch presses, press breaks and hydraulic presses or any like machinery or production equipment. All able reinforced concrete footing. No machine shall be loaded beyond the capacity as prescribed by the manufacturer. All mechanical noise emanating from such machines and/or presses shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness and, further, that noise emanating therefrom shall not exceed 60 decibels as measured at the street or property line.

- (3) The township board may authorize the following uses by special permit if the following conditions are satisfied: A public hearing is held in conformance with section 88-2.4, the specific standards as provided in the foregoing section 85-8.1 are met, the specific standards stated herein are met, and a favorable recommendation is received from the township planning commission.
- a. Bulk storage of flammable liquids, liquid petroleum, gases and explosives; provided, all tanks shall be designed and located in accordance with the International Fire Code and/or NFPA (National Fire Protection Association) standards, and the storage and handling shall comply with state rules and regulations.
 - b. Manufacturing processes and dismantling operations including automobile salvage operations not specifically listed in section 85-8.1 subsections (1) and (2) above that comply with the following list of standards:
 1. Noise. All mechanical noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Noise may equal but shall not exceed average street traffic noise. Noise should not exceed 60 decibels as measured at the street or property line, whichever causes the largest reading.
 2. Power for any manufacturing or heating process or activity shall be derived only from electrical energy, smokeless fuels containing less than 20 percent of volatile content on a dry basis, and bituminous coal fired by mechanical equipment.
 3. Gases. No gas shall be emitted which is deleterious to the public health, safety or general welfare or corrosive to structures; except for those produced by internal combustion engines under design, operating conditions.
 4. Glare and heat. Glare and heat from arc welding, acetylene torch cutting and other process creating glare shall be performed so as not to be seen from any point beyond the lot boundaries.
 5. Rags, waste. The storage of rags, wastes, paper or similar materials shall be in an enclosed masonry building of four-hour construction with adequate fire prevention equipment installed.
 6. Sewage waste. Engineering plans shall provide for the treatment and disposal of sewage and industrial waste, tailings, or unusable byproducts so that there is no danger to the public health and safety.
 7. Radioactive materials. Emissions from radioactive materials shall not exceed quantities established by the U.S. Atomic Energy Commission and/or U.S. Bureau of Standards.
 8. Vibration. No operation shall produce physical vibrations humanly perceptible at or beyond the lot boundaries.
 9. The manufacturing or dismantling process does not include the production or storage of any materials designed for use as an explosive.
 10. Processes do not create any negative visual impact on surrounding properties from the activities associated with automobile salvage operations. Examples include the outdoor storage of inoperable vehicles that are in various states of disrepair.
 11. Processes do not create any environmental impacts associated with automobile salvage operations. No salvage operations shall be conducted anywhere on the site without proper secondary containment. Examples include potential uncontrolled releases of hazardous substances (engine and component oil and lubricants, antifreeze, metal particles) into the environment or public storm and sanitary sewer infrastructure. To insure these materials are not removed in stormwater runoff, outdoor crushing or dismantling shall not occur during rain events.
 12. The applicant shall obtain hazardous materials storage permits or licenses as required by the appropriate agency of the State of Michigan.

13. All parking, staging and vehicle maneuvering must occur on the subject property.

- c. Dumping or disposal of rubbish, etc. The use of land for sanitary landfill, the dumping or disposal of scrap iron, junk, garbage, rubbish, rock, or other refuse or of ashes, slag, or industrial wastes or byproducts, is permitted only by a license issued by the township board in conformance with chapters 60 and 65 of this Code. Such a license may be denied or issued in appropriate cases upon the filing of an application accompanied by a suitable agreement or bond that such dumping or disposal will not pollute the waters of the municipality or cause stagnant water to collect, or create a health hazard, or leave the surface of the land, at the expiration of such license in an unstable condition or unfit for the growing of turf or for other land uses permitted in the zone in which such dumping occurs.

The dumping of dirt or sand is permitted without a license provided the surface of such material is graded within a reasonable time in a manner preventing collection of stagnant water, and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in the zone. (Ord. No. 31.133, § 1, 7-27-93; Ord. No. 31.150, 2-3-98)

Section 85-8.2. Front yards. A minimum front yard of 25 feet shall be required where the industrial zone is in the same block or directly across the street from a residential zone, or administrative and professional zone. In all other instances a minimum front yard of 15 feet shall be required. Except for landscape improvements and necessary drives and walks, the required front yard shall remain clear, and shall not be used for parking, loading, storage, or accessory structures.

Section 85-8.3. Side yards. Side yards shall not be required except on the side of a lot abutting upon a lot lying in "A" through "E" zones, in which case there shall be a side yard of not less than 20 feet.

An approved fence or six-foot masonry wall shall be placed on the mutual sideline of a lot lying in a residential zone and extending from the required front yard line to the required rear yard wall or fence. A ten-foot wide strip of continuous shrub and tree plantings may be substituted for the masonry wall or fence if it is well maintained.

Section 85-8.4. Rear yards. No rear yard shall be required where "H" industrial zone abuts any "E," "G" or "H" zone. Where the rear of a lot in "H" industrial zone abuts on a lot lying in "A" through "E" zones, there shall be a rear yard of not less than 25 feet and an approved fence, wall or planting as required in section 85-8.3, Side Yards.

Section 85-8.5. Lot area. All future lots created shall have a minimum frontage of 85 feet and a minimum area of 12,750 square feet.

Section 85-8.6. Building height. The height of a structure in the "H" industrial zone shall not exceed 65 feet at the required front, side or rear yard building line. This height allowance may be increased one additional foot for each additional foot of setback from the required front, side or rear yard building line.

(Ord. No. 31.169, § 1, 4-4-18)

Section 85-9. - Height exceptions.

Parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, stacks, stage towers or scenery lofts, water tanks, radio and television towers, monuments, cupolas, domes and spires, and necessary mechanical appurtenances shall not be included when calculating the height of the principal structure and may be erected to a height greater than the permitted height in accordance with existing or hereafter adopted ordinances of the township.

Section 85-9.1. Increased height. The height of public or semipublic buildings, churches, schools, hospitals may be increased over the height allowed in the zone: Provided, any such building shall be set back from all lot lines not less than one foot in addition to the required yard dimensions for each foot such building exceeds the height allowed.

Section 85-9.2. Radio, facsimile and television towers. A radio, facsimile and television tower or mast attached to a building and not exceeding ten feet above the highest point of the roof shall be permitted if it conforms to requirements of the Charter Township of Lansing building code. All other towers or masts may be authorized by the planning commission if the following conditions are satisfied:

- (1) The tower location shall not impede the regular flight pattern of airports in the area.
- (2) It shall be demonstrated that such use is reasonably necessary at the proposed location for the convenience of the people at large or for the general welfare.
- (3) The distance of accessory buildings or transformer mast used in connection with the operation of the transmission or receiving towers shall be located not less than 20 feet from any interior side lot line, 30 feet from its front and rear lot lines, and suitably fenced for protection of the public and preservation of the neighborhood environment.
- (4) Distance of the base of the tower from any lot line shall be a horizontal distance equal to the height of the tower unless construction details of the tower give reasonable assurance that under no foreseeable circumstances can the entire tower be expected to topple. Under such conditions the planning commission may make adjustments to this requirement, but in no case shall the horizontal distance from any lot line be reduced to a measurement equal to less than 30 percent of the height of the tower or mast.
- (5) Distance of a guy anchorage from any lot line shall be at least 20 feet; provided, that where the front yard of the district is greater than 20 feet, such requirement shall prevail.

Section 85-10. - Site plan review—Purpose.

It is the purpose of this section to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development.

The regulations contained in this section are intended to promote: (1) safe and convenient vehicular and nonvehicular traffic movement, both within a site and in relation to access streets; (2) harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and (3) conservation of natural amenities and resources.

Except as otherwise provided in section 85-10.1, (1) the development of any new use, (2) the construction of any new structures, (3) any change of an existing use of land or structure that impacts any requirement of these regulations, and (4) all other building, development activities or grading, shall require site plan review and approval prior to construction and/or occupancy pursuant to this section.

1. *Site plan approval not required.* Site plan approval is not required for the following activities:
 - a. Constructing, moving, relocating or structurally altering a one-family dwelling that is located in a residential zone, including any customarily incidental accessory structures. This exemption from site plan approval does not include any development that would provide for the establishment of more than one principal use on a parcel, such as a one-family site condominium or similar project where a single parcel is developed to include two or more sites for detached one-family dwellings.
 - b. Excavating, filling, or otherwise removing soil, provided that such activity is normal and customarily incidental to one-family uses described in this section 85-10(1) for which site plan approval is not required.

- c. A change in the ownership of land or a structure.
2. *Administrative review.* A site plan may be reviewed and approved by the zoning administrator, without further review by the planning commission and approval from the township board, if the following requirements are satisfied:
- a. A proposed change in use is allowed by right within the current zoning district; and
 - b. The site to be reviewed is located within zones B, C1, C2, C3, C4, D, E, F, G, PD; and
 - c. A change in use to a use that is allowed by right within the applicable zone requires less than a 20 percent increase in the number of parking spaces as required by section 84-3; and
 - d. The site plan does not require review/approval by an entity other than the township; and
 - e. Where construction of any new structures or buildings is not proposed changes to site grading affect less than 135 cubic yards of earth or fill material; and
 - f. Additions or other changes to an existing commercial building or structure are less than 25 percent of the total existing gross square footage of floor area, provided that said alteration does not change the primary use of the building or structure; or the construction of new buildings, structures, roadways or other appurtenances were previously shown as a future phase within an approved planned unit development (see section 85-11.9) provided that the applicant has obtained an extension from the township board of trustees (see section 85-10.3); and
 - g. Any earth change activity, including construction of new buildings and structures and additions to existing buildings and structures, does not directly affect a surface body of water, wetland, or other natural water feature regulated by part 301 or 303 of P.A. 451 of 1994 the Natural Resources and Environmental Protection Act.

Even though a site plan is eligible for administrative review under this section, the zoning administrator may elect to refer a site plan to the planning commission and township board for review if the zoning administrator determines that the proposed use or the alteration of existing site conditions can reasonably be expected to significantly impact (1) vehicular and nonvehicular traffic movement and function; (2) the harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; or (3) the conservation and protection of natural resources and environmental quality.

Upon approval or denial of a site plan pursuant to an administrative review, the zoning administrator shall notify the applicant and members of the township board of the determination and the basis for the approval or denial, and any conditions of approval. The applicant may appeal the zoning administrator's determination pursuant to section 85-10.5. (Ord. No. 31.90, § 2, 2-10-81; Ord. No. 31.120, § 1, 8-2-89; Ord. No. 31.157, 4-22-03; Ord. No. 31.165, § 1, 10-27-09)

Section 85-10.1. Site plan review procedures.

1. *Preliminary site plan review.* All applicants are required to submit a preliminary site plan for review by the zoning administrator and/or director of planning and development. The intent of the preliminary site plan review is to minimize errors, miscalculations, or misconceptions prior to the formal submission for site plan review.
 - a. Applications for preliminary site plan review shall be submitted to the zoning administrator or director of planning and development prior to submission of a site plan for final review by the planning commission at time determined by the zoning administrator or director of planning and development.
 - b. The zoning administrator and/or director of planning and development, or his/her designee, shall review the preliminary site plan for completeness and compliance with the requirements for submission of a final site plan as defined in section 85-10.1.
 - c. Once the preliminary site plan is complete and in compliance with the requirements of section 85-10.1, the

applicant may submit a site plan for formal review by the planning commission and board of trustees or by the zoning administrator pursuant to section 85-10.0.2 Administrative review.

2. *Applicant.* The owner, or his designated agent, of the subject property shall file a request with the township clerk for site plan approval.
3. *Application.* Applications for preliminary and final site plan approval for all projects shall be submitted to the township on a form provided by the township for that purpose. Each application for approval shall be accompanied by the payment of a nonrefundable fee in accordance with the township's duly adopted "schedule of fees", and the number of copies of the site plan as required by the zoning administrator and/or director of planning and development.
4. *Data required in the site plan application.* Every application for site plan approval shall be accompanied by the following information and data:
 - a. A form supplied by the township clerk and completed by the applicant. This form shall contain the following information:
 1. The applicant's name and address in full.
 2. The applicant's phone number.
 3. Date of filing.
 4. A statement that the applicant is the owner of the property, accompanied by proof of ownership, or acting on the owner's behalf.
 5. The name, address and phone number of the owner of record if applicant is not the owner of record.
 6. The address, subdivision and lot number and/or parcel number of the property and a legal description.
 7. The proposed and existing use(s) of the property.
 8. The current zoning of the property.
 9. Indication of whether the property is in a state-approved wellhead protection area.
 - b. A final site plan, drawn to scale of one inch equals 200 feet or less, of the entire property involved showing:
 1. Dimensions of property.
 2. Existing topographic elevations at two feet changes in height.
 3. Location of abutting streets and proposed alignment of streets, drives, sidewalks, and all easements serving the development.
 4. Existing public rights-of-way, pavements, and/or public or private easements.
 5. Existing buildings and structures.
 6. Location of parking areas including required number of parking spaces in each area, and including handicap designated spaces and surface material.
 7. Zoning classification(s) of abutting properties.
 8. All known existing aerial and underground facilities.
 9. Proposed utilities and services and tentative locations, including dumpsters, and the locations for on-site wastewater treatment and disposal systems.
 10. Location of existing and proposed public water mains, public and private drinking water wells, monitoring wells, irrigation wells, test wells or wells used for industrial processes.
 11. Location and elevations of existing water courses and water bodies, including county drains and manmade surface drainageways, floodplains, and wetlands.

12. Proposed stormwater management plan indicating location and design of storm sewers, outlets, retention c or any other stormwater quantity and quality control measures. The plan shall include preliminary calculatic caused by a two-year and a 100-year 24-hour design storm for proposed post-velopment conditions. The n these estimates have been calculated by the applicant shall also be identified.
 13. Significant existing vegetation (trees, grass, shrubs and other plantings).
 14. Directional arrow indicating "north".
 15. Proposed common open space facilities, if applicable.
 16. Proposed accessory structures and buildings and uses including free-standing signs.
 17. Location of proposed buildings and intended uses thereof.
 18. Sidewalks in accordance with chapter 21 of the Code of Ordinances and any other internal pedestrian circulation facilities.
 19. Location of property with respect to wellhead protection area, if applicable.
 20. Location and status of any floor drains in existing or proposed structures on the site. Further, the point of discharge for all drains and pipes shall be specified on the site plan.
 21. Description and location for any existing or proposed above ground and below ground storage facilities.
 22. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.
- c. Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the township fire marshal (include CAS numbers).
 - d. Descriptions of type of operations proposed for the project and drawings showing size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous wastes, and/or polluting materials.
 - e. Completed environmental permits checklist on the form provided by the Zoning Administrator.
 - f. A landscape plan to scale identifying plants, location of proposed plantings, and method of planting.
 - g. A floor plan shall be provided showing each floor of each building and its proposed use(s).
 - h. The site plan information sheet fully completed by the applicant or agent.
 - i. The Planning Commission may require that the petitioner supply any additional data from proper professional sources as it deems necessary. (Ord. No. 31.90, § 2, 2-10-81; Ord. No. 31.120, § 1, 8-2-89; Ord. No. 31.151, 3-31-98; Ord. No. 31.155, 10-24-00; Ord. No. 31.165, § 1, 10-27-09)

Section 85-10.2 Review by planning commission. The township planning commission shall review the site plan to determine compliance with permitted land use, density of development, general circulation and other provisions of this section. The planning commission shall make a recommendation to the township board of trustees, which will make a final determination and notify the applicant in writing citing reason for denial or approval, and any conditions associated with an approval. (Ord. No. 31.90, § 2, 2-10-81; Ord. No. 31.120, § 1, 8-2-89; Ord. No. 31.165, § 1, 10-27-09)

Section 85-10.3 Site plan approval.

1. Once a site plan has been recommended for approval by the planning commission and approved by the township board, any material changes, such as changes in location of building or size of building, ingress or egress or parking circulation, number of parking spaces provided or grading and drainage patterns, etc., shall require a resubmission to the planning commission and payment of the fee unless the fee is specifically waived by resolution of the township board.

2. The township board, at a regular meeting after the planning commission's recommendation, shall consider the approval or denial of the site plan. Reasons for rejection shall be set forth in the minutes of the township board. The township board shall notify the applicant of the township board's decision regarding the site plan.
3. If no construction has begun within one year of the township board's approval of the site plan, the site plan shall become null and void. The applicant may apply to the township board for an extension of up to one year. This request must be in writing and received by township clerk before the expiration of the original site plan approval. The one year extension is only available for a site plan as it was originally approved. (Ord. No. 31.90, § 2, 2-10-81; Ord. No. 31.120, § 1, 8-2-89; Ord. No. 31.151, 3-31-98; Ord. No. 31.155, 10-24-00; Ord. No. 31.165, § 1, 10-27-09)

Section 85-10.4 Standards for site plan approval.

1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in the ordinance.
2. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
3. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used as appropriate for the protection and enhancement of the property and the privacy of its occupants.
4. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
5. Every structure or dwelling unit shall provide access to a public street walkway or other area dedicated to common use.
6. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping areas and other uses which may generate significant pedestrian traffic.
7. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified by the Ingham County Road Commission.
8. All streets shall be developed in accordance with the township subdivision control ordinance and Ingham County Road Commission specifications, unless otherwise approved by the township board.
9. Appropriate measures shall be taken to ensure that stormwater runoff will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made for the construction of stormwater management facilities that prevent flooding. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not pool in paved areas.
10. Stormwater detention, retention, transport, and drainage facilities shall be designed to prevent the pollution of surface or groundwater resources, on site or off site. Stormwater facilities shall conform to the requirements of the current standard for post construction controls for channel protection and water quality as described by the current, applicable MS4 permit.
11. Outside storage areas, including dumpsters shall be protected by opaque screening not less than six feet in

height.

12. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
13. Buffer strip shall be required when property that is used for a commercial purpose faces or abuts property that is used for residential purposes, provided that the aforementioned residential property is a legal or legally nonconforming property as defined by subsections 82-2(48) and (49). Such a strip shall be a minimum of 20 feet wide and shall not be part of the normal roadway right-of-way or utility easement. Such buffer may be a berm or plantings in the form of shrubs, trees or bushes with a minimum of four feet in height. Such buffer shall be properly maintained. This requirement shall not apply in situations where the landscaping requirements of an individual zoning district do not allow for, or in some way contravene installation of a buffer strip.
14. In approving a site plan, the township may require that a bond or other financial guarantee acceptable to the township of ample sum be furnished by the developer to ensure compliance for such requirements as drives, walks, utilities, parking, landscaping, and the like.
15. Driveways serving more than one lot may be considered a private road but shall be built to road commission standards, including provision of appropriate right-of-way for possible future dedication.
16. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
17. General-purpose floor drains shall be connected to a public sewer system or an on-site holding tank (not a septic system) in accordance with state, county and municipal requirements, unless a groundwater discharge permit has been obtained from appropriate local, state, and federal agencies. General-purpose floor drains which discharge to groundwater are generally prohibited.
18. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
19. Secondary containment facilities shall be provided for above-ground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Above-ground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through sewers, drains, or other means, directly or indirectly into a sewer system, or to the waters of the state (including groundwater).
20. Underground storage tanks shall be registered, installed, operated, maintained, closed or removed in accordance with regulations of appropriate local, state, and federal agencies.
21. Above-ground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of appropriate local, state, and federal agencies.
22. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of appropriate local, state, and federal agencies.
23. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of appropriate local, state, and federal agencies.
24. State and federal requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct and indirect discharges of waste,

waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from appropriate state, county and local agencies. (Ord. No. 31.90, § 2, 2-10-81; Ord. No. 31.120, § 1, 8-2-89; Ord. No. 31.151, 3-31-98; Ord. No. 31.155, 10-24-00; Ord. No. 31.165, § 1, 10-27-09)

Section 85-10.5 Appeals

1. *Petition for review by planning commission and board of trustees.* In the event that a site plan has been, or will be, subject to an administrative review by the zoning administrator pursuant to section 85-10.3, the applicant may, at any time and at the applicant's discretion, request that the site plan be reviewed by the planning commission and township board of trustees and not by the zoning administrator.
2. *Appeal of decision by zoning administrator or board of trustees.* Appeal of the decision of the zoning administrator or township board regarding a site plan shall be taken to a court of competent jurisdiction. The appeal shall be exclusive. (Ord. No. 31.90, § 2, 2-10-81; Ord. No. 31.120, § 1, 8-2-89; Ord. No. 31.165, § 1, 10-27-09)

Section 85-10.6 Enforcement.

1. The zoning administrator, director of planning and development, code enforcement officer, and other township staff may investigate sites and developments for compliance with an approved site plan and/or this section. Noncompliance with the specifications and conditions of approval of an approved site plan shall constitute grounds for the township board to rescind said approval. Additional enforcement actions including those described below may be taken.
2. It shall be unlawful for an owner of property or other person that has control over property that is subject to this section 85-10 to (1) cause or allow that property to be used, (2) cause or allow new construction to be undertaken on the property, (3) cause or allow a building or buildings to be expanded on the property, or (4) cause or allow grading changes to be made to the property, unless and until the township has approved a site plan for that property that authorizes such use, construction, building expansion and/or grading change. (Ord. No. 31.165, § 1, 10-27-09)

Section 85-10.7 Municipal Civil Infractions. A person who (A) violates any provision of this section 85-10, (B) violates the terms or provisions of an approved site plan, including any modifications and/or conditions related thereto, or (C) fails or refuses to obtain an approved site plan as required by this section 85-10, is responsible for a municipal civil infraction, and shall be subject to a civil fine as established from time to time by resolution of the township board. Nothing in this section shall be construed to limit the remedies available to the township in the event of a violation by a person of this section 85-10 or an approved site plan. Each act of violation, and each day upon which a violation exists or continues, shall constitute a separate offense. (Ord. No. 31.165, § 1, 10-27-09)

Section 85-10.8 Severability. If a court of competent jurisdiction declares any provision of this section 85-10, or a statutory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision. Provided, however, that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the township to impose. (Ord. No. 31.165, § 1, 10-27-09)

Section 85-10.9 Repeal. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this section 85-10 are hereby repealed; provided that any violation charged before the effective date of this section 85-10 under an ordinance provision repealed by this section 85-10 shall continue under the ordinance provision then in effect. (Ord. No. 31.165, § 1, 10-27-09)

Section 85-10.10 Effective date. This section 85-10 shall take effect in accordance with the provisions of the Michigan Zoning Enabling Act. (Ord. No. 31.165, § 1, 10-27-09)

Section 85-11. - "PD" planned development zone.

The "PD" planned development zone is intended to provide a district for residential, commercial or mixed-use planned developments. This section provides enabling authority and standards for the submission, review, and approval of applications for such planned developments. It is the intent of this section to authorize the consideration and use of planned development regulations to encourage more imaginative and livable environments within the township for the following purposes:

1. To achieve integration of the proposed land use or uses with characteristics of the land and surrounding area.
2. To promote the conservation of natural features and resources, to the extent practical the natural landscape and topography of the site shall be preserved by the proposed development.
3. To encourage innovation in land use planning and development.
4. To promote and enhance housing, employment, shopping, commercial, traffic circulation, and recreational opportunities for the people of the township.
5. To promote and ensure greater compatibility of design and use between neighboring properties and to coordinate architectural styles, building forms, structural relationships and transportation within developments.
6. To minimize the impacts that developments have on the public services and character of the community.
7. To encourage underground utilities which may be more efficiently designed when part of a planned development.
8. To facilitate phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the township.
9. To provide for the regulation of land uses not otherwise authorized within this title.

The provisions of this section are intended to result in land use development substantially consistent with the other sections of the township's zoning ordinance, with modifications and departures from generally applicable requirements made in accordance with standards provided in this section so as to ensure appropriate, fair, and consistent decision-making. A planned development must comply with this section. With respect to "PD" planned development rezoning applications, the provisions of this section supercede the rezoning procedures and requirements found in section 89-3 of this title.

(Ord. No. 31.154, 9-14-00; Ord. No. 31.156, 4-22-03)

Section 85-11.1. Qualifying conditions.

To be eligible for approval as a planned development under the "PD" planned development zone, the applicant must demonstrate that the following criteria will be met:

1. *Recognizable benefits.* The planned development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and shall result in a higher quality development than could be achieved under conventional zoning.
2. *Initiation.* A planned development shall be established, amended or removed pursuant to the procedure set forth in this section of the zoning ordinance; provided, however that a "PD" planned development zoning request may be initiated only by a property owner of the subject parcel, or the property owner's legal representative or the township board.
3. *Use of public services.* The proposed type and density of use shall not result in the overburdening of public

services, facilities and utilities.

4. *Compatibility with master plan.* The proposed planned development shall not have an adverse impact upon the comprehensive master plan for the township. Notwithstanding this requirement, the township may approve a planned development proposal that includes uses which are not provided for on the future land use map, provided that the planning commission and township board determine that such a deviation from the future land use map is justified in light of the current planning and development objectives of the township.
5. *Unified control.* The proposed development shall be under single ownership or control at the time of application such that there is a single person or entity having responsibility for completing the project, or assuring completion of the project, in conformity with this section. The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, or deed restrictions which indicate that the planned development can be completed as shown on the proposed planned development map and accompanying planned development text, and further, that all portions of the planned development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development/property owner successors in title to any commitments made as part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is promptly given to the township board.

(Ord. No. 31.156, 4-22-03)

Section 85-11.2. Development design standards.

1. *Density.* Uses in a planned development shall be subject to the following density and open space standards.

Use	Permitted Maximum Density/Acre	Required Open Space
Residential	20 units	80 percent of the total units' gross square feet
Retail Commercial	20,000 square feet	20 percent*
Nonretail Commercial	25,000 square feet	20 percent*
Institutional	25,000 square feet	20 percent*
Mixed Use	Pro-rata share identified above	Pro-rata share identified above

*Gross land area of development project.

In each case, the maximum density for uses shall be determined by the township board, up to the maximum indicated above, after review by the planning commission based on the following standards. All uses shall:

- a. Be designed, constructed, and maintained such that they are harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and will not change the essential character of the area in which it is proposed.
 - b. Be served adequately by essential public facilities and services, such as highways, streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sanitary sewer service, and electrical service.
 - c. Not create excessive additional requirements at public cost for public facilities and services.
 - d. Be developed in accordance with the intent for a planned development as contained herein.
2. *Permitted uses.* Any land use authorized in this title in zones "A" residential through "F" commercial, other than; storage in bulk, trailer sales, advertising signs and billboards, contractor storage yards, kennels not associated

with veterinary clinics, adult bookstores, adult entertainment establishments, adult mini-motion-picture theaters, adult motion picture theaters, bus, taxi-cab and limousine terminals and permanent outdoor entertainment such as circuses, carnivals and bingo games may be included in a planned development as a principal or accessory use, subject to township approval of the proposed planned development map and the accompanying planned development text, provided that:

- a. There shall be a reasonably harmonious relationship between the location of proposed uses on the site, as well as relative to uses on lands in the surrounding area.
 - b. The mix of uses and the arrangement of those uses within a planned development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.
3. *Landscaping.* A planned development shall comply with the following landscaping requirements. Alternate landscape plans which meet the general intent of this section may be submitted for consideration.
- a. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge. Seeded areas shall be watered and fertilized regularly so as to provide a healthy lawn within 90 days after planting, or for dormant seeding, for the first 90 days of the next growing season.
 - b. Developments within the PD district shall comply with the following requirements:
 - 1) A minimum of one deciduous tree shall be planted for each 40 lineal feet or portion thereof of public road frontage, plus, a minimum of one ornamental tree shall be planted for each 100 lineal feet or portion thereof of public road frontage, plus, a minimum of eight shrubs shall be planted for each 40 lineal feet or portion thereof of public road frontage. For the purpose of computing length of public road frontage, openings for driveways and sidewalks shall be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings, as approved by the township.
 - 2) Wherever front, side, or rear yards adjacent to public rights-of-way or private drives in which the average daily trips (ADT) is greater than 4,000 are used for parking, a berm shall be required to screen the parking from view of the road. The berm shall be a minimum of three feet in height, and shall be planted in accordance with the previous requirements for landscaping adjacent to roads.
 - 3) Screening in the form of a landscape berm, greenbelt, or wall shall be required wherever a commercial, office, or industrial use is located adjacent to a residential use, school, park or similar public area. Landscape screening shall consist of closely-spaced evergreen plantings which can be reasonably expected to form a complete visual barrier that is at least six feet above ground level within three years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. If a wall is used instead of landscaping, the material and details must be approved as part of the planned development application.
 - 4) Off-street parking areas shall be provided with at least 30 square feet of interior landscaping per parking space. Such space shall be counted towards the minimum open space requirements of this section. Landscape areas in parking areas shall meet the following standards:

Parking Type	Minimum Island Size	Minimum End Cap Size
Single loaded (parking abuts sidewalk or landscaped area)	400 square feet and 20 feet in any direction	200 square feet and 12 feet in any direction
Double loaded (parking abuts parking)	800 square feet and 20 feet in any direction	200 square feet and 12 feet in any direction

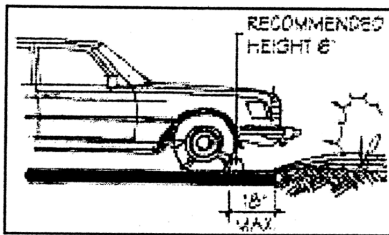
Each interior landscaped area will include at a minimum one deciduous tree and eight shrubs. Existing mature trees shall be retained whenever identified feasible by the township board. Not more than 15 continuous parking spaces shall be allowed in a row of parking without separation by a landscaped area (island).

- 5) *Open space requirements.* A planned development shall provide open space as required by this section, and shall further comply with the following requirements:
- a. For developments containing a residential component, not less than 20 percent of the required open space shall be in the form of usable open space.
 - b. Any pervious land area may be included as required open space, except as follows:
 - 1) No more than 25 percent of the area of any water bodies or wetlands, may be counted towards the required open space unless the area is located on the site as a prominent design feature. Required open space shall not include the area of any designated wetland that is covered by water or muck such that it is not a suitable environment for walking or similar passive leisure pursuits.
 - 2) Required open space shall not include the area of any public road, the area of any easement providing access to the site, or the area of any commercial recreation use (such as golf course).
4. *Parking.* The integrated nature of each site's building design, open space and vehicular circulation allows for flexibility in parking design that is unique to this zoning district. Therefore, the following standards apply.
- a. The size of a standard parking space for one vehicle shall be a rectangular area having dimensions of not less than nine feet by 18 feet.
 - b. For those parking spaces that adjoin a median at the end of a parking bay or adjoin a median separating parking spaces in a row of parking, the width of the parking space shall be expanded to ten feet.
 - c. To preserve trees and other vegetation, up to one-fifth of the number of spaces provided (given that the total provided meets or exceeds the minimum requirements of this title) may be designed for use by compact automobiles, subject to approval by the township. Compact spaces shall be nine feet by 16 feet and clearly marked as a compact space. For those parking spaces that adjoin a median at the end of a parking bay or adjoin a median separating parking spaces in a row of parking, the width of the parking space shall be expanded to ten feet.
 - d. Access to parking facilities shall be designed so as not to obstruct free flow of traffic.
 - e. There shall be adequate provision for ingress and egress to all parking spaces to insure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
 - f. In developments where vehicles may be expected to wait (including, but not limited to drive-through restaurants, banks and gated parking facilities), adequate stacking space shall be required.
 - g. The width of all driving aisles shall be in accordance with the requirements specified below unless a wider drive aisle is approved by the administrator to facilitate special vehicle requirements. Only one-way traffic shall be permitted in driving aisles serving parking spaces placed at an angle other than 90 degrees to the drive aisle unless the angle is placed so as to accommodate the direction of travel for each side of a two way drive aisle.
 - h. All parking facilities will have curbing.
 - i. Where sidewalks occur in parking facilities, parked vehicles shall not overhang or extend over the sidewalk. In these parking facilities, wheel stops shall be provided even if the parking facility has curbing. The vehicle side

of the wheel stop shall be no more than 18 inches from the end of the parking space. See illustration below.

- j. Parking facilities shall contain appropriate plant material to minimize noise, glare and other nuisances as well as to enhance the environment and ecology of the site and surrounding area. Existing trees and understory vegetation should be retained whenever possible, and supplemented with landscaping as appropriate.

Parking Angle	Min. Driving Aisle Width
60 degrees	18 feet min.
90 degrees	24 feet min.
Driving Aisle without Parking	20 feet min.



Wheel Stop Detail

(Ord. No. 31.156, 4-22-03)

Section 85-11.3. Applicable regulations.

Unless specifically included in the approved planned development map and the accompanying planned development text for the proposed planned development, or specifically waived by the township board, upon the recommendation of the planning commission, all regulations of the township's zoning ordinance and this title relative to lot size, lot width, yard area, structure height, setback, signs, parking and loading, landscaping, general provisions and other applicable regulations shall apply. In case of requirements or development performance standards that appear to be conflicting between other sections of the zoning ordinance and this section or the approved planned development map and the accompanying planned development text for the proposed planned development, this section or the approved planned development map and the accompanying planned development text for the proposed planned development shall control. In case of requirements or development performance standards that appear to be conflicting between this section and the approved planned development map and the accompanying planned development text for the proposed planned development, the approved planned development map and the accompanying planned development text for the proposed planned development shall control.

Section 85-11.4. Design considerations.

The planned development map and accompanying planned development text for a proposed planned development shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- Perimeter buffers and setbacks.
1.
 2. Stormwater surface drainage and utility design with respect to location, availability, ownership, and compatibility.
 3. Underground installation of utilities.
 4. Insulation of pedestrian ways from vehicular streets and ways.
 5. Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.
 6. Noise reduction and visual screening mechanisms for adjoining residential uses.
 7. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity and emergency access.
 8. Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, spill over lighting, vibration, and odor emanating from such facilities on adjoining properties and uses.
 9. Screening and buffering with respect to dimensions and character of site improvements.
 10. Yard areas and other open space.
 11. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
 12. The preservation of natural resources and natural features.

Section 85-11.5. Application and processing procedures.

1. *Effects:* The approval of a "PD" planned development rezoning application shall constitute an amendment of the zoning ordinance and the zoning map constituting a part of this title. An approval granted under this section, including all aspects of the planned development map and the accompanying planned development text and any conditions imposed shall constitute an inseparable part of the zoning ordinance. An applicant who receives approval from the township under this section shall not be required to apply for a rezoning under section 89-3 of this title.
2. *Preapplication conference:* Prior to the submission of an application for "PD" planned development rezoning, the applicant shall meet with the township zoning administrator and/or designees, and such consultants as deemed appropriate. Failure to attend a preapplication conference or provide such information may result in nonacceptance of an application for processing. The applicant shall present at such conference, or conferences, a sketch of the proposed planned development, and the following information:
 - a. A legal description of the property in question;
 - b. The total number of acres to be included in the proposed planned development;
 - c. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of nonresidential units;
 - d. The approximate number of acres to be occupied and/or devoted to or by each type of use;
 - e. General proposed requirements for open space, street and pathway design, stormwater management, height limitations, setbacks, buffers, parking standards, loading standards, sign standards, and other development performance standards applicable to the proposed planned development;
 - f. The number of acres to be preserved as open space or recreation space; and
 - g. All known natural resources and natural features.

h. Conceptual grading plan.

(Ord. No. 31.156, 4-22-03)

3. *Planned development map and accompanying planned development text—Submission and content:* Following the above conference or conferences, copies of the proposed planned development map and accompanying planned development text and an application for a "PD" planned development rezoning request shall be submitted. The submission shall be made to the township clerk who shall present it to the township board for consideration, and referral to the planning commission, at a regular or special meeting. The application shall be accompanied by an application fee as determined by the township board's duly adopted "schedule of fees" to cover costs of processing the application. The proposed planned development map and accompanying planned development text and the application shall contain the following information, unless specifically waived by the township:

- a. Date, north arrow, and scale which shall not be more than 1" = 100'.
- b. Location sketch of the property in relation to the surrounding area.
- c. Legal description of the property, including common street addresses.
- d. Survey showing the size of the parcels.
- e. All existing lot or property lines with dimensions.
- f. General location of all existing buildings within 100 feet of the property lines.
- g. General location and size of all existing structures, streets, utilities, driveways, parking areas, and vegetation on the site.
- h. Preliminary site plan showing the general location and size of all proposed structures, streets, driveways, parking areas, open space areas, landscaped areas, sidewalks, and buffer areas on the site.
- i. All areas within the 100-year floodplain, wetland areas or bodies of water.
- j. Existing and proposed topographical contours at a minimum of two foot intervals.
- k. A narrative describing:
 - 1) The nature of the project.
 - 2) The proposed density, number and types of dwelling units if a residential element is included in the planned development.
 - 3) A statement describing how the proposed project meets the objectives of this section.
 - 4) A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - 5) Proof of ownership or legal interest in property.
- l. A rendering or pictorial presentation of the proposed development and its features.
- m. Proposed signage for the development.

(Ord. No. 31.156, 4-22-03)

4. *Public hearing:* The planning commission or the township board, at a regular or special public meeting, shall set a time and place for a public hearing on the application and provide for the legal publishing and proper posting of notices of the time and date of such hearing in a newspaper of general circulation in the township, to be printed not more than 15 days nor less than five before the date of the hearing. Not less than 20 days notice of the time and place of such hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company that registers its name and mailing address with the township for the purpose of receiving such notice

and to each railroad operating within the district or zone affected. The township clerk shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within 300 feet of the property in question is assessed, and to the occupants of all single and two-family dwellings within 300 feet thereof. The notice shall be delivered personally or by mail to the respective owners and tenants at the addresses shown on the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The notice and publication requirements described above supercede those found in section 89-3 of this title.

If the notice is delivered by mail, an affidavit of mailing shall be filed with the planning commission before the hearing. Such notices shall include the places and times at which the application and the proposed planned development map and accompanying planned development text may be examined, plus the following:

- a. The nature of the "PD" planned development rezoning requested.
 - b. A description of the property which is the subject of the "PD" planned development rezoning request.
 - c. The date, time and place where the "PD" planned development rezoning request will be considered.
 - d. When and where written and oral comments will be received concerning the "PD" planned development rezoning request.
5. *Planned development map and accompanying planned development text—Planning commission review:* The planning commission shall review the proposed planned development map and accompanying planned development text and shall make reasonable inquiries of the applicant.

The planning commission shall review the proposed planned development map and accompanying planned development text according to the provisions of this section and transmit its recommendations, including any suggestions for changes or modifications of the proposed planned development map and accompanying planned development text, to the township board.

Section 85-11.6. Standards for zoning approval.

1. *Standards.* Following the public hearing and review of the proposed planned development map and accompanying planned development text, the planning commission shall recommend either approval, denial, or approval with conditions of the "PD" planned development rezoning request and proposed planned development map and accompanying planned development text, and forward its recommendation to the township board.

In making a recommendation for approval, the planning commission shall find that the proposed "PD" planned development rezoning request and the proposed planned development map and accompanying planned development text meet the intent of the "PD" planned development zone and the following standards:

- a. The uses proposed shall have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses, and the uses proposed shall not overburden the public utility and circulation systems, surrounding properties, or the community as a whole. This beneficial effect for the township (not the developer) shall be one that could not be achieved under any other single zoning classification.
- b. The uses proposed shall be compatible amongst themselves, and with the majority of the surrounding land uses.
- c. The approval is warranted by the design and amenities incorporated in the development proposal.
- d. Landscaping shall be provided so as to insure that proposed uses will be adequately buffered from one

another and from surrounding public and private property. The planning commission may, if deemed appropriate, recommend that a planned development provide more or less landscaping than that required by the zoning ordinance.

- e. Vehicular and pedestrian circulation, allowing safe, convenient, non-congested, and well-defined circulation to, from and within the development is provided.

Section 85-11.7. Township board approval.

After receiving the recommendation of the planning commission, the township board shall either approve, deny, or approve with conditions the "PD" planned development rezoning application and the proposed planned development map and accompanying planned development text in accordance with the requirements of the township's zoning ordinance and the standards for approval and conditions for a planned development as contained herein. An approval or an approval with conditions shall constitute an amendment of the zoning ordinance and the master plan constituting a part of this title. No building permit shall be issued for any portion of the planned development until the township has approved a final site development plan and received proof from the applicant of recording an affidavit with the Ingham County Register of Deeds as described in section 85-11.8 and UBC 97 106.4.3.

Where provisions of Michigan Public Act 288 of 1967, as amended shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to platting approval.

Section 85-11.8. Effect of approval.

The "PD" planned development rezoning amendment, including the approved planned development map and accompanying planned development text, and all conditions imposed, if any, shall constitute the permitted land use and density authorization for the property. All uses not specifically identified in the approved planned development map and accompanying planned development text are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this section, the zoning ordinance, and the approved planned development map and accompanying planned development text. Within ten business days of approval of the "PD" planned development rezoning application and the planned development map and accompanying planned development text by the township board, the applicant shall record an affidavit with the Ingham County Register of Deeds, which shall contains the following:

1. Date of approval of the "PD" planned development zone by the township board.
2. Legal description of the property.
3. Description of the required green space along with a plan stating how this green space is to be maintained.
4. A statement that the property will be developed in accordance with the approved planned development map and accompanying planned development text and any conditions imposed by the township board unless an amendment thereto is duly approved by the township board upon the request of the applicant or the applicant's successors or assigns.
5. It shall be the responsibility of the owner and occupant of the property to maintain all parking, access facilities and public use areas in a safe and usable condition.

Section 85-11.9. Final site development plan.

After approval of the "PD" planned development rezoning and the planned development map and accompanying planned development text by the township board, the applicant shall submit a final site development plan for review and approval by the township board or its designee prior to starting any construction or improvement on any phase,

parcel or site within the project.

Contents of final site development plan: The final site development plan for any phase, parcel or site within the project shall contain the same information required for the proposed planned development map and accompanying planned development text and shall also contain the following additional information, as well as information specifically requested by the planning commission in its review of proposed planned development map and accompanying planned development text:

1. Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
2. Proposed contour lines at not greater than two-foot intervals.
3. Proposed landscaping including type, number, and size of trees and shrubs.
4. Location and design of signs and exterior lighting.
5. Location of sidewalk, footpaths, or other pedestrian walkways.
6. Distance of all buildings from lot lines, rights-of-way, and other principal buildings.
7. Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
8. Proposed phases of the project.
9. The site plan information and data identified in the following sections of this title: 85-10.1(3)(b)(9) through (12); and 85-10.1(3)(b)(18) through (25).

Section 85-11.10. Standards for final site development plan approval.

Following review, the township board, or designee, shall either approve, deny, or approve with conditions the final site development plan.

In making a decision, the township board or its designee shall find that the proposed site development plan meets the intent of the "PD" planned development zone and the following standards:

1. Required ingress and egress to the property and proposed structures, with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in cases of fire, catastrophe, or emergency, is provided.
2. Required off-street parking and loading areas, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development, is provided.
3. Required sewer and water utility service and stormwater surface drainage, with reference to locations, availability, and compatibility, is provided.
4. Required screening and buffering, with reference to type, dimensions, and character of buildings, is provided.
5. Signs, if any, are compatible and do not cause an adverse impact on adjoining properties due to lighting relative to glare, traffic safety, and economic effect.
6. Compliance with the site plan standards identified in the following sections of this title: 85-10.4(16) through (25).

Section 85-11.11. Conditions.

1. In approving a final site development plan, the township board or its designee may impose reasonable conditions, including, but not limited to, conditions necessary to: ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads

caused by the land use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- a. They shall be designed to protect natural resources, the health, safety, and welfare of the citizens of the township, and the social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. They shall be related to the valid exercise of the police power and purposes of the township which are affected by the proposed use or activity.
 - c. They shall be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in this section for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
2. Any conditions imposed with respect to the approval of a final site development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the township board and the landowner. The township clerk shall maintain a record of conditions and any changes thereto. The final site development plan, as approved, shall act as a restriction upon the development of the subject phase, parcel or site, and all development thereon must conform to the final site development plan.

Section 85-11.12. Performance guarantees.

The township may require the land owner(s) to acquire and maintain a performance bond (from an insurance company licensed to do business in Michigan), bank letter of credit or similar guarantee satisfactory to the township board, in accordance with section 94-6, in order to ensure the completion of improvements required by the approved final site development plan.

Section 85-11.13. Modification of an approved planned development or an approved final site development plan.

Modifications to a final site development plan may be approved by mutual agreement of the applicant or its successor property owner and the township board or designee, provided the changes comply with all applicable requirements of this section and all other applicable township regulations or state law. Construction and modification of structures must follow the rules and regulations associated with receiving a building permit.

Minor modifications to an approved planned development map or the accompanying planned development text, including, but not limited to, a decrease in assigned density or intensity for a specific parcel, a change in land use designation from multifamily to single family or a change from any other use to open space or passive recreation, a change in infrastructure features of the planned development which are clearly beneficial to the occupants of the planned development or adjacent lands, or a change in land use designation from single family to multifamily with no increase in permitted site-specific density, shall be reviewed and, if appropriate, approved by the township board.

Major modifications to an approved planned development map or the accompanying planned development text, including, but not limited to, an increase in density or number of dwelling units, an increase in land area, or the addition of land uses not previously permitted, shall comply with the original approval procedures for a "PD" planned development rezoning application.

(Ord. No. 31.154, 9-14-00)

Section 85-12. - Commercial corridor overlay district.

Section 85-12.1 Intent. This section of the Charter Township of Lansing Code of Ordinances is meant to facilitate the revitalization and redevelopment of certain commercial roads within the Township. It recognizes the need for walkable, mixed-use, infill development and larger scale redevelopment and re-purposing of land along these urban corridors, and emphasizes the role of urban design in the creation of an attractive urban environment that fosters lasting economic development and community activity.

Section 85-12.2 Definitions.

Commercial corridor: A public roadway that has been so designated due to certain conditions including its classification as an urban minor or major arterial road and characterized by adjacent commercial, residential and/or industrial land uses.

Cut off lighting: Lighting that is shaded in a way that prevents any light from radiating above a horizontal plane that is parallel to the average finished grade of a site.

High density residential: residential land use developed at a density of greater than 20 dwelling units/acre of developable land.

Integrated stormwater management plan: A coordinated plan consisting of structural and nonstructural stormwater best management practices that meets water quality, channel protection, and flood management standards as set forth by local, state, and federal regulations.

Landscaping and street furniture area (LSFA): An area that is at least six feet in width for landscaping such as trees, shrubbery, vegetative groundcover and grass and furnished with amenities such as lighting, seating, planters or trash receptacles.

Live-work unit: Live/work units are dwelling units wherein each unit is designed to accommodate a small business and living quarters. A live-work unit may also consist of multiple unattached structures built on the same lot wherein at least one of the structures serves as a workshop, retail shop, studio, office or other nonresidential building that is used by resident(s) as a place of work. Live-work units shall meet the design standards applicable to mixed-use buildings.

Neighborhood street: Sometimes referred to by Federal Highway Administration functional classification as "urban local", "urban collector", or "local" streets, these roadways provide a high level of land access and convenient circulation within residential, commercial, industrial, and mixed use neighborhoods. Neighborhood streets typically have lower traffic volumes, and are tributary to larger, higher capacity arterial roadways.

Open space, private: An open, outdoor area accessible to and for the exclusive use of the residents of individual dwelling units; includes private patios, balconies, and decks.

Open space, private shared: An open, outdoor area accessible to and for the exclusive use of all residents of a multiple family housing development.

Open space, public: An open, outdoor area accessible to and for use by the general public.

Pedestrian clear area (PCA): An unobstructed pedestrian area measuring at least seven feet in width and eight feet in height.

Pedestrian zone (PZ): The general area that includes the PCA and LSFA.

Pedestrian zone amenity area (PZAA): An area with a maximum of 15 feet in width designated for landscaping, seating, public art, outdoor dining or similar purposes.

Public art: Original works created by an individual or group on display in the LSFA or PZAA for the purposes of self-expression and aesthetic enhancement of the corridor that does not also promote a commercial venue or interest.

Recreation, fitness, health and athletic clubs and facilities: Usually a commercial facility or establishment supported by dues paying members who pay fees in order to use exercise and fitness equipment and related facilities and amenities. Examples include gymnasiums, racquet clubs, martial arts studios, aquatic sports centers, ice rinks, indoor soccer fields, batting cages, and roller rinks. Facilities that provide wellness services exclusively are not included in this definition.

Section 85-12.3 Applicability. A commercial corridor overlay district (CCOD) shall be so designated by the Charter Township of Lansing Board of Trustees upon consultation with the planning commission and pursuant to the requirements of Public Act 110 of 2006 the Michigan zoning enabling act (MZEA). The provisions of this section shall serve as a supplement to the original zoning of each property located within the district. Where a conflict arises between the original zoning and the provisions of this subdivision, the CCOD shall control.

- (1) *Corridor overlay boundaries.* For the purposes of site design review (site plan review) and zoning, the commercial corridor overlay district shall be described by the exact geographic extent and boundaries depicted in Appendix A.
- (2) *Applicability.* Unless exempted in section 85-12.2(3) below, this subdivision is applicable to:
 - a. The construction of any new structures or major expansion of any existing structures;
 - b. Any change of an existing use of land or structure that affects site characteristics and/or function such that it requires site plan approval by the planning commission and township board of trustees according to section 85-10. Site plan review-purpose. Development activities that involve physical changes to a property and changes of use requiring site plan approval shall be brought into compliance with the commercial corridor overlay district to the maximum extent practical.
 - c. Any party seeking site plan approval for alterations of site characteristics, conditions, or changes of use requiring administrative site plan approval as according to section 85-10.2 Administrative review may choose voluntarily to have the proposed modifications reviewed under this section or under the requirements of the existing zoning. If the modifications are reviewed under this section, the property shall thenceforth be regulated under this section.
- (3) *Exempt activities.* Development of temporary or transitional uses as described in section 85-12.4(3) Uses permitted, temporary transitional land use license; uses currently permitted by underlying zoning requirements shall be permitted to continue under the regulation of the underlying zoning as long as no physical changes or changes of use requiring site plan approval are proposed. Properties zoned PD planned development are exempt from the provisions of this section.

Section 85-12.4 Uses permitted. The specific uses permitted in the commercial corridor overlay district shall be the erection, construction, alteration, conversion or use of buildings and/or land for:

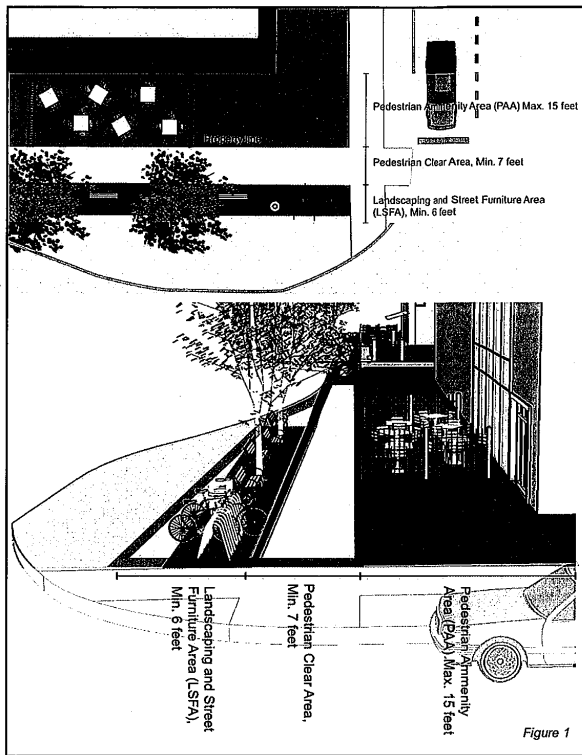
- (1) Uses permitted as of right:
 - a. All uses permitted as of right, except those expressly prohibited in (2), in the "F" commercial zone, the "D" administrative zone, the "E" local business zone, and uses permitted by special permit listed in subsection 85-6.1(2), and the following specifically enumerated uses: Brewpubs and microbreweries or similar facility with a minimum of 1,000 square feet of bar or restaurant service area; offices and facilities for health and wellness practitioners; fitness and athletic clubs and facilities and dance studios; rummage sales and flea markets; childcare; home occupations as defined by Section 82-2(35); live work units; facilities for the production of artisanal foods and handicrafts including furniture, pottery, blown glass, provided that a minimum of 500

square feet of net usable floor area of the facility is devoted to retail sales of goods produced on site and provided that production activities will not create noxious fumes, unlawful noise as defined in chapter 54, extraordinary traffic or any other conditions that endanger the public or undermine or degrade public health and safety.

- b. High density residential uses.
 - c. A vertical mix in a single building or multiple adjacent buildings of the aforementioned uses.
- (2) *Prohibited uses:* Filling stations, miniwarehousing or self-storage, car dealerships, warehousing where less than 20 percent of net first floor square footage is devoted to retail sales, freestanding communications towers, drive-through facilities, drive-in restaurants, freestanding billboards as described and regulated by section 102-2 "Advertising signs," contractor supply yards, and outdoor storage of materials and equipment not available for on premises retail sales, and adult entertainment theaters and stores. Any use of barbed-wire is prohibited.
- (3) *Temporary transitional land use:* Temporary transitional land uses including food carts, pop-up businesses, outdoor events, and farmers markets are permitted with an outdoor event or vendor license obtained from the zoning administrator.

Section 85-12.5 Site development and design standards. In order to promote the revitalization of commercial corridor overlay districts, site development and design standards shall encourage appropriate massing and placement of buildings; safe and efficient pedestrian and non-motorized access to individual sites and between individual sites and surrounding neighborhoods, transportation systems, and other destinations.

- (1) *Pedestrian zone.* The roadside (the area between a building's façade and the face of the road pan curb) is composed of a pedestrian zone (PZ) and an optional pedestrian zone amenity area (PZAA). The pedestrian zone shall consist of an unobstructed, pedestrian clear area (PCA) and landscaping and street furnishings area (LSFA) (see figure 1).
- a. The PCA shall be not less than seven feet in width and eight feet in height as measured horizontally from the building façade or edge of the pedestrian zone amenity area and vertically from the top of sidewalk pavement (see figure 1);
 - b. Where feasible, the LSFA shall not be not be less than six feet' in width as measured from the edge of the PCA to the back of curb or edge of pavement of the public right-of-way. All light standards, tree grates, seating, trash receptacles, etc. shall be dark finished metal, stone, or other durable materials. This requirement does not apply to works of art as defined within this section.
 - c. An optional pedestrian amenity area or public plaza (PZAA) of not more than 15 feet in width may be located between the pedestrian zone and building façade provided that the area is used for landscaping, seating, public art, outdoor dining, public assembly or similar purpose. Standards for street furnishing and landscaping are further described below in 85-12.5(2).

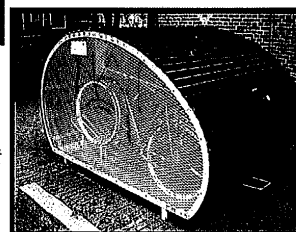
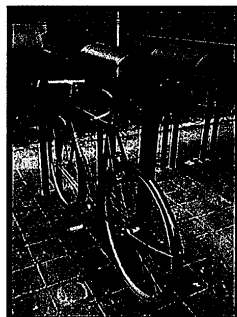
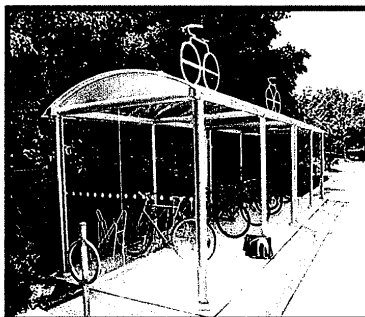


- d. When located on neighborhood streets and not the designated commercial corridor, buildings shall be constructed not less than ten feet and not more than 15 feet from the inside edge of the PZ. This front yard setback area shall not be used for parking except where parking is provided on a paved driveway. This setback area may be used for landscaping but shall otherwise be free of obstruction by any permanently affixed structures. Steps, ramp or similar accessibility measure may project a maximum of four feet into the setback area.
- e. A clear vision triangle (see figure 2) shall be maintained where roads, whether public or private, intersect, and whether there is traffic control or not. The clear vision triangle shall be determined using one of the following methods:
1. A line extending 20 feet away from the corner of the property nearest the intersection (this point shall be considered the point of origin) along the property line adjacent and parallel to the outer edge (typically the edge of pavement) of the outer most travel lane; a second line extending 20 feet away from the same property corner (the point of origin) shall be drawn perpendicular to the first line; a third line which will form the hypotenuse shall be drawn connecting the termini of these two lines. The resulting triangular area is the clear vision triangle and shall be free of visual obstructions between the heights of three and seven feet.
 2. Alternatively, an applicant may undertake a "sight distance" study to determine the most effective location and dimensions of clear vision/sight triangles. Any such study shall be consistent AASHTO and other accepted best practices for calculating intersection and stopping sight distances. For intersections without traffic control, an approach sight triangles shall be determined; for intersections with traffic control a departure clear vision/sight triangle shall be determined.

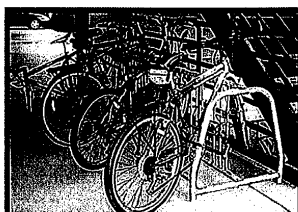
2. Existing mature trees shall be retained whenever feasible.
 3. Not more than 15 continuous parking spaces shall be allowed in a row of parking without separation by a landscaped area or island with minimum dimensions of nine feet wide by 18 feet deep.
 4. Planting alternatives may be considered if they support an approved integrated stormwater management plan.
- e. Minimum requirements for landscape areas in parking lots may be waived or modified by the planning commission if they are part of an approved integrated stormwater management plan.

(4) *Bicycle parking.*

- a. All non-residential developments which provide automobile parking facilities shall provide bicycle parking facilities (bike racks and similar devices) at a ratio of at least one bicycle parking space for every ten automobile parking spaces.
- b. Multi-family developments shall provide said facilities at a ratio of at least one bicycle parking space for every two multi-family units.
- c. No development, except a one or two-family developments, shall have fewer than three bicycle/moped parking spaces nor be required to exceed a maximum of 25 spaces.
- d. Bicycle spaces may be located within the LSFA, PZAA or other accessible location at a maximum distance of 50 feet from the main building entrance, or shall be located at least as close as the closest automobile parking space.
- e. Each space shall include a metal bicycle rack, stand, or similar device for securing bicycles with a user-supplied lock. Sheltered bicycle stalls or similar storage devices are strongly encouraged and may, at the discretion of the planning commission, be used to reduce total bicycle parking requirements for a site by as much as 50 percent of the original number required.
- f. Shared bicycle parking facilities, whether public or private, may be used to meet the requirements of this section provided that evidence of permanent access is submitted to and accepted by township staff or the planning commission as proof of access to such facilities.



Bicycle parking and storage examples: sheltered and secured bicycle parking facilities are always encouraged in the commercial corridor overlay district. Bicycle racks or stands should provide easy access and removal and support the frame of the bicycle, not the wheels.



Bike racks, like those shown to the left, are not easy to use, do not adequately support bicycle frames or protect bicycles from damage. Use of these types of bicycle racks shall be avoided.

- (5) *Location of utilities.* Every reasonable effort shall be made to locate utilities underground or behind buildings. How application reviewed under this section shall not be penalized for placements of public utilities that do not comply with this provision when the utility owner prevents through action or inaction the relocation of the utility infrastructure to a preferred location.
- (6) *Stormwater management facilities.* Stormwater management facilities shall be provided onsite and/or offsite in accordance with local, state and federal stormwater management regulations and statutes.
- (7) *Off-street parking.* Off-street parking requirements are generally delineated in section 84-3. In order to discourage the construction of large surface parking lots along commercial corridors and nearby neighborhood streets and to mitigate negative impacts of these facilities on neighborhood character and aesthetic quality, the following additional provisions shall apply for properties located within the overlay district:
 - a. Shared parking and offstreet parking reductions. Required offstreet parking may be reduced for individual, single use properties and mixed use properties according to the following:
 - 1. Required offstreet parking for all properties located within the overlay district as calculated using section 84-3.3 Amount of space, shall be reduced by 20 percent.
 - 2. For mixed-use buildings and multiple building mixed-use developments where two or more types of land uses share parking facilities, required offstreet parking may further be reduced according to the following computational method:
 - a. Required offstreet parking for individual land uses within a mixed-use building or development shall be calculated based on requirements set forth in section 84-3.3, Amount of space.
 - b. Using table 1 Shared Parking Reduction, multiply the number of spaces required by each individual use by the appropriate percentage for each of the six time periods (for example, "Weekdays from 2:00 a.m.—7:00 a.m., Weekends 6:00 p.m.—2:00 a.m., etc.).
 - c. Sum the resulting numbers of required parking spaces in each column.
 - d. The minimum number of spaces required shall be the highest number among these totals.
 - 3. Alternatively, an applicant may submit for review by the planning commission a shared parking study to justify reduced parking requirements based on different assumptions and methodology. The study shall be reviewed and accepted, accepted with conditions, or rejected by the planning commission or zoning administrator or director of planning.
 - 4. Multiple building mixed-use developments must provide documentation of shared parking access between separate properties. Such documentation may consist of a lease of not fewer than ten years in length, easement, or other legally binding contract made between affected property owners and accepted by the township as adequate proof of a durable, binding agreement. All such legal arrangements shall be filed and recorded by Ingham County Register of Deeds and evidence of proper filing shall be provided to the township zoning administrator prior to issuance of any permits, licenses, or certificates of occupancy.

Table 1. Shared Parking Reduction

	Weekdays			Weekends		
	2:00 a.m.— 7:00 a.m.	7:00 a.m.— 6:00 p.m.	6:00 p.m.— 2:00 a.m.	2:00 a.m.— 7:00 a.m.	7:00 a.m.— 6:00 p.m.	6:00 p.m.— 2:00 a.m.

Office	5	100	5	0	10	0
Retail sales and service	0	90	80	0	100	60
Restaurant	10	70	100	20	70	100
Residential	100	60	100	100	75	90
Theater	0	40	90	0	80	100
Hotel						
Guest rooms	100	55	100	100	55	100
Restaurant	40	60	100	50	45	100
Conference rooms	0	100	100	0	100	50
Religious institution	0	25	50	0	100	50
Public Assembly	0	70	90	0	70	100
Museum	0	100	80	0	100	80
K-12 Schools	0	100	25	0	30	10
Totals						

- b. Parking lots shall be constructed behind principal buildings. Parking lots may be constructed beside principal buildings provided that not less than 50 percent of the net frontage length along the commercial corridor or local road consists of continuous building façade built to the edge of the pedestrian zone or pedestrian zone amenity area.
- c. Parking lots shall be connected to the public pedestrian way (usually the PCA) by a minimum five-foot wide sidewalk.
- d. Use of back-in angled parking is encouraged to improve safety for drivers, pedestrians, and bicyclists.
- e. Parking lots shall be separated from the pedestrian zone (PZ) by a landscaped buffer at least five feet in width and shall be composed of permanent landscape elements such as architectural metal fencing, masonry walls, trees or other plantings meeting the standards set forth by 85-.5(2) and (3).
- f. Installation of curb and gutter may be waived when interior landscaped areas are integrated into an approved stormwater management plan for the purposes of reducing stormwater runoff and increasing pretreatment of stormwater runoff. Total planting area may, at the discretion of the planning commission, be

reduced by 20 percent with an approved stormwater management plan that meets local, state, and federal regulations, rules, and statutes for post construction channel protection and water quality.

- g. Parking lots shall be hard-surfaced with concrete or asphalt and meet the requirements of section 84-3, Off-street parking. The planning commission may approve alternative paving materials like pervious concrete or asphalt, pavers, etc. provided that any such application is a component of an approved stormwater management plan for the site.
- h. Parking lots shall be lighted from dusk until dawn using approved 100 percent cut-off lighting fixtures.
- i. Dimensions for parking spaces and parking lot drive aisles are described in following table:

Table 2. Parking Lot Dimensions

Parking Space Configuration (in degrees)	Parking Space Dimensions (in feet)		Drive Aisle Widths (in feet)			
	Width	Length	2 Way, 2 Sides	2 Way, 1 Side	1 Way, 2 Sides	1 Way, 1 Side
75—90	9	18	24	24	18	14
30—75	9	18	Not Permitted	Not Permitted	15	12
Parallel	7	21	20	20	14	14

(8) *Lighting.*

- a. Façade lighting that is integrated into and accentuates architectural features, such as principal entrances, fenestration, and signage, is recommended. Uniform floodlighting is not permitted.
- b. All outdoor lighting, including façade lighting, shall be 100% cut-off.
- c. Building entries, the pedestrian zone, and other heavily trafficked areas (including parking lots) shall be lighted between dusk and dawn to an average of four footcandles at grade not to exceed five footcandles or fall below 1.5 footcandles at grade.
- d. Directional luminaries may be used to illuminate flagpoles, signs, art works, etc. provided that they are aimed at the object and will not light neighboring properties, roadways, or distribute excessive light skyward.

(9) *Signage.* Signage is an important means of advertisement, but also enables easy identification of destinations and should contribute to the architectural character of a building and district in general.

- a. Signage should be compatible with building architecture and features in scale, architectural style, theme, and finishes.
- b. Animated signs, tri-vision type signs, and similar signs as prohibited by section 102-7.3, Signs not permitted are prohibited herein.
- c. Grade level window signs are permitted but shall not obscure more than 50 percent of the total window area or more than 50 percent of any single storefront window. Windows signs shall never be designed or placed in

a way that could impair the ability of public safety personnel in the effective performance of their duties.

- d. All buildings shall have the street address number clearly visible during daytime and nighttime hours from the pedestrian way and from vehicular travel lanes for each public entrance. Numbers shall be a minimum of four inches in height.
- e. Wall murals that are not used for advertising purposes are exempt from size restrictions provided that they do not obscure windows. Wall murals that contain or act as advertising shall not be painted or affixed to building facades, and may only be painted or affixed to the side or rear walls and shall not cover more than 20 percent of the gross surface area of a wall and shall not obscure windows.
- f. All signs require sign permits shall be permitted according to section 102-5 of the Township Code of Ordinances.

(10) *Open space requirements.* Individual buildings and multiple building developments shall provide open space according to the following standards:

- a. Open space may consist of patios, yards, balconies, decks, parks, and other outdoor recreational facilities and landscaped and natural areas that are restricted to private access (private and private shared open space) or are open to the general public (public open space).
- b. Different land uses require different amounts of open space. Open space requirements shall be calculated using the following table:

Table 3. Required Open Space

Use	Minimum Required Open Space/ Dwelling Unit	Portion of Private Open Space	Portion of Private Shared Open Space	Max Open Space Requirement Transferable Offsite
Multifamily Residential more than 2 DU	375 square feet are required for each dwelling	Up to 50% of total required open space	At least 10% of total required open space	90%
Multifamily Residential 2 DU	625 square feet are required for each dwelling	At least 60% of total required open space	Up to 20% of total required open space	40%
Commercial	20% of building footprint	NA	At least 20%	80%
Institutional	20% of building footprint	NA	At least 20%	80%
Mixed Use	Pro-rata share			

- c. Offsite transfer of required open space. Required open space may be voluntarily transferred to an offsite location meeting the standards listed in table 3, above, and the following:
1. Offsite open space facilities must be located within one-quarter of a mile walking distance from the development. Offsite open space shall be easily and safely accessible by foot.
 2. An approved site plan shall be required for all offsite open space facilities. Approval shall be obtained by the applicant simultaneously with a site plan reviewed under this section.

Section 85-12.6. Building design standards.

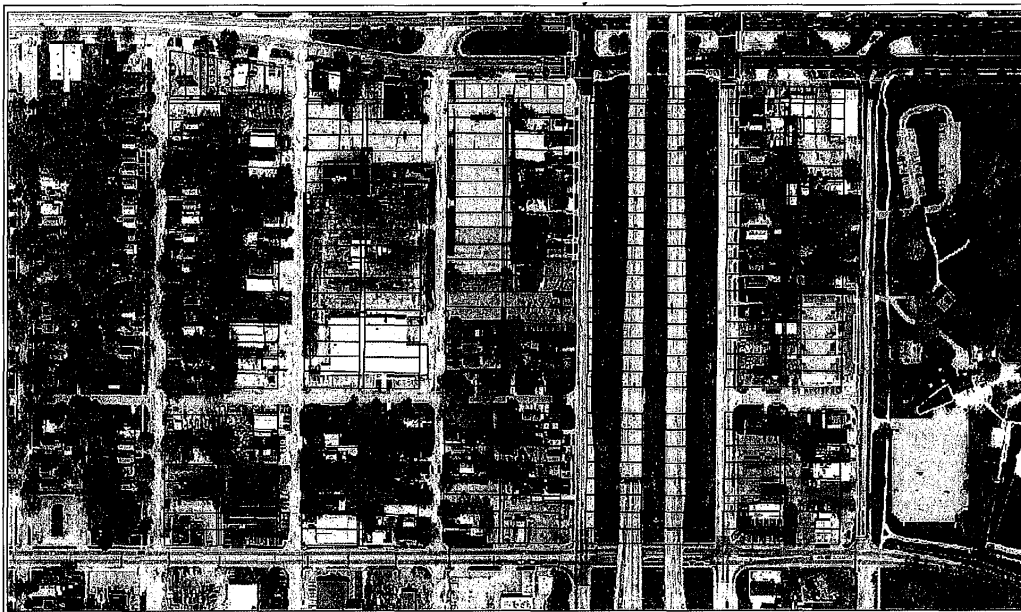
- (1) *Building access and orientation.* Primary pedestrian access to a building shall be easily identifiable and directly accessible from the public pedestrian thoroughfare (typically the pedestrian zone, see section 85-12.5(1) above). In no case shall primary pedestrian access across a parking lot be permitted. In cases where the primary pedestrian access to a building is not directly through the public pedestrian thoroughfare, a landscaped pedestrian pathway or plaza shall link the entrance to the public pedestrian thoroughfare. Where appropriate, covered or sheltered corridors and plazas are encouraged. In addition to these requirements, the following shall apply:
- a. All primary building entrances shall face the public road and pedestrian zone unless site conditions prevent it or architectural benefits can be derived from an alternative location.
 - b. Buildings that front on two roadways may have a corner entrance.
 - c. Doors shall not open into the PCA so as to obstruct it.
- (2) *Active ground floor uses.* Active uses shall occupy the ground floor level for a minimum depth of 25 feet along the commercial corridor frontage. "Active uses" are hereby defined as retail goods establishments, retail service establishments, food store establishments, hotel and entertainment venue lobbies, restaurants and bars, specialty food stores, indoor commercial recreation, performance entertainment venues, and cultural facilities. Exhibit windows and public art may also be acceptable for areas where active uses are not currently feasible.
- (3) *Screening of equipment and utilities.*
- a. All solid waste collection areas, receptacles, and mechanical equipment shall be screened from view by a solid, opaque wall or fence. This subsection shall not apply to trash cans located in the LSFA. The use of chain link fence for the purpose of screening is expressly forbidden.
 - b. Rooftop mounted mechanical equipment shall be screened from view of a person standing on the far opposite side of the commercial corridor.
- (4) *Maximum building height.* Maximum building height for individual properties within the development area is depicted in Appendix B, Commercial Corridor Overlay District Height Regulating Plan. The following additional standards shall apply:
- a. Buildings exceeding the six stories shall be subject to a minimum stepback of 15 feet for floors or building areas above six floors or 60 feet (whichever is shorter).
 - b. In instances where a proposed building with a height exceeding 40 feet is to be located adjacent to an existing building that is under three stories or 30 feet in its maximum height, there shall be an area of separation between the proposed and existing building. The area of separation shall be 75% of the average maximum height of the proposed building. This area of separation may only be used for parking, entry and circulation drives, landscaping and open space, or may be built to a maximum height of 40 feet and only then with a 20-foot wide area of separation that is free of any vertical structures between the existing and proposed building.

- (5) *Awnings and canopies.* Awnings and canopies can create visual interest, provide passers-by with refuge from inclement weather, and provide shade to building interiors thereby reducing the need for artificial cooling.
- a. No more than 50 percent of an awning or canopy may be used for business identification signage.
 - b. Awnings may not project any more than three feet into the public right-of-way. Permission to encroach into the right-of-way may be required from the appropriate road agency.
 - c. Awnings shall never encroach into the PCA.

Section 85-12.7. Mixed use. The development of a mix of compatible residential, commercial, and institutional uses within close proximity to each other is strongly encouraged within the commercial corridor overlay district. Mixed use development may be realized vertically through construction of individual mixed use buildings or horizontally through a siting of compatible single use buildings in close proximity to one another.

Appendix "A"

Commercial Corridor Overlay District Zone

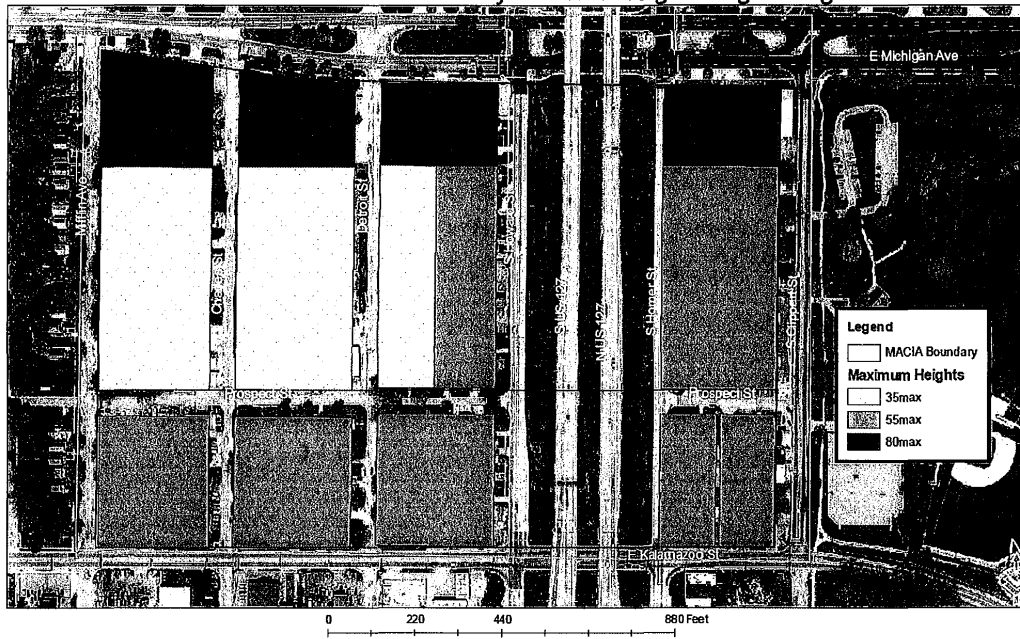


A part of section 14 of township 4 north, range 2 west, Ingham County, Michigan more particularly described as:

Beginning at the northwest corner of lot 243 of Urban Number 1 Subdivision, thence east along the south right-of-way line of East Michigan Avenue to the northeast corner of lot 1 of Urbandale Subdivision, thence south along the west right-of-way line of Clippert Street to the southeast corner of lot 211 of Urbandale Subdivision, thence west along the north right-of-way line of East Kalamazoo Street to the southwest corner of lot 261 of Urbandale Number 1 Subdivision, thence north along the east right-of-way line of Mifflin Street to the northwest corner of lot 243 of Urbandale Number 1 Subdivision.

Appendix "B"

Appendix "B" Commercial Corridor Overlay District Height Regulating Plan



(Ord. No. 31.167, § 1, 8-27-13)

CHAPTER 86. - NONCONFORMING BUILDINGS AND USES

Section 86-1. - Continuation of existing uses.

The lawful use of a building existing at the time of the effective date of this title may be continued although such use does not conform to the provisions hereof.

The lawful use of land and advertising signs and bulletin boards which do not conform to the provisions of this title shall be discontinued within one year from the effective date of this title, and the use of land and signs and bulletin boards which become nonconforming by reason of a subsequent change in this title shall also be discontinued within one year from the date of the change.

Exception: Land uses for agricultural purposes may continue in such use although it does not conform to the provisions hereof.

Continuance of nonconforming uses and structures shall be subject to all following provisions that apply. A nonconforming use shall not be expanded.

Section 86-2. - Changing uses.

If no structural alterations are made, a nonconforming use of a building may be changed, with consent of the zoning board of appeals, to another nonconforming use similar in nature to the original nonconforming use and permitted within the same zone classification. With or without structural alterations the zoning board of appeals may permit a nonconforming use to be changed to a more conforming use. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not thereafter be changed to a less conforming use.

Section 86-3. - Discontinuance.

In the event that a nonconforming use is discontinued for a period of one year, the use of the property shall thereafter conform to a use permitted in the zone in which it is located.

Section 86-4. - Building expansion.

A residential building which is nonconforming because of inadequate living space may be expanded, altered or rehabilitated if such activity will make it more conforming, or conforming to the regulations of this title or building codes. Nonresidential nonconforming buildings shall not be expanded if it increases the degree of nonconformance. Buildings necessary for an existing agricultural activity may be enlarged, altered or rehabilitated if the purpose is to maintain or improve the agricultural activity.

Section 86-5. - Buildings under construction.

If a building permit had been issued for a nonconforming building prior to the passage of this title such proposed building shall be permitted: Provided,

- (1) Construction is begun within 30 days after the effective date of this title.
- (2) That the construction is continuous until the building is complete.

Section 86-6. - Repair of nonconforming buildings.

Nothing in this title shall prevent the repair, reinforcement or reconstruction of a nonconforming building, or part thereof, rendered necessary by wear and tear, deterioration or depreciation, provided the cost of such work shall not exceed 50 percent of the state equalized valuation of such building at the time such work is done, nor shall any provision of this title prevent compliance with the provisions of any building code in effect in the township.

Section 86-7. - Reconstruction of demolished, destroyed, or condemned structures.

When a building containing a nonconforming use, or nonconforming as to floor area, height, or bulk, is damaged by fire, explosion, act of God, the public enemy, or is legally condemned to the extent of more than 50 percent of its state equalized value for tax purposes, the new construction which is erected in place of said destroyed or condemned portion shall be erected in conformance with the use, area, height, floor area and bulk regulations of the district in which said structure is located.

When a building containing a nonconforming use, or nonconforming as to floor area, height, or bulk, is damaged by fire, explosion, act of God, the public enemy, or is legally condemned to the extent of less than 50 percent of its state equalized value for tax purposes, it may only be restored to its original size and use upon the issuance of a permit by the zoning board of appeals, and its decision shall be final, subject only to a judicial review in the event of an arbitrary abuse of discretion of said board.

The extent of the damage to the structure affected as herein contemplated shall be determined by the zoning board of appeals after receiving an estimate of the damage rated by the same formula used for tax purposes from the assessing officer and a structural damage report from the fire marshal, or fire chief.

The creation of new parking and/or loading spaces to completely eliminate a deficiency existing prior to damage or condemnation shall not be required in connection with said reconstruction, except where said destruction or condemnation is greater than 50 percent or more of the gross floor area of the structure. The degree of conformance to the parking and/or loading space requirements shall be not less than originally achieved, but shall be to the highest degree of conformity that is practical.

CHAPTER 87. - ZONING BOARD OF APPEALS

Section 87-1. - Creation and membership.

There is hereby created a zoning board of appeals, which shall consist of five members. The first member of said zoning board of appeals shall be the chairman of the township planning commission; the second member shall be a member of the township board appointed to the zoning board of appeals by said board; and the remaining members shall be appointed by the township board from among the electors residing in the unincorporated area of the township for a term of three years. No elective officer of the township nor any employee of the township board may serve as a member of the zoning board of appeals. The chairman of the township planning commission shall also act as chairman of the zoning board of appeals.

Members of the zoning board of appeals shall be removable by the township board for nonperformance of duty or misconduct in office upon written charges and after a public hearing.

Section 87-2. - Organization and procedures.

- (1) *Rules of procedure.* The zoning board of appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings properly.
- (2) *Majority vote.* The concurring vote of a majority of the members of the zoning board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the building inspector or to decide in favor of the applicant any matter upon which they are required to pass under this title or to effect any variation in this title.
- (3) *Meetings.* Meetings shall be open to the public, and shall be held at the call of the chairman and at such other times as the zoning board of appeals shall specify in its rules of procedure. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- (4) *Records.* Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with votes of the members and the final disposition of each case. The grounds of every determination shall be stated, and such determination shall supersede any order or determination from which the appeal is taken. Such minutes shall be filed in the office of the township clerk and shall be a public record. A copy of the decision shall also be sent promptly to the applicant or appellant and to the building inspector.
- (5) *Secretary and counsel.* The township clerk shall be responsible for acting as secretary, or of providing secretarial services for the zoning board of appeals. The township attorney shall act as legal counsel for the board and shall be present at meetings upon request by the board.
- (6) *Hearings.* When a notice of appeal has been filed in proper form with the zoning board of appeals, the secretary shall immediately place the said request for appeal upon the calendar for hearing and shall cause notices stating the time, place and purpose of the hearing to be served in accordance with the regular rules of procedure. The zoning board of appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties and allow all interested parties to be heard. Upon the hearing, any party may appear in person or by agent or by attorney.
- (7) *Decisions.* The zoning board of appeals shall return a decision upon each case within 60 days after a request or appeal has been filed with the board unless additional time is agreed upon with the parties concerned. Any decision of the board shall not become final until the expiration of ten days from the date of entry of such order and service of the same upon the parties concerned unless the board shall find the immediate effect of such order is necessary for the preservation of property or personal rights or public safety and shall so certify on the record.

The decision of such board shall be final, unless any person having an interest affected by any such decision shall, within ten days following the filing of the decision of the township board of appeals with the township clerk, appeal such decision to the circuit court and in case of such appeal the court shall consider the same both as to questions of law and fact.

Section 87-3. - Appeals, how taken.

- (1) Appeals to the board may be taken by any person aggrieved, or by any officer, department, or board of the township.
- (2) Time limit. Any appeal from a ruling of the building inspector concerning the enforcement of the provisions of this title shall be made to the zoning board of appeals through the building inspector within ten days after the date of the building inspector's decision which is the basis of the appeal. Any appeal shall be in writing on standard forms, if available; otherwise by letter stating the grounds for the appeal.
- (3) Duties of building inspector. The building inspector shall transmit to the board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken.
- (4) Stay. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the zoning board of appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause eminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by the circuit court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (5) Fee. Any appeal to the zoning board of appeals shall be accompanied with a payment of a fee in accordance with a schedule of fees adopted by the township board. The purpose of the fee is to cover any necessary advertisement and investigation expenses incurred in connection with the appeal.

Section 87-4. - Duties and powers of the board of appeals.

The zoning board of appeals shall have the following specified duties and powers:

- (1) *Review*. Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the building inspector in the administration of this title.
- (2) *Interpretation*. Shall have the power to hear and decide upon appeals for the interpretation of the provisions of this title, which shall include the determination of precise location of zone boundaries when there is doubt, classification of a use which is not specifically mentioned along with a comparable permitted or prohibited use in any zone, determine the off-street parking and loading space requirements of any use which is not mentioned in chapter 84.
- (3) *Variances*. The zoning board of appeals may have the power to authorize upon appeal, the following variance:
 - a. *Use variance*: A use variance authorizes a use of land otherwise prohibited under the zoning ordinance. To obtain a use variance, an applicant must prove to the zoning board of appeals that it will suffer "unnecessary hardship" if variance is denied. The unnecessary hardship must relate to the property for which the variance is sought as follows:
 1. The land in question cannot yield a reasonable return if used only for the purpose allowed in that zone;
 2. The plight of the owner is due to unique circumstances and not the general conditions in the neighborhood; and

3. The use to be authorized by the variance will not alter the essential character of the locality.
- b. *Dimensional variance:* A dimensional variance authorizes specific variances from such dimensional requirements as lot area and width regulations, building height regulations, and yard width and depth regulations as specified in this title when all of the basic conditions listed below are satisfied.

Basic conditions: That any variance granted:

- a. Will not be contrary to the public interest and will not be contrary to the spirit and intent of this title;
- b. Will not cause any adverse effect to the property in the vicinity or in the zone or the community;
- c. Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable;
- d. Relates only to property that is under control of the applicant;
- e. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity and have not resulted from any act of the applicant.

Additional rules. In addition to the foregoing conditions, the following rules shall be applied to the granting of variances:

- a. In granting a variance, the board may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulation or provision to which such variance applies. The breach of such condition shall automatically invalidate the permit granted;
- b. No more than the minimum variance from the terms of this title shall be granted;
- c. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within one year after granting the variance or from the date of site plan approval;
- d. No application for a variance which has been denied wholly or in part by the board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the board to be valid;
- e. In authorizing any variance, the zoning board of appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the granting of the variance.
- f. A use variance may only be applied for after a rezoning has been denied.
- g. A two-thirds roll-call vote of the members appointed and serving on the zoning board of appeals is required to approve a use variance. The roll-call vote shall be entered into the minutes of the zoning board of appeals meeting at which the vote is taken.

(Ord. No. 31.152, § 1, 5-26-98; Ord. No. 31.164, § 1, 4-15-08)

CHAPTER 88. - ADMINISTRATION

Section 88-1. - Administrative official.

The provisions of this title shall be administered by the Charter Township planning commission and the Charter Township board. The administration and enforcement of this title may be delegated to the building inspector and his department. The building inspector and his aides shall for the purpose of this title have the powers of a police officer.

Section 88-1.1. Duties. The building inspector shall:

- (1) Review all applications for building permits and certificates of occupancy and approve or disapprove such applications on compliance or noncompliance with the provisions of this title and issue certificates when there is compliance with
- (2) Receive all applications for special use permits; conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the township board with recommendations; and notify the applicant, in writing, of any decision of the township board.
- (3) Receive all applications for appeals, variances or other matters which the zoning board of appeals is required to decide under this title; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; refer such applications with recommendations to the board for determination.
- (4) Receive all applications for amendments to this title; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the planning commission all such applications together with recommendations
- (5) Maintain a map or maps showing the current zoning classifications of all land in the township.
- (6) Maintain written records of all actions taken by the building inspector.
- (7) Be responsible for providing forms necessary for the various applications to the building inspector, planning commission or zoning board of appeals as required by this title and shall be responsible for what information is necessary on such forms for the effective administration of this title, subject to the general policies of the township board, planning commission and zoning board of appeals.

Section 88-2. - Building permits.

From and after the effective date of this title it shall be unlawful to proceed with excavation for any building, the construction, alteration, enlargement, demolition, moving of any building, or removal of any building without first obtaining a building permit. No permit shall be issued unless such building is designed and arranged to conform to the provisions of this title.

Section 88-2.1. Permit application. Application for a building permit shall be filed in writing with the building inspector, signed by the person, firm, copartnership, or corporation requesting the same or by the duly authorized agent of such person, firm, copartnership, or corporation.

Section 88-2.2. Application data. The application shall contain the following information: location and dimensions of the lot, lots, or acreage; nature of the proposed construction, alteration, or repair; location of the proposed construction, alteration, or repair upon the lot, lots, or acreage affected; dimensions, height and bulk of the structures; the proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses; use of which any structure affected is presently being made, and proposed use thereof. To each copy of the application there shall be annexed an accurately sealed copy of the plan to be followed, which plan shall also disclose the lot dimensions and the location thereon of the proposed construction, alteration, or repair; parking; and other side developments. The building inspector is hereby authorized and empowered to refuse to receive any application as herein provided unless the same shall comply with the requirements set forth.

Section 88-2.3. Evidence of ownership. All applications for permits under provisions of this title shall be accompanied with evidence of ownership of all property affected by the coverage of the permit.

Section 88-2.4. Special permits. Application for special permits authorized in this title shall be made in the following manner and issued, when approved, after stated procedures are fulfilled and the following general standards have been met:

- (1) General standards—Basis of special use permit approvals: The board of trustees or the planning commission's decision on proposed special permits shall be based solely upon compliance with the specific requirements contained elsewhere in this ordinance and the general standards listed below:
 - A. General compliance with the township comprehensive land use plan.
 - B. Satisfactory assurance that the public facilities are adequate or can be made adequate to serve the proposed project. Specifically, that existing roads, schools, stormwater drainage, fire protection, police protection, emergency medical care, public transportation are adequate to serve the proposed project.
 - C. Be designed, constructed, operated and maintained so as to be compatible with the use of adjacent lands.
 - D. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to public health, safety and welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.
- (2) The application shall be made on a form provided by the township clerk with the supporting data required attached thereto.
- (3) The township clerk shall establish a date for the planning commission to hold a public hearing within a reasonable time. A written notice of the purpose, time and place of the public hearing shall be sent to the petitioning party and all owners of property within 300 feet of its boundaries and, in addition, the property under question shall have a sign posted on it advertising the proposed change in use. All interested persons beyond the immediate 300-foot radius shall also have the right to be heard at the public hearing as this notice is not an effort to limit the range of influence of the proposed development.
- (4) A copy of the decision with any conditions shall be sent promptly by the township clerk to the applicant and to the building inspector.
- (5) Any application for a special permit shall be accompanied with a payment of fee in accordance with a schedule of fees adopted by the township board. The purpose of the fee is to cover any necessary advertisement and investigation expenses incurred in connection with the application.
- (6) No application for a special permit which has been denied by the township planning commission or the board of trustees shall be resubmitted for a period of one year from the date of last denial except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the planning commission to be valid. (Ord. No. 31.122, § 1, 8-1-89)

Section 88-2.5. Inspection fee. Before any permit shall be issued covering building or other operations regulated by this title, an inspection fee shall be paid according to the schedule established by resolution of the township board.

Section 88-2.6. Voiding of permit. In the event a building permit shall have been issued by the building inspector and no proceedings under authority thereof shall have been commenced by the applicant within a period of 60 days following the date of issuance or if the building or work authorized under such permit is suspended with no substantial progress thereon for a period of 120 days after the work has been commenced, then such permit shall lapse and become void and become ineffective as authorized for acting thereon unless a new permit shall be obtained from the building inspector. The fee for such new permit shall be one-half of the amount originally paid with application for permit and provided, further, that no changes have been made in the original plans and specifications of such work and provided, further, that such suspension or abandonment has not exceeded one year.

No original building permit shall be reinstated more than once. The building inspector may suspend or revoke a permit issued under the provisions of this title whenever the permit is issued in error or on basis of incorrect information supplied by the applicant or his agent or in violation of any of the provisions of this title or of any other provisions of this Code.

Section 88-2.7. Inspections.

As the work progresses under a building permit, the holder thereof shall cause the building inspector to be notified at the stages of construction as required by the township building code.

- (1) Upon completion of the forms for the footings and before the pouring of the footings;
- (2) Upon completion of the foundation walls and before backfilling;
- (3) Upon completion of the frames and pipes, chimneys and vents;
- (4) Upon completion of the work authorized by the building permit.

Upon receipt of such notification, the township building inspector shall first satisfy himself that the corners and boundaries of the lot are accurately designated and forthwith proceed to make an inspection of the progress of the construction, and if the same shall meet the requirements of this title at the stage of such inspection, he shall issue his written approval thereof and the applicant shall thereupon be authorized to proceed in accordance with the building permit. Should the building inspector determine that the construction is not proceeding according to plan filed, or is in violation of any provision of this title, or any other applicable provision of this Code, or contrary to any applicable law, he shall so notify the holder of the building permit, or his agent, and further construction shall be stayed until correction of the defects set forth has been accomplished and approved by the building inspector upon notice and request for reinspection duly made.

Should the building permit holder fail to comply with the requirements of the building inspector at any inspection stage, the latter shall make report in writing of such failure to the township clerk whose duty it shall be to forthwith cancel the building permit issued, and the clerk shall cause notice of such permit cancellation to be securely posted upon or affixed to the construction not conforming to the building inspector's requirements, and such posting shall be considered as service upon and notice to the permit holder, of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until a valid building permit shall thereafter have been issued, which may be accomplished in like manner as reinstatement of a lapsed building permit.

It shall be the duty of the building inspector to report any construction, alteration, or repair of buildings in the township contrary to the provisions of this ordinance to the township clerk.

Section 88-3. - Occupancy permits.

Hereafter, no land shall be occupied or used and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the building inspector, stating that the building and use comply with the provisions of this title and the building and health ordinances. No change of use shall be made in any building or part thereof now or hereafter erected or structurally altered without a permit being issued therefor by the building inspector. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this title. Nothing in this section shall prevent the continuance of a nonconforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

Certificates for occupancy and compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten days after the lawful erection or alteration of the building is completed, as certified by the building inspector. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No permit for excavation for or the erection or alteration of any building shall be issued before application has been made for certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.

Section 88-4. - Interpretation and conflict.

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this title to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this title imposes a greater restriction upon the use of a building or land than existing easements, covenants, or other agreements, the provisions of this title shall govern or control. Whenever the requirements of this title differ from the requirements of other lawfully adopted rules, regulations, or provisions of this Code, the most restrictive, or that imposing the higher standards, shall govern.

Section 88-4.1. - Licenses.

Nothing herein contained shall be deemed to repeal or amend any provisions of this Code requiring a permit or license or both, to cover any business.

Section 88-5. - Penalties.

Any person, officer of a corporation or member of a firm violating, or neglecting, or refusing to comply with any of the provisions of this title shall upon conviction thereof be deemed guilty of a misdemeanor and shall be punished by imposition of a fine not to exceed \$100.00 dollars or by commitment to jail for a period not to exceed 90 days, or by imposition of both fine and commitment within the discretion of the court. Each day that violation is permitted to exist shall constitute a separate offense.

Section 88-6. - Abatement of nuisance.

Any use of land, dwellings, buildings, or structures, including tents and trailers, used, erected, altered, razed or converted in violation of any provision of this title, or regulation lawfully adopted hereunder, is hereby declared to be a nuisance per se and the Lansing Charter Township board, after resolution duly adopted, or any private citizen, may take action in any court of competent jurisdiction to cause the abatement of such nuisance, and such remedy shall be in addition to the imposition of penalty for violation of the terms hereof as provided in the next preceding section.

CHAPTER 88A. - PLANNING COMMISSION

Section 88A-1. - Creation.

There shall be a Charter Township of Lansing Planning Commission pursuant to PA 33 of 2008, as amended, being the Michigan Planning Enabling Act (MCL 125.3801, et seq.), hereinafter referred to as the "commission," with the powers and duties as therein set forth and as hereinafter provided. This chapter shall be officially known and described as the "Charter Township of Lansing Planning Commission Ordinance."

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-2. - Membership.

- (a) The commission shall consist of seven members appointed by the township board. To be qualified to be a member and remain a member of the planning commission, an individual shall meet the following qualifications:
- (1) Shall be a qualified elector of the township, except that one member may be a non-qualified elector;
 - (2) Shall not be a declared candidate for any political office, except this condition shall not apply to the township board representative to the commission;
 - (3) After an individual's first appointment and before reappointment shall have attended training for commission members, pursuant to section 88A-4 of this chapter;
 - (4) Shall meet the conditions provided for each individual member in sections 88A-2(B), 88A-2(D), and 88A-2(E) of this chapter, except the geographical location of the individual's residency may be considered optional.
- (b) Members shall be appointed for three-year terms. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that the terms of one-third of all commission members (excluding the commission member who is also a member of the township board) continue to expire each year.
- (c) One member shall also be a member of the township board, whose term of office shall coincide with his or her elected term of office on the township board.
- (d) The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the Charter Township of Lansing, in accordance with the major interests as they exist in the Charter Township of Lansing, as follows:
- (1) Government;
 - (2) Recreation;
 - (3) Education;
 - (4) Public health;
 - (5) Transportation;
 - (6) Industry; and
 - (7) Commerce.
- (e) The membership shall also be representative of the entire geography of the Charter Township of Lansing to the extent practicable, and as a secondary consideration to the representation of the major interests.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-3. - Liaisons.

The commission, in its bylaws, may name "liaisons" to the commission. The purpose of liaisons is to provide certain township and quasi-township officials with the ability to participate in discussion with the commission in addition to speaking in public participation, and nothing else. At a minimum, liaisons shall include:

- (1) Planning department staff, and their agents and consultants.
- (2) Township supervisor.
- (3) Township clerk/zoning administrator.
- (4) Director of planning and development.

(5) Township attorney.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-4. - Training.

Appointed members of the commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted Charter Township of Lansing budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall deem a member who has not had training from finishing his term of office unless the member resigns or is removed by action of the township board. If funding has been made available for training by the township, the member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The commission shall include in its bylaws what training programs qualify to meet this requirement.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-5. - Members, appointment and terms.

- (a) In December or January of each year the township supervisor shall determine which members' terms of office expire, and shall use reasonable means to seek qualified individuals to nominate for appointment to the commission.
- (b) In January or February of each year the township board shall consider the nominations received from the township supervisor, and appoint or re-appoint members to the commission by a majority vote for a three-year term of office which shall end February 28/29 of the respective year.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-6. - Removal from office.

- (a) The township board may remove a member of the commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend commission meetings shall be considered nonfeasance in office.
- (b) The secretary of the planning commission shall report any member who has missed three regular meetings in a row to the township board.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-7. - Vacancies.

The township board shall fill any vacancy in the membership of the commission for the unexpired terms in the same manner as the initial appointment.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-8. - Transition.

- (a) The transition from the previous township planning commission and the commission established in this chapter shall be gradual and shall take place over the next three years. The township board shall continue to make annual appointments, appointing two members of the commission as specified in this chapter, so that three years from the

effective date of this chapter the membership, membership representation, and number of members have completed the transition to fully comply with this chapter.

(b) All other aspects and provisions of this chapter shall have immediate effect upon the effective date of this chapter.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-9. - Compensation.

All members of the planning commission shall serve as such with compensation equal to, or less than, the per diem of the township board per meeting.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-10. - Meetings.

(a) The commission shall meet at least once every month, unless there is no business to conduct at such a meeting.

(b) A majority of the commission shall constitute a quorum for the transaction of the ordinary business of said commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the planning commission.

(c) The affirmative vote of the majority of the members of the planning commission shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-11. - Powers and duties.

(a) The commission shall have all of the powers and duties as enumerated and set forth in PA 33 of 2008, as amended, being the Michigan Planning Enabling Act (MCL 125.3801, et seq.) and PA 110 of 2006, as amended, being the Michigan Zoning Enabling Act (MCL 125.3101, et seq.).

(b) The commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-12. - Staff.

Employees that are assigned to work with the commission shall follow the directives of the commission in matters of planning and zoning public policy issues, but shall not be subject to commission directives concerning employment provisions of law, employment policies, employee roster, employee or union contracts, if any.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-13. - Meetings and records.

The commission shall adopt bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

(Ord. No. 31.166, § 1, 6-21-11)

Section 88A-14. - Approval, ratification and reconfirmation.

All official actions taken by the Charter Township of Lansing Planning Commission preceding the commission created by this chapter are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this chapter shall continue with the commission created by chapter, subject to the requirements of this chapter, and shall be deemed a continuation of any previous Charter Township of Lansing Planning Commission.

(Ord. No. 31.166, § 1, 6-21-11)

CHAPTER 89. - AMENDMENTS

Section 89-1. - Text of this title and boundaries of zoning districts may be amended.

The regulations and provisions stated in the text of this title and the boundaries of zoning districts shown on the zoning map may be amended, supplemented, or changed by ordinance of the township board in accordance with Act 110 of the Public Acts of 2006, as may be amended.

(Ord. No. 31.168, § 1, 12-1-15)

Section 89-2. - Who may initiate.

Proposals for amendments, supplements, or changes may be initiated by the township board on its own motion, by the planning commission or by petition of one or more owners of property to be affected by the proposed amendment.

Section 89-3. - Procedure.

- (1) Each petition by one or more persons for an amendment shall be submitted in [an] application to the township board through the zoning administrator on a standard form provided, and shall be accompanied by a fee established in a schedule of fees adopted by the township board to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner.
- (2) The township board shall refer proposed amendments to the planning commission for recommended action.
- (3) The planning commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development, as well as conformance with the Master Plan of the Charter Township of Lansing. The planning commission may recommend any additions or modifications to the original amendment proposal.
- (4) Public hearing. The planning commission shall conduct a public hearing on any request for an amendment to the zoning ordinance or zoning district map and shall provide notice to as follows:

Notice provisions:

- Publish notice of the hearing one time in a newspaper of general circulation not less than 15 days before the date of the hearing.
- Notice of a hearing must be given to the following persons: (1) owners of property that is the subject of the request; (2) all persons to whom real property is assessed within 300 feet of the property that is the subject of the request; and (3) occupants of all structures within the 300 feet of the subject property.
- This notice does not need to be given to more than one occupant of a structure, but if the structure contains more than one dwelling unit or distinct spatial areas owned or leased by different persons, one occupant of each unit or spatial area must be given notice. If a single structure contains more than four units, notice may

be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance.

- Notice is considered given when it is either personally delivered or when it is deposited with the US Post Office or other delivery service during normal business hours not less than 15 days before the request is being considered.
 - A hearing granted by the township board to an interested property owner regarding a zoning ordinance or zoning amendment is not subject to all of the notice requirements in the Zoning Enabling Act (ZEA), but notice must be given to the interested property owner as provided by the ZEA.
 - The notice must describe the nature of the request, state when and where the request will be considered, indicate when and where comments will be received concerning the request, indicate the property that is the subject of the request, and, for a request involving ten or fewer adjacent properties, the notice shall include a listing of all existing street addresses within the property thereon.
- (5) The planning commission shall then transmit its recommendation and a summary of comments received at the public hearing to the township board. If the township board shall deem any amendments, changes, additions, or departures advisable as to the proposed text or district boundaries, it may refer the same to the planning commission for a report thereon within a time specified by the township board.

The township board shall grant a hearing on the proposed amendment to any property owner who, in compliance with Act 110 of the Public Acts of 2006, has filed a written request to be so heard and may request the planning commission to attend such hearing. Thereafter, the township board may adopt the amendment with or without changes in accordance with the provisions and procedures of Act 110 of the Public Acts of 2006.

- (6) No application for a rezoning which has been denied by the township board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the township board to be valid.

(Ord. No. 31.168, § 2, 12-1-15)

Section 89-4. - Conditional rezoning.

Section 89-4.1. Intent. The township board recognizes that, in certain instances, it would be an advantage to both the township and property owners seeking rezoning if a site plan, along with conditions and limitations that may be relied upon by the township, could be proposed as part of a petition for rezoning. Therefore, it is the intent of this chapter to provide an option to property owners in connection with the submission of petitions seeking the amendment of this chapter for approval of a rezoning with conditions, per Public Act 110 of 2006, as amended.

Section 89-4.2. Definitions. The following definitions shall apply in the interpretation of this chapter:

- (1) *Applicant* shall mean the property owner(s), or a person acting with the written and signed authorization of the property owner(s) to make application under this chapter.
- (2) *Rezoning conditions* shall mean conditions proposed by the applicant and approved by the township as part of an approval under this chapter, including review and recommendation by the planning commission, which shall constitute regulations for and in connection with the development and use of property approved with a rezoning condition in conjunction with a rezoning. Such rezoning conditions shall not authorize uses or developments of greater intensity or density and which are not permitted in the zoning district proposed by the rezoning and shall not permit uses or development expressly or implicitly prohibited in the conditional rezoning (CR) agreement, and may include some or all of the following:

- a. The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscape design, architecture and other features shown on the CR plan.
 - b. Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation and the like.
 - c. Preservation of natural resources and/or features.
 - d. Facilities to address drainage/water quality.
 - e. Facilities to address traffic issues.
 - f. Preservation of open space.
 - g. A written understanding for permanent maintenance of natural resources, features, and/or facilities to address drainage/water quality, traffic, open space and/or other features or improvements; and, provision for authorization and finance of maintenance by or on behalf of the township in the event the applicant fails to timely perform after notice.
 - h. Signage, lighting, landscaping, and/or building materials for the exterior of some or all structures.
 - i. Permissible uses of the property.
 - j. Protection of township land from annexation.
 - k. Preservation of historic farms, barns and other buildings to preserve the history of the township.
 - l. Donation of land for open space, using a land conservancy or other means, to protect the open space for future generations.
 - m. Paving, making substantial improvements to, or funding of improvements to major township roads which will provide benefits to the township or community at large.
 - n. Construction and/or donation of community buildings where the need has been identified and defined by the township.
 - o. Preservation of a rural view shed which is an undeveloped area adjacent to the road right-of-way, having a depth of at least 200 feet, where existing natural features, such as wetlands, woodlands, hedgerows, undulating landforms, and scenic vistas, are preserved and incorporated into the landscape.
 - p. Provide usable and contiguous open space amounting to at least 40 percent of the site, using the concept of clustering.
 - q. Added landscaping, above and beyond what is otherwise required by township ordinance.
 - r. Reclamation and re-use of land, where previous use of land causes severe development difficulties, or has caused blight.
 - s. Installation of streetscape on an arterial road, beyond what is otherwise required by ordinance, and where compatible with township guidelines concerning trees, streetlights and landscaping.
 - t. Drain and drainage improvements, beyond what is otherwise required by ordinance, using best management practices.
 - u. Providing monuments or other landmarks to identify township boundaries.
 - v. Providing or funding improvements to, and/or facilities for, public safety.
 - w. Such other conditions as deemed important to the development by the applicant.
- (3) *CR agreement* shall mean a written agreement approved and executed by the township and applicant, incorporating a CR plan, and setting forth rezoning conditions, conditions imposed pursuant to Public Act 110 of

2006, as amended, and any other terms mutually agreed upon by the parties relative to land for which the township has approved a rezoning with rezoning conditions. A CR agreement shall specify at least all of the following, as well as other necessary and proper matters as determined by the township and the applicant:

- a. Agreement and acknowledgment that the rezoning with rezoning conditions was proposed by the applicant to induce the township to grant the rezoning, and that the township relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the CR agreement; and, further, agreement and acknowledgment that the conditions and CR agreement are authorized by all applicable state and federal law and constitution, and that the agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the township.
 - b. Agreement and understanding that the subject property shall not be developed or used in a manner inconsistent with the CR plan and CR agreement.
 - c. Agreement and understanding that the approval, CR plan and CR agreement shall be binding upon and inure to the benefit of the applicant and township, and their respective heirs, successors, assigns and transferees.
 - d. Agreement and understanding that, if a rezoning with rezoning conditions becomes void in the manner provided in this chapter, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
 - e. Agreement and understanding that each of the requirements and conditions in the CR agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with rezoning conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
 - f. The CR agreement shall contain the notarized signatures of all the owners of the subject property preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the CR agreement.
 - g. Other information as deemed necessary by the township to define the CR agreement.
- (4) *CR plan* shall mean a plan of the property which is the subject of a rezoning with rezoning conditions, prepared by a licensed civil engineer or architect, that may show the location, size, height, design, architecture or other measure or feature for and/or buildings, structures, improvements and features on, and in some cases adjacent to, the property. The details to be offered for inclusion within the CR plan shall be determined by the applicant, subject to approval of the township board after recommendation by the planning commission.

Section 89-4.3. Application and offer of conditions.

- (1) *Application for optional conditional rezoning.* An applicant shall have the option of making an election under this chapter in conjunction with a submission of a petition seeking a rezoning. Such election may be made at the time of the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning. The election shall be made by filing an application conforming with this chapter for approval of a conditional rezoning that would establish site-specific use authorization if the petition for rezoning is granted. Such election shall be to seek a rezoning with rezoning conditions pursuant to Public Act 110 of 2006, as amended, which would represent a legislative amendment of the zoning ordinance.
- (2) *Site specific regulations.* In order to be eligible for the proposal and review of a rezoning with rezoning conditions, an applicant must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a CR plan and in a CR

agreement to be prepared) which are, in material respects, equally or more strict or limiting than the regulations that would apply to the land under the proposed new zoning district, such as set forth in subsections (2)a through (2)w of the definition of the "rezoning conditions," above.

- (3) The applicant's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- (4) Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Code may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Code.
- (5) Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Code may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this Code.
- (6) Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Code may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Code.
- (7) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are voluntarily offered by the applicant in writing, signed, dated and notarized and made part of the record of proceeding. An applicant may withdraw all or part of its offer of conditions any time prior to final rezoning action of the township board of trustees provided that, if such withdrawal occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the planning commission for a new public hearing with appropriate notice and a new recommendation.
- (8) The applicant shall describe how the proposed use of the subject property conforms to the comprehensive plan and zoning district involved.

Section 89-4.4. Approval of rezoning with rezoning conditions. Pursuant to Public Act 110 of 2006, as amended, the township board, following public hearing and recommendation by the planning commission, may approve a petition for a rezoning with rezoning conditions requested by an applicant.

- (1) *Required information.* As an integral part of the conditional rezoning, the following shall be reviewed and may be approved:
 - a. *CR plan.* A CR plan, with such detail and inclusions proposed by the applicant and approved by the township board in accordance with this chapter, following recommendation by the planning commission. The CR plan shall not replace the requirement for site plan review and approval, or subdivision or condominium approval, as the case may be.
 - b. *Statement of rezoning conditions.* Rezoning conditions, as defined for purposes of this chapter, which shall be required by the township board following recommendation by the planning commission. Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning and shall not permit uses or development expressly or implicitly prohibited in the CR agreement.
 - c. *CR agreement.* A CR agreement, which shall be prepared by the township attorney and the applicant (or designee) and approved by the township board, and which shall incorporate the CR plan and set forth the rezoning conditions, together with any other terms mutually agreed upon by the parties (including the minimum provisions specified in the definition of CR agreement, above).
- (2) *Zoning map designation.* If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR conditional rezoning". The

zoning map shall specify the new zoning district plus a reference to "CR" (for example, the district classification for the property might be C-1 low density multiple-family with CR, conditional zoning, with a zoning map designation of C-1/CR) and use of the property so classified and approved shall be restricted to the permission granted in the CR agreement, and no other development or use shall be permitted.

- (3) *Use of property.* The use of the property in question shall, subject to subsection (3)a below, be in total conformity with all regulations governing development and use within the zoning district to which the property has been rezoned, including, without limitation, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:
- a. *Development subject to conditional rezoning requirements.* Development and use of the property shall be subject to the more restrictive requirements shown or specified on the CR plan, and/or in the other conditions and provisions set forth in the CR agreement, required as part of the conditional rezoning approval, and such CR plan and conditions and CR agreement shall supersede all inconsistent regulations otherwise applicable under the zoning ordinance.
- (4) *Review and approval criteria.* The applicant shall have the burden of demonstrating that the following requirements and standards are met by the CR plan, rezoning conditions, and CR agreement:
- a. *Enhancement of the project area.* Approval of the application shall accomplish, among other things, and as determined in the discretion of the township board, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the requested zoning change, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a conditional rezoning.
 - b. *In the public interest.* Sufficient conditions shall be included on and in the CR plan and CR agreement on the basis of which the township board concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the rezoning with rezoning conditions; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the township board, following recommendation by the planning commission, and also taking into consideration the special knowledge and understanding of the township by the township board and planning commission.
- (5) *Expiration.* Unless extended by the township board for good cause, the rezoning with rezoning conditions shall expire following a period of two years from the effective date of the rezoning unless construction on the development of the property pursuant to the required permits issued by the township commences within such two-year period and proceeds diligently and in good faith as required by ordinance to completion.
- a. *Extension of approval.* In the event the development has not commenced, as defined above, within two years from the effective date of the rezoning, the conditional rezoning, and the CR agreement shall be void and of no effect. The applicant may apply to the township board for a one-year extension one time. The request must be submitted to the township clerk before the two-year time limit expires. The applicant must show good cause as to why the extension should be granted.
 - b. *Township action upon expiration.* If the rezoning with rezoning conditions becomes void, then the township board shall rezone the property back to the zoning classification applicable at the time the application for conditional rezoning was filed with the township, in accordance with the applicable zoning ordinance

procedures. Until such a time as the property has been rezoned, no development shall be undertaken or permits for development issued.

Section 89-4.5. Procedure for application, review and approval.

- (1) *Pre-application meeting.* Prior to the time of making application for a conditional rezoning, the applicant shall schedule a pre-application submission meeting with the zoning administrator and one or more of the following township representatives: The township supervisor, the township planner, the township engineer, the township building official, the township attorney, or their designees. The meeting shall involve a preliminary review of the application for conditional rezoning and so that the applicant has a thorough understanding of the process. The applicant shall pay the township's costs and expenses incurred for this meeting.
- (2) *Offer of conditions.* At the time of making application for amendment of this chapter seeking a rezoning of property, or at a later time during the process of township consideration of such rezoning an applicant may submit an application for approval of a conditional rezoning to apply in conjunction with the rezoning.
- (3) *Application.* The application, which may be amended during the process, shall include a CR plan proposed by the applicant and shall specify the rezoning conditions proposed by the applicant, recognizing that rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.
- (4) *Notice of public hearing.* The proposed rezoning with rezoning conditions, together, shall be noticed for public hearing before the planning commission as a proposed legislative amendment to the zoning ordinance.
- (5) *Planning commission recommendation.* Following the public hearing and further deliberations as deemed appropriate by the planning commission, the planning commission shall make a recommendation to the township board on the proposed rezoning with rezoning conditions.
- (6) *Township board action.* Upon receipt of the recommendation of the planning commission, the township board shall commence deliberations on the proposed rezoning with rezoning conditions. If the township board determines that it may approve the rezoning with rezoning conditions, the township board shall specify tentative conditions and direct the township attorney to work with the applicant in the development of a proposed CR agreement.

Section 89-4.6. Effect of approval. Approval of the CR plan and agreement confirms only the rezoning of the property, subject to any conditions imposed as reflected in the CR agreement and after recordation as otherwise set forth this [section 89-4](#). Site plan approval shall be required before any improvements to the property may be undertaken.

Section 89-4.7. Amendment of CR agreement. Amendment of a CR agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with rezoning conditions.

Section 89-4.8. Recordation of CR agreement. A rezoning with rezoning conditions shall become effective following publication in the manner provided by law, and, after recordation of the CR agreement with the Ingham County Register of Deeds, whichever is later.

Section 89-4.9. Enforcement. The zoning administrator, township planner, code enforcement officer and other township staff may investigate sites and developments for compliance with an approved CR agreement and/or CR plan. Enforcement actions for noncompliance with, breach or violation of a CR agreement and/or CR plan may include, but not be limited to, the remedies described below:

- (1) *Rescission.* Noncompliance with, breach, or violation of a CR agreement and/or CR plan shall constitute grounds for the township board to rescind a rezoning with rezoning conditions.
- (2) *Violation of the CR agreement.* If development and/or actions are undertaken on or with respect to the property

in violation of the CR agreement, such development and/or actions shall constitute a nuisance per se. In such cases, the township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the CR agreement, the township may withhold, or following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

Section 89-4.10. Fee and escrow account. The applicant for a rezoning with rezoning conditions shall pay an application fee as established by township board resolution, which fee shall be in the amount sufficient to defray the township's costs and expenses expected to be incurred by the township in the review and preparation of documents, as well as all other procedures required by this chapter for a rezoning with rezoning conditions.

An escrow account shall be established in an amount specified by township board resolution, and additional reasonable amounts shall be contributed by the applicant as required in order to complete the process of review and approval. Funds shall not be withdrawn from the escrow account without the approval of the township board or a designee thereof.

The escrow account shall be maintained in an amount sufficient to restore the property to its former zoning classification, as established by township board resolution, until the rezoning conditions are fully implemented. If the conditions are not fully implemented, the escrow account will be used to cover the township's costs to rezone the property back to its former zoning classification.

Once the rezoning conditions have been fully implemented, or the property is restored to its former zoning classifications due to the rezoning conditions not being fully implemented, any unexpended amounts in the escrow account shall be returned to the applicant.

(Ord. No. 31.168, § 3, 12-1-15)

CHAPTER 90. - FLOODPLAIN REGULATIONS

Section 90-1. - Rules applying to text.

The following listed rules of construction apply to the text of this chapter:

- a. The particular shall control the general.
- b. The headings which title various sections and subsections and the statements of purpose are for convenience only and are not to be considered in any construction or interpretation of the ordinance or as enlarging or restricting the terms and provisions of the ordinance in any respect.
- c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- d. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural, the singular, unless the context clearly indicates the contrary.
- e. The word "building" includes the word "structure."
- f. A "building" or "structure" includes any part thereof.
- g. The word "person" includes a firm, association, partnership, joint venture, corporation, or combination of any of them, as well as a natural person.
- h. The words "used" or "occupies," as applied to any land or building, shall be construed to include the words "intended," "arranged," or "designed to be used," or "occupies."

- i. Any word or term not defined therein shall be used with a meaning of common or standard utilization.

(Ord. No. 31.91, § 6, 2-24-81)

Section 90-2. - Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- a. *Appeal* means a request for a review of the Charter Township of Lansing building inspector's interpretation of any provision of this ordinance or a request for a variance.
- b. *Area of shallow flooding* means a designated HA zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and indeterminate, and where velocity flow may be evident.
- c. *Area of special flood hazard* is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- d. *Base flood* means the flood having a one percent chance of being equalled or exceeded in any given year.
- e. *Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- f. *Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal water, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- g. *Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- h. *Flood insurance study* is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.
- i. *Flood hazard area* means land which, on the basis of available floodplain information, is subject to a one percent or greater chance of flooding in any given year.
- j. *Floodway* means the channel of a river or other watercourse and the adjacent land areas designated in the flood insurance study which must be reserved in order to discharge the base flood.
- k. *Habitable floor* means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.
- l. *Harmful increase* means any unnaturally high stage on a river, stream, bay or lake which causes, or may cause damage to property, threat to life, personal or injury, or damage to land or water resources.
- m. *New construction* means structures for which the start of construction commenced on or after the effective date of this ordinance.
- n. *Start of construction* means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of

temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

- o. *Structure* means a walled and roofed building, liquid or gas storage facility, that is principally above ground.
- p. *Substantial improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration or a structure listed on the National Register of Historic Places or a state inventory of historic places.
- q. *Unnumbered A zones* means areas on the FIRM for which no detailed elevation information is available from the Federal Insurance Administration and for which elevation and floodplain information for these areas shall be obtained from the Michigan department of natural resources.
- r. *Variance* means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

(Ord. No. 31.91, § 6, 2-24-81)

Section 90-3. - Flood hazard zones.

Section 90-3.1. Lands to which this ordinance applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Charter Township of Lansing. (Ord. No. 31.91, § 6, 2-24-81)

Section 90-3.2. Delineation of the flood hazard overlay zone.

- (1) The flood hazard area zone shall overlay existing zoning districts delineated on the official Charter Township of Lansing zoning map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the report entitled "Flood Insurance Study Charter Township of Lansing," dated August 4, 1980, with accompanying flood insurance rate maps and flood boundary and floodway map. The study and accompanying maps are adopted by reference, appended, and declared to be a part of this ordinance. The term "flood hazard area" used in this ordinance shall mean the flood hazard area zone and the term "floodway" shall mean the designated regulatory floodway.
- (2) The flood insurance study, flood insurance rate map, and flood boundary and floodway maps shall be maintained and placed on file for public examination at the Charter Township of Lansing office located at 3209 West Michigan, Lansing, Michigan.
- (3) 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 accord with section 90-13 of this ordinance.
- (4) In addition to other requirements of the township ordinances, applicable to development in the underlying zoning district, compliance with the requirements of this ordinance shall be necessary for all development occurring within the flood hazard zone. Conflicts between the requirements of this ordinance and other

requirements of township ordinances shall be resolved in favor of this ordinance except where conflicting requirements are more stringent and would further the objectives of this ordinance. In such cases the more stringent requirements shall be applied.

(Ord. No. 31.91, § 6, 2-24-81; Ord. No. 31.93, 5-9-81)

Section 90-4. - Development permits.

Section 90-4.1. Development permits.

- (1) Development, including the erection of structures within a flood hazard area, shall not occur except upon issuance of a permit in accord with the requirements of the Charter Township of Lansing zoning ordinances and the following standards:
- a. The requirements of this ordinance shall be met;
 - b. The requirements of the underlying zoning districts and applicable general provisions of other township ordinances shall 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 Michigan department of natural resources under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968. Where a development permit cannot be issued prior to the issuance of a building permit, special permit, or special use permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable. (Ord. No. 31.91, § 6, 2-24-81)

Section 90-4.2. Designation of the building inspector. The Charter Township of Lansing building inspector is hereby appointed to administrate and implement this ordinance by granting or denying development permit applications in accordance with its provisions. (Ord. No. 31.91, § 6, 2-24-81)

Section 90-4.3. Duties and responsibilities of the building inspector. Duties of the building inspector shall include, but not limited to:

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one-tenth foot at any point. (Ord. No. 31.91, § 6, 2-24-81)

Section 90-5. - Flood hazard reduction.

Section 90-5.1. General standards for flood hazard reduction.

- (1) All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings, shall:
- a. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
 - b. Be constructed with materials and utility equipment resistant to flood damage; and

- c. Be constructed by methods and practices that minimize flood damage.
- (2) All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the system.
- (3) 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 systems during floodings.
- (4) All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
- (5) Adequate drainage shall be provided to reduce exposure to flood hazards.
- (6) Compliance with the standards of this section shall be certified by registered professional engineer or architect.
- (7) Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this ordinance.
- (8) The flood-carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood-carrying capacity shall be maintained.
- (9) 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 Insurance Administration shall take precedence over data from other sources.

(Ord. No. 31.91, § 6, 2-24-81)

Section 90-6. - Base flood elevation standards.

Section 90-6.1. Specific base flood elevation standards.

- (1) On the basis of the most recent available base flood elevation data, the following standards shall apply in the flood hazard area zone:
 - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level, as established in the most recent flood insurance study for the Charter Township of Lansing.
 - b. All new construction and substantial improvements of nonresidential structures shall have either:
 - 1. The lowest floor, including basement, elevated to or above the base flood level as established in the most recent flood insurance study for the Charter Township of Lansing; 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 90-5.1 of this ordinance and shall indicate the elevation to which the structure is floodproofed.
- (2) The most recent base flood elevation data received from the Federal Insurance Administration shall take precedence over data from other sources. (Ord. No. 31.91, § 6, 2-24-81)

Section 90-6.2. Mobile home standards.

- (1) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and in accord with the following specifications:
 - a. 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.
 - b. 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.
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - d. All additions to a mobile home shall be similarly anchored.
- (2) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the emergency services coordinator of the Charter Township of Lansing.
- (3) Mobile homes within zones A1—30 on the flood insurance rate map shall be located in accord with the following standards:
 - a. All mobile homes shall be placed in stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 - b. Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided.
 - c. In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten feet apart; and reinforcement shall be provided for piers more than six feet above ground level.
 - d. In mobile home parks and 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 repair, the standards in subparagraphs a, b, and c of this subsection shall be complied with.
 - e. The placement of mobile homes shall be prohibited in floodway areas except in mobile home parks and subdivisions which exist at the time this section is adopted. (Ord. No. 31.93, 5-9-81)

Section 90-7. - Floodway protection.

Section 90-7.1. Floodway protection standards.

- (1) New construction, substantial improvements and other development, including fill, shall be prohibited within unnumbered A zones and zones numbered A1—30 on the FIRM, except where it is demonstrated to the building inspector that the cumulative effect of the proposed development when combined with all 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 Public Act 245 of 1929, as amended by Public Act 167 of 1968, shall be required, provided that the allowable increase shall not exceed one foot. The provisions of this subsection shall not apply within the regulatory floodway. The provisions of subsection (2) shall be applied to land situated within the regulatory floodway.
- (2) All development occurring within the regulatory floodway shall comply with the following standards:
 - a. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited; except [exceptions] to this prohibition shall only be made upon certification by a registered professional engineer or the department of natural resources that the development proposed will not result

in any increases in flood levels during a base flood discharge, and compliance with Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968.

b. Development which is permitted in the regulatory floodway shall meet the requirements of sections 90-4 to 90-6 of this ordinance.

(3) The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this section.

(Ord. No. 31.91, § 6, 2-24-81; Ord. No. 31.92, 3-24-81)

Section 90-8. - Appeals and variances.

Section 9-8.1. Appeals to zoning board of appeals.

- (1) The zoning board of appeals as established by the Charter Township of Lansing shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The zoning board of appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the building inspector in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the zoning board of appeals, or any taxpayer, may appeal such decision to the circuit court for the County of Ingham. (Ord. No. 31.91, § 1, 2-24-81)

Section 90-8.2. Flood damage prevention variances.

- (1) Variances from the provisions of sections 90-3 and 90-4 shall only be granted by the zoning board of appeals upon a determination of compliance with the general standards for variances contained in this ordinance, other township ordinances, and each of the following specific standards:
 - a. A variance shall not be granted within a regulatory floodway where the result would be any increase in flood levels during a base flood discharge, except upon certification by a registered professional engineer or the department of natural resources that the cumulative effect of the proposed development when combined with all 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 Public Act 245 of 1929, as amended by Public Act 167 of 1968, shall be required, provided that the allowable increase, including the increase used as the design standard for delineating the floodway, shall not exceed one foot.
 - b. 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 flood heights in excess of those permitted by this ordinance, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.
 - c. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
- (2) The Charter Township of Lansing zoning board of appeals may attach conditions to the granting of a variance to insure compliance with the standards contained in this ordinance.
- (3) In the event a basement is required in a flood hazard area, they would have to be determined on a case-by-case

basis.

- (4) A variance may be granted for a basement in an AH zone for safety purposes if the first floor elevation is two feet above base flood level and the basement is floodproofed.
- (5) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan 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 flood hazard areas.
(Ord. No. 31.91, § 1, 2-24-81)

Section 90-9. - Duties of building inspector.

Section 90-9.1. Floodplain management administrative duties.

- (1) With regard to the National Flood Insurance Program, and the regulation of developments within the flood hazard area zone as prescribed in sections 90-3 and 90-4 the duties of the building inspector shall include, but are not limited to:
 - a. 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 Insurance Administration;
 - b. Verification 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;
 - c. Recording of all certificates of floodproofing, and written notification to all applicants to 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.
- (2) 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.
- (3) It shall be the responsibility of the building inspector to obtain and utilize the best available flood hazard data for purposes of administering this ordinance in the absence of data from the Flood Insurance Administration.

(Ord. No. 31.91, § 6, 2-24-81)

Section 90-10. - Permit application information.

Section 90-10.1. Flood hazard area application information.

- (1) In addition to the information required with an application for a building permit, special permit or special use permit or any other type of development permission required under this ordinance or other township ordinance, 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. Where it can be determined that development is proposed within unnumbered A zones or zones A1—30 on the FIRM or the regulatory floodway, a certification is required by this ordinance;
- e. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- f. Proof of development permission from appropriate local, state and federal agencies as required by section 90-5.1, including a floodplain permit approval, or letter of no authority from the Michigan department of natural resources under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968;
- g. Base flood elevation data where the proposed development is subject to Public Act 288 of 1967 or greater than five acres in size; and
- h. Additional information which may be reasonably necessary to determine compliance with the provisions of this ordinance.

(Ord. No. 31.91, § 6, 2-24-81)

Section 90-11. - Map disputes.

Section 90-11.1. Mapping disputes.

- (1) Where disputes arise as to the location of the flood hazard area boundary or the limits of the floodway, the zoning board of appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the zoning board of appeals shall be based upon the most current floodplain studies issued by the Federal Insurance Administration. Where Federal Insurance Administration information is not available, the best available floodplain information shall be utilized. Floodplain information on unnumbered A zones shall be obtained from the Michigan department of natural resources and shall be utilized.
- (2) Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration floodplain studies are being questioned, the zoning board of appeals shall notify [modify] the boundary of the flood hazard area or the floodway only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration.
- (3) All parties to a map dispute may submit technical evidence to the zoning board of appeals.

(Ord. No. 31.91, § 6, 2-24-81)

Section 90-12. - Disclaimer.

Section 90-12.1. Disclaimer of liability.

- (1) The degree of flood protection required by this ordinance 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 the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage. This ordinance does not imply that area outside the flood hazard area will be free from flood damage. This ordinance does not create liability on the part of the Charter Township of Lansing or any officer or employees thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(Ord. No. 31.91, § 6, 2-24-81)

Section 90-13. - Violation and penalty.

Section 90-13.1. Nuisance. Any building or structure which is erected, altered or moved into this township or moved within the township and maintained or used, and any use of land which is begun, maintained or changed in violation of any provisions of this ordinance, is hereby declared to be a nuisance per se. (Ord. No. 31.91, § 6, 2-24-81)

Section 90-13.2. Authority to enforce ordinance.

- (1) The township board, by its duly constituted officers, the building inspector or the duly appointed attorney for the Charter Township of Lansing, Ingham County, Michigan, may cause complaint to be made for violation of the provisions thereof.
- (2) In addition to the above-named, the zoning board of appeals or any person owning real estate in the Charter Township of Lansing may institute appropriate court proceedings to enjoin, abate and remove any such nuisance per se, or to prevent the continued violation of such ordinance by and through their duly appointed attorney.
- (3) In addition to the foregoing, violation [of] the provisions of this ordinance shall constitute a class one offense as defined in chapter 15 of the Code of Ordinances of the Charter Township of Lansing. (Ord. No. 31.91, § 6, 2-24-81)

Section 90-14. - Validity.

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of this ordinance as a whole or any part hereof other than the part declared to be invalid.

(Ord. No. 31.91, § 6, 2-24-81)