

Chapter 86. Zoning

Cross references: Any ordinance rezoning property or amending the zoning map saved from repeal, § 1-12(a)(15); buildings and building regulations, ch. **14**; historic preservation, ch. **34**; manufactured homes and trailers, ch. **42**; streets, sidewalks and other public places, ch. **58**; subdivisions and other divisions of land, ch. **62**; telecommunications, ch. **70**; vegetation, ch. **82**.

State law reference: Township Zoning Act, MCL 125.271 et seq.

ATTACHMENTS

Attachment 1 - Schedule of Regulations for Residential Districts 

Attachment 2 - Mixed-Use PUD Boundary Maps 

ARTICLE I. In General

§ 86-1. Title.

[Code 1974, § 81-1.1]

This chapter shall be known and may be cited as the "Zoning Ordinance of the Charter Township of Meridian," or as the "Meridian Charter Township Zoning Ordinance," or as the "zoning ordinance."

§ 86-2. Definitions.

[Code 1974, § 81-1.8; Ord. No. 2002-05, 5-7-2002; Ord. No. 2003-05, 4-1-2003; Ord. No. 2003-07, 5-20-2003; Ord. No. 2004-01, 2-29-2004; Ord. No. 2004-06, 9-5-2004; Ord. No. 2004-9, 10-31-2004; Ord. No. 2005-04, 3-13-2005; Ord. No. 2006-06, 11-26-2006; Ord. No. 2007-14, 11-25-2007; Ord. No. 2008-01, 2-3-2008; Ord. No. 2008-03, 3-16-2008; Ord. No. 2009-02, 4-19-2009; Ord. No. 2010-02, 2-28-2010; Ord. No. 2010-08, 7-18-2010; Ord. No. 2011-05, 5-5-2011; Ord. No. 2011-09, 7-19-2011; Ord. No. 2011-17, 12-13-2011]

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

ABANDONED WELL

Water supply, irrigation, or monitoring wells or cisterns which are no longer in use or are in a state of disrepair.

ACCESS

A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or roadway, either by direct, indirect or shared means.

ACCESS MANAGEMENT

The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting road system.

ACCESS, NONCONFORMING

Features of the access system of a property that existed prior to the effective date of § **86-441** and that do not conform with the requirements of § **86-441**.

ACCESSORY BUILDING

A supplemental building or structure on the same lot or a part of the main building occupied by or devoted exclusively to an accessory use.

ACCESSORY USE

A use subordinate to the main use of a lot and used for purposes customarily incidental to those of the main use.

ACCESS POINT

The point at which a driveway, service drive, private road or public street intersects the public road system.

ACCESS, REASONABLE

The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road, as consistent with the purpose and intent of this chapter and any other applicable plans and policies of the Charter Township of Meridian, with Act 200 of 1969, or with other applicable law of the State of Michigan. Reasonable access does not necessarily mean direct access.

ADULT CARE CENTER

A nonresidential facility that provides supervised and group care for adult persons 18 years of age or older. The hours of operation shall be fewer than 24 hours per day.

[Added by Ord. No. 2014-07, 12-9-2014]

AGGRIEVED PERSON

Any person, firm, partnership, corporation, or association with an interest in real property sharing a common property line with the subject site or any person, firm, partnership, corporation, or association with an interest in real property which will suffer special damages as a result of the decision in question. The term "special damages" shall be defined as a particular injury to a land owner's beneficial use or enjoyment of his own land, which injury is not shared in common with other members of the general public.

ALLEY

Any dedicated public way other than a street which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

ALTERATIONS

Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building, any enlargement of a building, or the moving of a building from one location to another.

ANEMOMETER

An instrument which measures and records the speed of the wind.

ANTENNA, DISH, also known as "MICROWAVE DISHES"

These antenna emit microwaves that provide the link between the central computer switching system and the appropriate transmitting or receiving. (See the graphic following definition of "antenna, whip.")

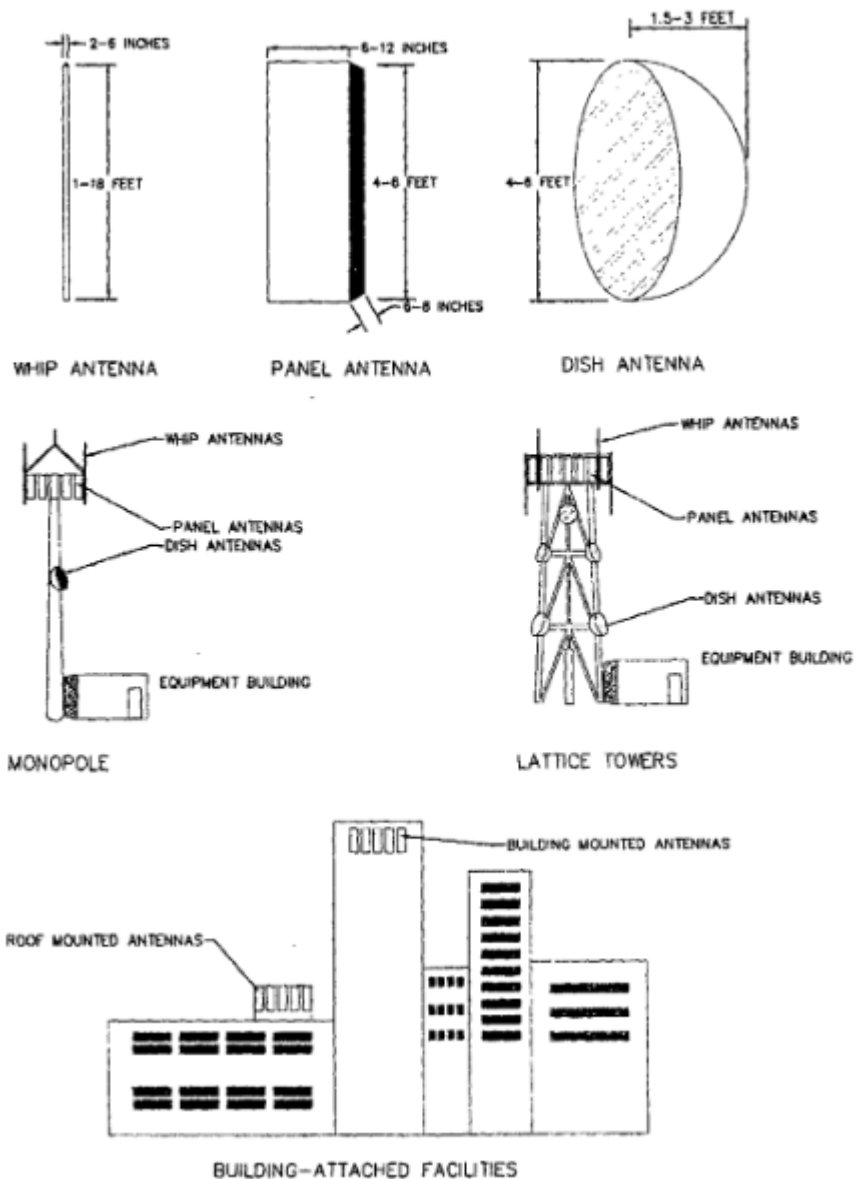
ANTENNA, PANEL

An antenna or array of antennas designed to concentrate signals (radio waves) in specific directions. These antenna are typically flat, rectangular devices. These are also known as sector or directional antennas. (See the graphic following definition of "antenna, whip.")

ANTENNA, WHIP

An antenna shaped cylindrically and has diameters of less than six inches and height of up to 20 feet. Also known as stick, omnidirectional, or pipe antenna, they emit signals (radio waves) in a 360-degree horizontal plane and a compressed vertical plane. (See the following graphic.)

ANTENNAS



APARTMENT

A room or suite of rooms in a multiple-family building arranged and intended as a place of residence for a single-family or a group of individuals living together as a single housekeeping unit as herein defined.

APARTMENT, EFFICIENCY

A one-room apartment.

ASSISTED LIVING

Providing independent living services as well as limited nursing care, limited supervision, medication management, supportive services, and other activities of daily living to patients or residents.

[Added by Ord. No. 2019-09, 5-21-2019]

AUTOMOBILE DEALERSHIP, NEW

The use of any building, land or portion thereof for the display, sale or lease of new automobiles, trucks or vans.

[Added 5-6-2021 by Ord. No. 2021-02]

AUTOMOBILE DEALERSHIP, USED

The use of any building, land or portion thereof for the display, sale or lease of used automobiles, trucks or vans.

[Added 5-6-2021 by Ord. No. 2021-02]

BANK

A building designed to perform one or more services, including, but not limited to, the safeguarding of money and other valuables, the lending of money, the executing of bills of exchange such as checks, drafts, and money orders, the issuance of notes, and the receipt of funds. The term "bank" includes, but is not limited to, banks, savings and loan operations, and credit unions.

BASEMENT

A story or portion of a story having more than 1/2 its height below average finished grade. A basement will not be counted as a story for purposes of height regulations.

BICYCLE LOCKER

An enclosed device, apparatus, compartment, or storage unit that permits the individualized storage of a bicycle and permits the bicycle to be locked or secured inside of the device, apparatus, compartment, or storage unit.

BICYCLE PARKING AREA

The area designated to accommodate bicycle parking, and specifically includes the bicycle rack(s), bicycle locker(s), or equivalent structure, and the area immediately surrounding the rack(s), locker(s) or equivalent structure(s).

BICYCLE PARKING SPACE

The location within a bicycle parking area that allows for the temporary placement of a single bicycle.

BICYCLE RACK

A device or apparatus that permits a bicycle to be supported in an upright position, prevents a bicycle from being tipped over, and permits the bicycle to be temporarily secured or locked to the rack.

BUFFER

A zone shall consist of open space, except as specifically noted in this chapter, which shall be landscaped. When a screen is called for, this shall be a dense evergreen planting area or a solid wall or fence as determined and approved by the Planning Commission or planning director.

BUILDING

Any structure other than a boundary wall or fence.

BUILDING AREA

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, steps, or patios.

BUILDING, FRONT LINE OF

The line of that face of the building nearest the front line of the lot or the required setback line of the lot. This face includes all enclosed areas but not steps or roof overhangs.

BUILDING, HEIGHT OF

The vertical distance measured from the mean elevation of the proposed finished grade line at the front of the building of the ground to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs. This shall not include elevator shafts, roof air conditioners or chimney.

BUILDING LINE

A line parallel to the front lot line at the minimum required setback line.

BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which such building is situated.

CANOPY

An overhanging shelter extending outward from a building in excess of two feet. Signs may be erected on canopies, provided that they do not extend above the roof line or cornice. A parapet wall is not a canopy.

CARWASH, AUTOMATIC

An establishment providing facilities for the mechanical washing or waxing of automobiles. Such service to be provided without labor to the customer. Should it offer gasoline for sale, all requirements pertaining to gasoline service stations must be met.

CARWASH, SELF-SERVICE

An establishment offering facilities for the washing of automobiles by the customer at the site. Should gasoline be offered for sale, all requirements pertaining to gasoline service stations must be met.

CAS NUMBER

A unique number assigned for every chemical established by the Chemical Abstract Service, which indexes information published in the American Chemical Society's journal Chemical Abstracts. It is used in maintaining chemical inventories used by the state department of environmental quality (MDEQ) for regulatory purposes, by firefighters for firefighter right-to-know purposes, and by public service departments responsible for discharges into stormwater or municipal sewer systems.

CHANGED CIRCUMSTANCES

A material alteration of facts relevant to a rezoning and/or variance request occurring since the date of the Township's denial of that request.

CHILD CARE CENTER (DAY CARE CENTER)

A facility, not occupied as a dwelling, receiving more than six preschool or school-age children for group care for a period of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. The terms "child care center" and "day care center" do not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

CISTERN

A tank or reservoir used for storing rainwater.

CLINIC

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

CLUB

An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, athletic, political or social purposes, which are not conducted primarily for gain and which do not provide merchandising, vending, or commercial activities except as required incidentally for the membership and purpose of such club.

COLLOCATE or COLLOCATION

To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

[Amended by Ord. No. 2016-03, 1-5-2016]

COMMERCIAL MEDICAL MARIHUANA FACILITY or FACILITY

One of the following:

[Added by Ord. No. 2019-10, 5-21-2019]

(1) **PROVISIONING CENTER**

As that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 ("MMFLA");^[1]

(2) **PROCESSOR**

As that term is defined in the MMFLA;

(3) **SECURE TRANSPORTER**

As that term is defined in the MMFLA;

(4) **GROWER**

Including Class A, Class B and Class C, as those terms are defined in the MMFLA;

(5) **SAFETY COMPLIANCE FACILITY**

As that term is defined in the MMFLA.

COMMON LAND

A parcel or parcels of land with the improvements thereon the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned community unit development.

COMMUNITY CENTER

A building used for recreational, social, education, and cultural activities open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

CONVENTIONAL WIRELESS FACILITY DESIGN

A wireless communication facility which employs traditional structural designs, such as metal lattice or monopole towers.

CORRIDOR PLAN

The M-43/52 Corridor Access Management Plan, dated July 2003. The corridor plan documents rationale for § 86-441 and illustrates existing and recommended location of access points and service drives.

COURT

An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COVERAGE

That percentage of the lot or parcel covered by the building area.

DB(A)

The sound pressure level in decibels. Refers to the "a" weighted scale defined by the American National Standards Institute (ANSI). A method for weighting the frequency spectrum to mimic the human ear.

DBH (DIAMETER AT BREAST HEIGHT)

The diameter of an existing tree measured at 4 1/2 feet above grade.

DECIBEL

The unit of measure used to express the magnitude of sound pressure and sound intensity.

DENSITY

The number of dwelling units resided upon or to be developed upon a gross acre of land.

DEVELOPMENT PROJECTS

The construction, conversion, alteration, relocation, or enlargement of any structure; any excavation, landfill, or land disturbance; and any use or extension of the use of land.

DISTRICT

An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

DRIVEWAY

Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

DRIVEWAY, SHARED

A driveway connecting two or more contiguous properties to the public road system.

DWELLING

Any building, or portion thereof, which is designed or used exclusively for residential purposes.

DWELLING, MULTIPLE-FAMILY

A building, or portion thereof, used or designed to contain separate living units for three or more families but which may have joint services or facilities or both.

DWELLING, ROW HOUSE or TOWNHOUSE

Three or more one-family dwelling units each having access on the first floor to the ground and with common walls separating the dwelling units.

DWELLING, SINGLE-FAMILY

A detached building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY or DUPLEX

A detached or semidetached building designed for or occupied exclusively by two families living independently of each other.

DWELLING UNIT

A building or portion thereof designed exclusively for residential occupancy by one family and having cooking facilities.

ENCLOSED CLIMATE CONTROLLED STORAGE FACILITY

A single, climate controlled building that contains leased units designed for the storage of property by individuals, organizations, and businesses, which can only be accessed from the interior of the facility.

EQUIPMENT COMPOUND

An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

[Added by Ord. No. 2016-03, 1-5-2016]

ERECTED

The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premises or lot.

EVIDENCE OF FEE AND/OR OTHER OWNERSHIP

Legal documentation in the form of a warranty deed, a legal opinion, or a current title insurance policy, indicating the legal and equitable owners, including mortgagees, contract purchasers, and

fee owner, of the land to be developed, plus all grants, reservations, deed restrictions, and easements of record which may condition use of the property, to show that an individual, firm, association, syndicate, partnership, or corporation has sufficient proprietary interest to seek development of land.

EXCAVATION

Any breaking of ground, except common household gardening and ground care.

FAMILY

A person, two unrelated persons; or where there are more than two persons occupying a dwelling unit and living together as a single, nonprofit housekeeping unit with the common culinary facilities. A family shall be limited to husband, wife, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson, granddaughter, aunt, uncle, stepchildren, and legally adopted children, or any combination of the above persons living together. Any person seeking the rights and privileges afforded a member of a family by this definition shall have the burden of proof by clear and convincing evidence of their family relationship.

FAMILY ADULT CARE HOME

A day-care program operated in a single-family dwelling where the owner resides and provides supervised care for up to five adult persons 18 years of age or older. The hours of operation shall be fewer than 24 hours per day.

[Added by Ord. No. 2014-07, 12-9-2014]

FAMILY CHILD CARE HOME

A single-family dwelling in which not more than six minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for periods of less than 24 hours a day, for more than four weeks during a calendar year, unattended by a parent or legal guardian.

[Amended by Ord. No. 2014-07, 12-9-2014]

FARM

Any parcel of land containing at least 10 acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within prescribed properties boundaries and the storage of farm equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.

FENCE

An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

FLOODWAY

Please refer to § 86-436(b) for a definition of "floodway."

FLOODWAY FRINGE

Please refer to § 86-436(b) for a definition of "floodway fringe."

FLOOR AREA, USABLE

For purposes of computing parking requirements, that area to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FOSTER FAMILY GROUP HOME

A single-family dwelling in which more than four but less than seven children who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24

hours a day for four or more days a week for two or more consecutive weeks unattended by a parent or legal guardian.

FOSTER FAMILY HOME

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

FREESTANDING SIGN

A structure erected for the purpose of advertising a business or activity on the same parcel. Such structures shall not be attached to a building which may be located on the same parcel. Such a sign may also be known as a pylon sign.

FUELING STATION

Each location at a gasoline pump island where a one motor vehicle may be fueled.

FUEL PUMP CANOPY

A structure erected over the gasoline pumps in a service station. Such structure may not extend over or into the public right-of-way.

FUNCTIONAL FAMILY

A group of persons occupying a dwelling unit and living together as a single, nonprofit housekeeping unit whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all are living and cooking as a single housekeeping unit. A functional family shall not consist of any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, nor include a group of individuals whose association is temporary or seasonal in character or nature or for the limited duration of their education, nor a group whose sharing of a house is merely for convenience and economics. A functional family shall be given the same rights and privileges and shall have the same duties and responsibilities as a family as defined in this section for purposes of construing and interpreting this chapter. Any person seeking the rights and privileges afforded a member of a functional family shall have the burden of proof by clear and convincing evidence of each of the elements of a functional family. Nothing in this section shall be deemed to confer any legal rights upon any person on the basis of conduct otherwise unlawful under any existing law.

GARAGE

An accessory building intended or designated to be used for the storage of noncommercial vehicles.

GASOLINE SERVICE STATION

Any area of land, including any structure or structures thereon, that is used or designated for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purposes of this chapter, the term "gasoline service station" shall also mean any area of a structure used or designed for polishing, greasing, washing, dry cleaning, spraying, but not including painting, or otherwise cleaning or servicing such motor vehicles which provides fuel for the propulsion of motor vehicles.

GOLF COURSE

A tract of land laid out for playing the game of golf and improved with tees, greens and hazards and that may include a clubhouse, shelter, and driving range.

GRADE, FINISHED

The completed surfaces of lawn, walks, and roads brought to grades or elevations shown on official plans or designs related thereto.

GRADING ACTIVITIES

Any earth stripping, cutting, filling, stockpiling, or any combination thereof, excluding these activities when directly associated with customary landscaping or gardening.

GROSS FLOOR AREA (GFA)

The sum of all gross horizontal areas of the several floors of a building or buildings measured from the outside dimensions of the foundation. Unenclosed porches, courtyards, or patios, whether covered or uncovered, shall not be considered as a part of the gross floor area unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.

GROSS LEASABLE AREA (GLA)

The total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. The term "GLA" does not include public or common areas, such as utility rooms, stairwells, or malls.

GROUNDWATER

The supply of freshwater under the surface of the earth in an aquifer or geologic formation that forms the natural reservoir for potable water.

GROUP ADULT CARE HOME

A day-care program operated in a single-family dwelling where the owner resides and provides supervised group care for more than five but no more than 12 persons 18 years of age or older. The hours of operation shall be fewer than 24 hours per day.

[Added by Ord. No. 2014-07, 12-9-2014]

GROUP CHILD CARE HOME

A single-family dwelling in which more than six, but not more than 12, minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for periods of less than 24 hours a day for more than four weeks during a calendar year, unattended by a parent or legal guardian.

[Amended by Ord. No. 2014-07, 12-9-2014]

GROUP HOUSING DEVELOPMENT

A development project consisting of two or more multiple-family buildings located on a parcel of land under a single ownership with common services or facilities.

HAZARDOUS SUBSTANCE

One of the following:

- (1) A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- (2) A hazardous substance as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767.
- (3) A hazardous waste as defined in § 11103 of the Natural Resources and Environmental Protection Act (MCL § 324.11103).
- (4) Petroleum, as defined in the Natural Resources and Environmental Protection Act (MCL § 324.21303(d)(ii)).

HOME OCCUPATION

Any use qualifying as a home occupation that is conducted indoors within the principal building, an attached or detached garage, or other accessory building and carried on by only those persons residing within the dwelling, provided that the use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not involve any alteration of the structure or its character.

HOTEL

A building or group of buildings in which overnight lodging is offered for a fee to transient guests. The term hotel includes an extended-stay hotel or a suite hotel, but does not include a bed and breakfast operation. Extended-stay and suite hotel guest rooms may include cooking facilities and may be booked for longer guest stays than a standard hotel.

HOUSEKEEPING UNIT

See definition of "family."

INDEPENDENT LIVING

Provision of some basic services such as meals, housekeeping, grounds maintenance, security, and common areas and common facilities for events and activities for patients or residents.

[Added by Ord. No. 2019-09, 5-21-2019]

JUNK YARD

Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in normal running condition, machinery or parts thereof.

KENNEL

Any lot or premises used for the sale, boarding, or breeding of dogs, cats, and/or other household pets over the age of six months. The term "kennel" shall also mean the keeping of five dogs, cats, or other household pets having four legs over the age of six months.

KENNEL, COMMERCIAL

Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats, or other domestic pets.

KENNEL, PRIVATE

Any lot or premises used for the private maintenance of up to 10 dogs, cats, or other household pets not involving any commercial activities except breeding not more than two animals at any one time which are not the property of the occupant or owner of the property on which the kennel is located. Keeping more than 10 animals shall be considered a commercial kennel regardless of ownership of the animals.

LAKE ACCESS PROPERTY

A lot, parcel, site, or easement held in common by a subdivision, condominium, association, similar agency, or group of individuals, which abuts Lake Lansing and is used or intended to be used for the purposes of providing ingress and egress to Lake Lansing by pedestrian or vehicular traffic from offshore land, regardless of whether said ingress and egress to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation, or any other form or dedication or conveyance.

LAWN

Land covered with grass, either naturally occurring or planted, which is kept closely mowed, either by mechanical or manual means.

LICENSED PROFESSIONAL CARE

Specialized health care available 24 hours per day given under the supervision of professionals or technical personnel, including but not limited to memory care, rehabilitation, physical therapy, occupational therapy, social services, tube feedings, complex wound dressings, or rapidly changing health status.

[Added by Ord. No. 2019-09, 5-21-2019]

LIGHTING, SOURCE OF

For purposes of this chapter, the source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

LIGHT MANUFACTURING

A business engaged in the production from previously prepared materials of finished projects, including fabrication, assembly, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

LIMITED SNACK BAR SERVICE

A food service counter where snacks are served. Examples include, but are not limited to, ice cream, candy, beverages, popcorn, sandwiches, and hot dogs.

LOADING SPACE

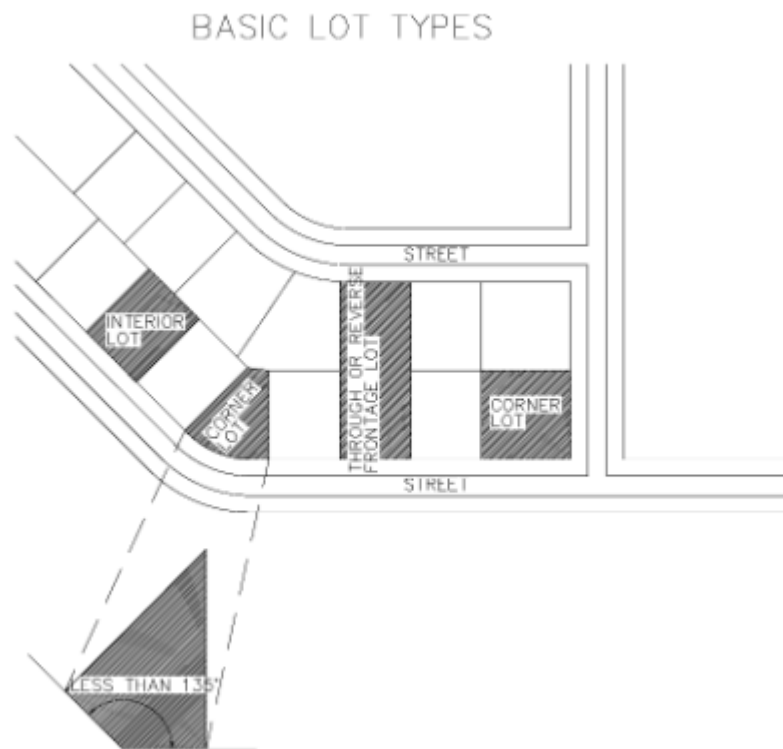
An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT

Land occupied or to be occupied by a building, structure, land use, or group of buildings, together with such open spaces or yards as are required under this chapter and having its principal frontage upon a street.

LOT, CORNER

A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135°.

**LOT, DEPTH OF**

The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE

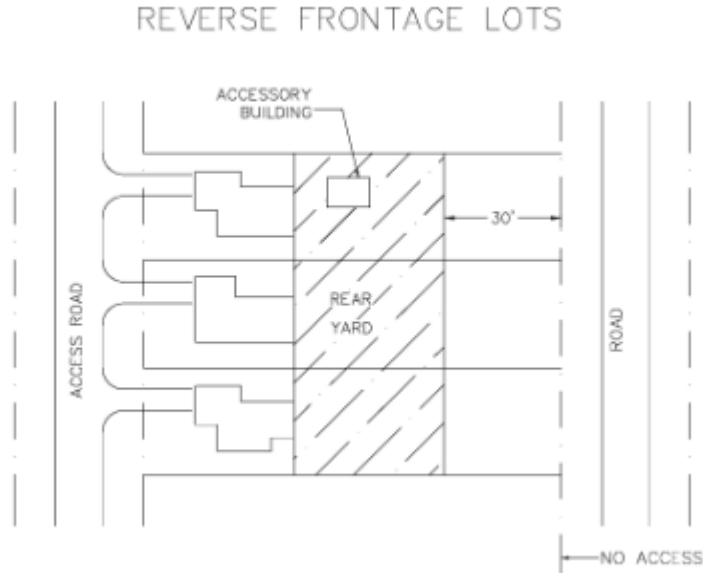
Any of the lines bounding a lot as defined in this chapter.

LOT OF RECORD

A lot which is part of a subdivision, the map of which has been recorded in the office of the register of deeds in the county or a parcel or lot described by metes and bounds, the deed to which has been recorded in the office of the registrar of deeds in the county.

LOT, REVERSE FRONTAGE

A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

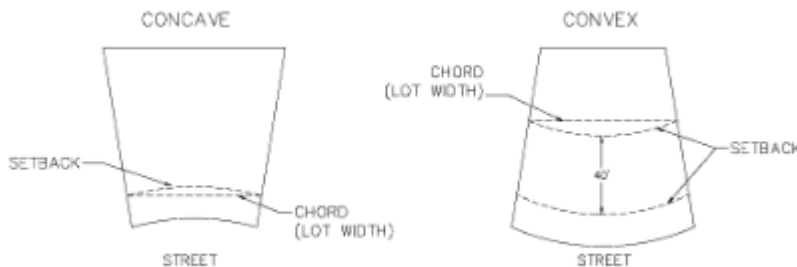


LOT, THROUGH

A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

LOT, WIDTH OF

The dimension measured along the front line of street line except in the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel lot lines, lot width shall be measured along the chord of the arc created by the building line for lots with a concave front lot line and along the chord of the arc created by a line 40 feet to the rear of and parallel to the building line for lots with a convex front lot line. In no case shall the front lot line of a lot located on a curvilinear street be less than 50 feet in dimension.



MANUFACTURED HOME

A dwelling constructed in accordance with applicable federal, state, and Township codes or regulations, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term "manufactured home" does not include a vehicle primarily designed and used as a temporary

living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

MARIHUANA

That term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCLA § 333.7106.

[Added by Ord. No. 2019-10, 5-21-2019]

MASTER PLAN or COMPREHENSIVE DEVELOPMENT PLAN

The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts, and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical, and efficient manner thereby creating the very best community living conditions.

MEDICAL MARIHUANA

That term as defined in MCLA § 333.26423.

[Added by Ord. No. 2019-10, 5-21-2019]

MEMORY CARE

Specialized skilled nursing and settings offering stepped-up services for patients or residents with Alzheimer's disease or other types of dementia.

[Added by Ord. No. 2019-09, 5-21-2019]

MINI-STORAGE ESTABLISHMENT

A building or group of buildings containing leased units designed for the storage of property for individuals, organizations, and businesses, which are accessed by separate exterior doorways for each unit. These are also known as self-storage facilities or mini-warehouse facilities.

MOTEL

A building or group of buildings in which overnight lodging is offered for a fee to transient guests, primarily catering to the public traveling by motor vehicle. Guest services provided in a hotel may also be provided in a motel. The term motel includes motor inn, motor lodge, and inn, but does not include a bed and breakfast operation.

MOTOR VEHICLE

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets, roads or other public ways.

[Added 5-6-2021 by Ord. No. 2021-02]

MURAL

Any graphic design, such as, but not limited to, a mosaic, picture, scene, or diagram painted on any exterior wall of a building which does not contain any brand name, product name, logo, trademark, trade name, identifiable commercial representation, or any other commercial message or advertising, whether by spelling, abbreviating, depiction, or otherwise.

NET ACREAGE

The area of the lot excluding floodways, wetlands, areas with steep slopes, or other constrained areas or easements.

NET METERING

A special metering and billing agreement between a utility company and its customers which facilitates the interconnection of renewable energy generating systems to the electrical power grid.

NEWLY DISCOVERED EVIDENCE

The relevant facts, data, or other proof supporting a request for rezoning and/or variance that was not known, and through the exercise of reasonable diligence could not have been known, by the applicant prior to the date of the Township's denial of that request.

NONCONFORMING USE

A building, structure, or use of land lawfully in existence at the time of enactment of this chapter and which does not conform with the regulations of the district or zone in which it is situated.

NUISANCE

An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of a congregation of people, particularly at night, passing traffic, and invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

OPEN SPACE

An unoccupied space open to the sky on the same lot with a building.

ORDINARY HIGH-WATER MARK

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

ORDINARY HIGH-WATER MARK FOR LAKE LANSING

The water level established by the Ingham County Circuit Court on February 26, 2003, at 852.29 feet above mean sea level.

OUTDOOR ADVERTISING STRUCTURES

Those signs and billboards, permanent or portable, which may be erected for the purposes of advertising businesses located within the Township and which are not on the same parcel as the business which they advertise.

PARCEL

A continuous area or acreage of land.

PATIENT

A "registered qualifying patient" or a "visiting qualifying patient" as those terms are defined by MCLA § 333.26421 et seq.

[Added by Ord. No. 2019-10, 5-21-2019]

PAWN SHOP

A business where personal property is left as security for a loan of money and where the property may be sold in lieu of loan repayment.

PEAK HOUR

The hour of highest volume of traffic entering and exiting the site in the morning (a.m.) or the afternoon (p.m.).

PERMIT

A current and valid permit for a commercial medical marijuana facility issued under the Charter Township of Meridian Ordinance Authorizing and Permitting Commercial Medical Marijuana Facilities, Charter Township of Meridian Ordinance No. 2019-01,^[2] which shall be granted to a permit holder only for and limited to a specific permitted premises and a specific permitted property. Said permit shall be in addition to the special use permit required to be obtained under this Zoning Ordinance.

[Added by Ord. No. 2019-10, 5-21-2019]

PERSON

A natural person, company, partnership, profit or nonprofit corporation, limited-liability company, or any joint venture for a common purpose.

[Added by Ord. No. 2019-10, 5-21-2019]

PLANNED COMMUNITY UNIT DEVELOPMENT

A land area which has both individual building sites and common property, such as a park, and which is designed and developed under one owner or organized group as a separate neighborhood or community unit (PUD).

PROPERTY

A lot or parcel of land together with all structures thereon.

PUBLIC UTILITY

Any person, firm, corporation, or municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation, sewage treatment, or water.

RECREATIONAL VEHICLE

Any vehicle that can be hauled, towed, or driven and is designed for recreational, camping or travel uses including, but not limited to, snowmobiles, all-terrain or off-road vehicles, motor homes, travel trailers, truck campers, and folding tent campers.

RELIGIOUS INSTITUTION

Churches and ecclesiastical or denominational organizations, or established physical places for worship at which nonprofit religious services and activities take place.

RESTAURANT, DRIVE-IN OR SELF SERVICE

Any places or premises used for sale dispensing, or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises or may carry-out.

RIGHT-OF-WAY

A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

ROAD

A way for vehicular traffic, whether designated as a street, highway, thoroughfare, avenues, boulevard, lane, cul-de-sac, or otherwise designated, and included the entire area within the right-of-way.

ROAD, ARTERIAL

Roads serving comparatively large volumes of high speed (45 miles per hour or greater), long-distance or through traffic and which also provide access to abutting properties.

ROAD, COLLECTOR

Roads that provide access to abutting properties and which link development roads, collector roads, or other local roads to major traffic roads.

ROAD, LOCAL

Roads intended to provide access to abutting properties, accommodate lower traffic volumes and provide mobility within a local neighborhood.

ROOF LINE or CORNICE

The point at which the wall of a structure meets the roof.

ROOMER

Any person, not the principal tenant or a family member of the principal tenant, who resides in a dwelling unit and pays remuneration to the principal tenant, as distinguished from a guest who

does not pay remuneration. The roomer shall not have private cooking facilities available. Rooms with private cooking facilities shall be considered apartments.

SAFE FALL ZONE

A distance from the base of the wireless communication facility, measured in all directions, where an unoccupied area shall be maintained, except for accessory structures related to the facility, in case of structural damage to the facility, falling debris, or catastrophic failure.

SATELLITE TELEVISION ANTENNA, EARTH STATION, OR DISH ANTENNA

A device which permits the reception of signals generated by communication transmitters in planetary orbit.

SCREEN

Includes, but is not limited to, trees, shrubs, walls, fences, used to create a visual or noise barrier.

SCREENING

A continuous fence, wall, dense evergreen, and/or deciduous hedge, berm, or combination thereof, supplemented with landscape planting, that would effectively screen the property which it encloses and is broken only by access drives and walks. Materials used may only include masonry, brick, wood, plastic, metal (except chain link), or vegetation.

SENIOR LIVING COMMUNITY

A facility comprised of a building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This type of facility includes dwelling units for independent living, assisted living, and memory care or other licensed professional care for residents; it may include ancillary facilities for the further service or care of the residents. The facility is restricted to persons 55 years of age or older or married couples or domestic partners where either spouse or partner is 55 years of age or older.

[Added by Ord. No. 2019-09, 5-21-2019]

SERVICE DRIVE (also "FRONTAGE ROAD" and "REAR SERVICE DRIVE")

A public or private road, auxiliary to and normally parallel to Grand River Avenue (M-43), that maintains local road continuity and provides access to properties adjacent to the controlled access facility.

SHADOW FLICKER

A moving shadow created by the sun shining through the rotating blades of a wind energy system onto the ground and stationary objects.

SHOPPING CENTER

A business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.

SHORELINE

The boundary between the land and water as established by the ordinary high-water mark.

SIGHT DISTANCE

The distance that the driver of a stopped vehicle can view along a roadway to decide when to enter or cross an intersecting road. Safe sight distance shall be a distance that a driver can view that is sufficient for perception reaction time and to make a turning movement onto the roadway and accelerate to posted speed prior to a vehicle entering the view to reach the point of the driver.

SIGN

A name, identification, description, display, or illustration which is affixed to, painted, or represented indirectly upon a building, structure, parcel, or lot and which directs attention to an object, place, product, activity, person, institution, organization, or business.

SIGN, A-FRAME

A double-sided sign designed as a "A" frame, typically hinged or joined at one or more points and self-supported.

SITE

A contiguous area of land upon which an activity takes place or a project is developed or proposed for development.

STEALTH WIRELESS FACILITY DESIGN

A wireless communications facility which is not recognizable as a conventional facility (e.g., a metal lattice or monopole), but instead is disguised, concealed, or architecturally integrated into a building's design in such a fashion as to conform to its surroundings.

[Amended by Ord. No. 2016-03, 1-5-2016]

STORAGE, OUTDOOR

The placing, depositing or stockpiling of any materials, products, equipment, vehicles or trailers outside the confines of an enclosed building.

STORY

That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

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 apartments or living quarters shall be counted as a full story.

STORY, HEIGHT OF

The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

STREET

A public or private thoroughfare, which affords the principal means of access to abutting property.

STREET LINE

The legal line of demarcation between a dedicated street right-of-way and abutting land; not to be confused with the master plan right-of-way line.

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.

STRUCTURE

Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, excepting utility poles.

TOWER, GUYED

A freestanding structure, which can also utilize lattice or monopole designs, that incorporates guy wires for support. Guyed towers are used for supporting communications equipment and/or for broadcasting purposes generally at greater heights than nonguyed towers.

TOWER, LATTICE

A freestanding structure composed generally of three or four steel leg supports used to support communication equipment or an anemometer (see graphic following definition of "antenna, whip").

TOWER, MONOPOLE

A freestanding structure composed of a single spire used to support communication equipment or a wind energy system (see graphic following definition of "antenna, whip").

TOXIC SUBSTANCE

Pollutants, including disease-carrying agents, that after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism can cause death, disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.

TRAILER

Any type of vehicle hauled or towed by a motor vehicle, which may include, but is not limited to, a utility trailer, boat trailer, horse trailer, snowmobile trailer, or motorcycle trailer.

UNRELATED PERSON

Two or more persons not constituting a family as defined in this section.

USEABLE SATELLITE SIGNAL

A signal that, when viewed on conventional television, is at least equal in quality to that of local commercial or cable television.

USE

The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

WALL

A constructed solid barrier of concrete, stone, brick, tile, wood, or similar type of material that closes, marks, or borders a field, yard, or lot when the wall acts as a screen or fence, limits visibility and restricts the flow of air and light. This definition shall not include a wall of a building or structure.

WATERCRAFT

A craft or apparatus designed for use on water with or without a motor or engine and intended for recreational purposes.

WATER FEATURE, also known as "SURFACE WATER FEATURE"

The following:

(1) WETLANDS

All wetlands defined and regulated under Township, state, or by federal law.

(2) WATERCOURSES

Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or floodwater.

(3) WATER BODY

A natural or artificial lake, pond or any other collection of water that has definite banks, a bed, and visible evidence of a constant flow or constant occurrence of water.

WETLANDS

Please refer to Chapter **22**, Article **IV**, for a definition of "wetlands."

WIND ENERGY SYSTEM

The equipment which converts and then stores or transfers energy from the wind into usable forms of energy including, but not limited to, the wind turbine and the tower.

WIRELESS COMMUNICATIONS EQUIPMENT

The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiberoptic cables, but excluding wireless communications support structures.

[Added by Ord. No. 2016-03, 1-5-2016]

WIRELESS COMMUNICATIONS FACILITY

A site where a wireless communications support structure, wireless communications equipment, or a wireless communications equipment compound is located.

[Amended by Ord. No. 2016-03, 1-5-2016]

WIRELESS COMMUNICATIONS SUPPORT STRUCTURE

A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

[Added by Ord. No. 2016-03, 1-5-2016]

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 line.

YARD, FRONT

A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.

YARD, REAR

An open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot, and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the centerline of the alley, if there be an alley, and the rear line of the building.

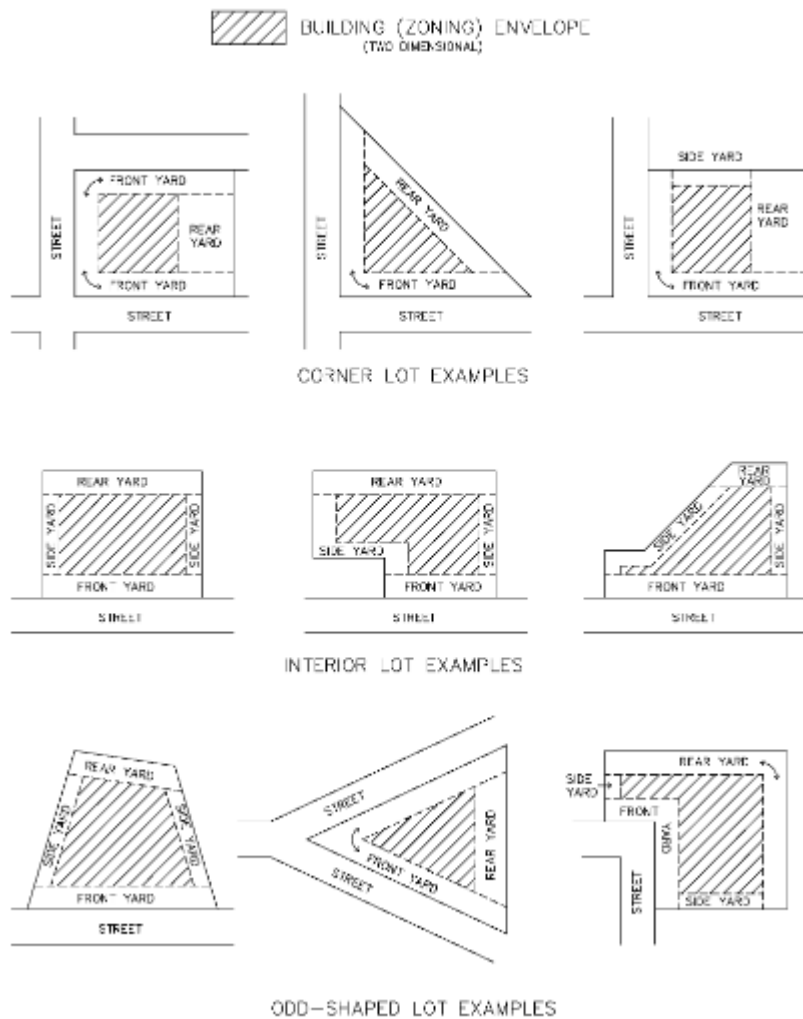
YARD, REAR (CORNER LOT)

An open space on the same lot with a principal building unoccupied except as herein permitted, extending the width of the lot between a lot line and a front yard setback line or between two front yard setback lines for a lot with frontage on more than two streets. The depth of the rear yard shall be measured between the rear line of the lot, or the centerline of the alley, if there be an alley, and the rear line of the building.

YARD, SIDE

An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any line not a front line or a rear line shall be deemed a side line.

Required Yards



Cross reference: Definitions generally, § 1-2.

[1] *Editor's Note: See MCLA § 333.27101 et seq.*

[2] *Editor's Note: See Ch. 40, Medical Marihuana, Art. II, Commercial Medical Marihuana Facilities.*

§ 86-3. Rules for construction of language.

[Code 1974, § 81-1.7]

The following rules of construction shall apply to the language in this chapter:

- (1) The specific controls the general.
- (2) Unless the context clearly indicates to the contrary, the following conjunctions shall mean as follows:
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that all connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- (3) In case of conflict between the text and a diagram, a schedule, or a figure, the text controls.

- (4) References to departments, commissions, boards, and other offices are to those of the Township, unless otherwise indicated.
- (5) A reference to a public official of the Township is to that person who performs the function referred to, and may include a designee of the public official.
- (6) A reference to days is to calendar days unless otherwise indicated in this chapter or specified by state law. If a deadline falls on a weekend or Township holiday, the time for performing an act is extended to the next working day. A working day is defined as any day that is not a Saturday, Sunday, or official Township holiday.
- (7) In computing a period of days, the day of the act or event from which the designated period of days begins to run is excluded, and the last day of the period is included, unless the last day is not a working day. If the last day is not a working day, the period runs until the end of the next day which is a working day. In computing a period of less than seven days, Saturdays, Sundays, and Township holidays are excluded.
- (8) Use of "shall," "will," and "must" is mandatory; "may" is permissive.
- (9) Use of "including," "includes," "such as," "additional" and "supplemental" is illustrative and not intended as an exhaustive listing, unless the context clearly indicates to the contrary.
- (10) Words in the present tense include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates to the contrary.
- (11) The word "person" includes a firm, association, organization, partnership, trust, estate, company, corporation, joint venture, political subdivision, or body of persons, as well as an individual.
- (12) Any word not interpreted or defined by the ordinance shall be used with a meaning of common or standard utilization.

§ 86-4. Authority.

[Code 1974, § 81-1.2; Ord. No. 2007-12, 10-28-2007]

This chapter is enacted pursuant to the Michigan Zoning Enabling Act PA 110 of 2006 (MCL § 125.3101 et seq.) and the Michigan Municipal Planning Act 285 of 1931 (MCL § 125.31 et seq.), replaced by the Michigan Planning Enabling Act PA 33 of 2008 (MCL § 125.3801 et seq., as amended).

§ 86-5. Purpose.

[Code 1974, § 81-1.3; Ord. No. 2007-12, 10-28-2007]

The purpose of this chapter is to promote the public health, safety, economic, and general welfare of the residents of the Township by regulating the development of land and establishing districts in which uses of land and structures are regulated. Specifically, this chapter is designed to accomplish the purposes set forth in the Michigan Zoning Enabling Act PA 110 of 2006 (MCL § 125.3101 et seq.) including the following:

- (1) Encourage the preservation and use of lands, open space, and natural resources in accordance with their character and suitability for particular purposes and limit the improper use of land and natural resources.
- (2) Foster harmonious relationships among land uses and prevent or minimize land use incompatibilities.
- (3) Promote and enhance the stability of the Township's neighborhoods, commercial areas, and special or historic areas.

- (4) Avoid overconcentrations of population.
- (5) Reduce the hazards to life and property from fire, flood, and other dangers.
- (6) Limit or lessen congestion on the public roads and streets.
- (7) Provide for adequate space, light, and air.
- (8) Promote wise and efficient expenditure of public funds for public improvements and services to conform with the most advantageous uses of land and resources.
- (9) Facilitate adequate and efficient provision of transportation systems, sewage disposal, safe and adequate water supply, storm drainage, hazardous materials management, education, recreation, and other public services, utilities, and facilities.
- (10) Establish controls for activities, operations, or uses that produce environmental impacts or irritants to sensory perception including noise, odor, dust, or other irritants.

§ 86-6. Applicability.

[Code 1974, § 81-1.4]

The provisions of this chapter shall apply to all land within the Township's jurisdiction, including that owned by the Township or other local, state, or federal agency, to the extent permitted by law.

§ 86-7. Conflict with other laws.

[Code 1974, § 81-1.5; Ord. No. 2007-12, 10-28-2007]

If any requirements of this chapter are found not to be consistent with the requirements of other lawfully adopted rules, regulations, or ordinances, then, except as provided in the Michigan Zoning Enabling Act PA 110 of 2006 (MCL § 125.3101 et seq.), the provisions of this chapter control.

State law reference: Similar provisions, MCL 125.298.

§ 86-8. Severability.

[Code 1974, § 81-1.6]

If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter. If any court of competent jurisdiction shall declare any application of any provision of this chapter to a particular property, structure, or land to be invalid, such ruling shall not affect the application of such provision to any other property, structure, or land.

§ 86-9. Compliance and responsibility.

[Code 1974, §§ 81-1.4, 81-5.1]

- (a) No land or building within the Township shall be occupied or used except in compliance with the provisions of this chapter. No building within the Township shall be erected, altered, repaired, or moved except in compliance with the provisions of this chapter. No person shall use or occupy any land or building within the Township, nor shall any person erect, alter, repair, or move any building within the Township except in compliance with this chapter.
- (b) The prohibition of any act in this chapter, in any amendment thereof and in any rule or regulation adopted hereunder shall include the causing, securing, aiding or abetting of another person to do such act.

- (c) No building or structure shall be built, erected, altered, changed, or remodeled without permits under this chapter. It is the duty of any person in charge of such work and person who performs such work to make sure the required permits have been applied for and obtained to make sure a permit has been obtained or fails to perform in accordance with the permit shall be guilty of a violation of this chapter and subject to the penalties prescribed in this chapter.

§ 86-10. Violations.

[Code 1974, §§ 81-5.2, 81-5.4, 81-5.5]

- (a) Buildings erected, altered, razed, or converted, or uses established or carried on in violation of any provision of this chapter, are hereby declared to be a nuisance per se. The court having jurisdiction shall order such nuisances abated and the owner and/or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se.
- (b) A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine, as established by the Township Board, plus costs and other sanctions, for each infraction.
- (c) Each act of violation and every day upon which such violation shall occur shall constitute a separate offense or infraction. Abatements shall not be considered as payment or part of a violation's penalty.
- (d) In addition to all other remedies, including the penalties provided in subsection **(b)** of this section, the Township may commence and prosecute appropriate actions in the county circuit court or any other court having jurisdiction to restrain or prevent any noncompliance with or violation of any of the provisions of this chapter or to correct, remedy, or abate such noncompliance or violation.

State law reference: Violations, MCL 125.294.

§ 86-11. through § 86-35. (Reserved)86-35. (Reserved)

ARTICLE II. Administration and Enforcement

[1] *Cross reference: Administration, ch. 2.*

DIVISION 1. Generally

§ 86-36. Enforcement responsibility.

[Code 1974, § 81-5.3(A)]

Enforcement of this chapter shall be the responsibility of the Township Supervisor, or the Township Manager, if one is appointed, who may delegate such responsibility to appropriate Township employees or officers. Such officers shall have the authority to enforce this chapter in accordance with requirements and procedures set forth in this article.

§ 86-37. Civil infraction citation or notices.

[Code 1974, § 81-5.3(B)]

The Township Manager, building inspectors, code enforcement officers, police officers, Fire Marshal, and Township fire inspectors are hereby designated as the authorized Township officials to issue municipal civil infraction citations directing alleged violators to appear in court or municipal civil

infraction violation notices directing alleged violators to appear at the Township municipal ordinance violations bureau as provided by this Code.

§ 86-38. through § 86-60. (Reserved)

DIVISION 2. Administrative Responsibilities

§ 86-61. Township Board.

[Code 1974, § 81-2.1]

Under this chapter, the Township Board, as the elected governing body of the Township, shall have the following powers and duties:

- (1) Zoning text amendments. To initiate, hear, and decide the adoption of an ordinance to amend the text of this chapter, in accordance with procedures set forth in this division.
- (2) Zoning Map amendments. To initiate, hear, and decide the adoption of an ordinance to amend the official Township Zoning Map, in accordance with procedures set forth in this division.
- (3) Appeals of Planning Commission actions. To hear and decide appeals of any order, requirement, decision, or determination made by the Planning Commission with respect to this chapter, in accordance with procedures set forth in this division.
- (4) Special use permits. To hear and decide, upon application, requests for major amendments to special use permits approved by the Township Board, in accordance with procedures set forth in this division.
- (5) Fees. To establish fees and charges as authorized by this chapter.
- (6) Legal authority. To exercise all rights, power, and authority concerning land use, zoning, and property development vested in the Township by law which is not expressly delegated to another entity or individual by statute, ordinance, or other legal delegation of the Township Board.

Cross reference: Boards and commissions, § 2-171 et seq.

§ 86-62. Zoning Board of Appeals.

[Code 1974, § 81-2.2; Ord. No. 2007-12, 10-28-2007]

- (a) Establishment of board. In order that the objectives of this chapter may be more fully and equitably achieved, that a means for competent interpretation of this chapter be provided, that health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Zoning Board of Appeals.
- (b) Powers and duties. The Zoning Board of Appeals shall have the following powers and duties:
 - (1) Appeals. To hear and decide appeals, upon application, of any order, requirement, decision, or determination of any Township administrative officer or official charged with interpreting or enforcing the provisions of this chapter, in accordance with procedures set forth in this division, including decisions made by the Director of Community Planning and Development with respect to site plans.
 - (2) Interpretations. To review, hear, and interpret any provision of this chapter consistent with the general intent and purposes of this chapter, in accordance with procedures set forth in this division.

- (3) Variances. To hear and decide, upon application, requests for variances from the provisions of this chapter, in accordance with procedures set forth in this division.
 - (4) Other. To review, hear, and decide all matters referred to it or upon which it is required to pass under this chapter.
- (c) Membership, terms of office.
- (1) The Zoning Board of Appeals shall consist of five regular members and two alternate members appointed by the Township Board.
 - (2) The first regular member of the Zoning Board of Appeals shall be a member of the Planning Commission, who shall be recommended by the commission.
 - (3) The second regular member of the Zoning Board of Appeals shall be a member of the Township Board.
 - (4) The remaining three regular members of the Zoning Board of Appeals and the two alternate members shall be selected from the electors of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township. All such members must reside outside of incorporated cities and villages.
 - (5) An elected official of the Township shall not serve as chair or vice-chair of the Zoning Board of Appeals.
 - (6) An employee or contractor of the Township Board may not serve as a regular or alternate member of the Zoning Board of Appeals.
 - (7) A member shall disqualify himself from participating in a vote in which the member has a conflict of interest, as defined in the Zoning Board of Appeals' rules of procedure. The member's failure to disqualify himself from participating shall constitute malfeasance in office.
 - (8) The Township Board may remove a member of the Zoning Board of Appeals for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing.
 - (9) An alternate member shall be called to serve in place of a regular member as follows:
 - a. When a regular member is absent from or will be unable to attend a Zoning Board of Appeals meeting.
 - b. When a regular member will be abstaining from participating in consideration of a case in which the regular member has a conflict of interest.
 - c. When called to serve, an alternate member has the same voting rights as a regular member and shall participate in the hearing of a case until a final decision is made.
 - (10) The terms of office for members appointed to the Zoning Board of Appeals shall be for three years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (d) 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 three members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any Township officer or official charged with interpreting or enforcing the provisions of this chapter, to decide

in favor of the applicant in any matter upon which they are required to pass under this chapter, or to effect any variation in this chapter.

- (3) Meetings. Meetings shall be open to the public and shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.
- (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. Such minutes shall be filed in the office of the Township Clerk and shall be a public record.
- (5) Secretary and counsel. The Township Clerk shall act as the secretary of the Zoning Board of Appeals and all records of the board's action shall be taken and recorded under the clerk's direction. The Township Attorney may act as legal counsel for the Zoning Board of Appeals, unless the Township Board otherwise provides.
- (6) Hearings. After proper notice, the Zoning Board of Appeals shall hold a hearing on each request or appeal filed properly with the secretary. The board may recess such hearings from time to time. The applicant may appear in person or by agent or attorney. The chairperson, or acting chairperson in substitution of, may administer oaths and compel the attendance of witnesses.
- (7) Decisions. The Zoning Board of Appeals shall return a decision upon each case within a reasonable time after a request or appeal has been filed with the board. Any decision of the board shall be final when made.

Cross reference: Boards and commissions, § 2-171 et seq.

State law reference: Zoning board of appeals, MCL 125.288 et seq.

§ 86-63. Planning Commission.

[Code 1974, § 81-2.3]

The Planning Commission, as established by § 2-286, shall have the following powers and duties under this chapter. For a complete list of the Planning Commission's powers and duties refer to § 2-289:

- (1) Special use permits. To hear and decide, upon application, requests for special use permits and major amendments to special use permits as defined in § 86-129(b), in accordance with procedures set forth in this division.
- (2) Zoning text amendments. To initiate, hear, and make recommendations to the Township Board on amendments to the text of this chapter, in accordance with procedures set forth in this division.
- (3) Zoning Map amendments. To initiate, hear, and make recommendations to the Township Board on amendments to the official Township Zoning Map, in accordance with procedures set forth in this division.
- (4) Status reports. Periodically reports to the Township Board on the status of the Township's zoning and planning administration.
- (5) Other. To review, hear, and act on all matters referred to it or upon which it is required to pass under this chapter.

Cross reference: Boards and commissions, § 2-171 et seq.

§ 86-64. Director of Community Planning and Development.

[Code 1974, § 81-2.4]

The Director of Community Planning and Development shall have the following powers and duties under this chapter:

- (1) Interpretations. To interpret the provisions within this chapter concerning the intent, purposes, and enforcement subject to appeal to the Zoning Board of Appeals, including all amendments and interpretations.
- (2) Permits. Upon application, review, and approve or deny requests for building permits, grading permits, and temporary use permits, in accordance with procedures set forth in this division.
- (3) Special use permits. To hear and decide, upon application, requests for minor amendments to special use permits as defined in § 86-129(c), in accordance with procedures set forth in this division.
- (4) Site plan review. Review and approve, approve with conditions, or deny site plans, in accordance with procedures set forth in this division.
- (5) Development compliance. Inspect all development projects for compliance with this chapter and issue or deny issuance of certificates of occupancy.
- (6) Enforcement. Investigate alleged violations of this chapter and take appropriate action as set forth in this division.
- (7) Notification of actions. Notify applicants of actions taken by the Township Board, Zoning Board of Appeals, and the Planning Commission under this chapter.
- (8) Record maintenance. Maintain permanent records of all permits and certificates issued or denied and all actions taken by the Planning Commission, and the director.
- (9) Zoning Map. Maintain the official Township Zoning Map for the Township Clerk.
- (10) Administration. Receive all applications for amendments, site plans, variances, special use permits; conduct field inspections, surveys, and investigations; prepare maps, charts, and other pictorial materials when necessary or desirable; and otherwise process applications and provide administrative assistance to the Planning Commission, the Zoning Board of Appeals, the Township Board, and committees of such entities; report to the applicable board, commission, or committee; and provide requested recommendations.
- (11) Amendments. Propose and recommend the enactment of amendments of this chapter for the purpose of improving the administration or enforcement of this chapter.
- (12) Planning Commission. Assist and advise the Planning Commission and be responsible for carrying out the directives of the Planning Commission.
- (13) Township Board. Assist and advise the Township Board and be responsible for carrying out the directives of the Township Board.
- (14) Other. To perform any other duties as specified in this division.

Cross reference: Officers and employees, § 2-51 et seq.

§ 86-65. Notice.

[Ord. No. 2007-12, 10-28-2007]

- (a) Purpose. The purpose of this section is to provide the notice requirements for Zoning Map amendments, special use permits, variances, site specific appeals of a decision made by the Director of Community Planning and Development, site specific interpretations of the Code of Ordinances, appeals of decisions made by the Planning Commission, planned unit developments, mixed use planned unit developments, and any other request that requires a public hearing per the Michigan Zoning Enabling Act PA 110 of 2006 (MCL § 125.3101 et seq.). The notice provisions are not intended to include non-site specific appeals of a decision made by the Director of Community Planning and Development, non-site specific interpretations of the Code of Ordinances, a change to the text of the zoning ordinance, or site plan review.
- (b) Notice of public hearing. Notification of the public hearing shall be given as follows:
- (1) A notice of public hearing shall be published in at least one newspaper of general circulation in the Township not less than 15 days prior to the date of the hearing.
 - (2) A notice of public hearing shall be delivered personally or by mail to the parties making the request, owner(s) of the property if different than applicant, and to all persons to whom real property is assessed located within 300 feet of the boundary of the property in question at the address listed on the most recent assessment roll, and to the occupants of all structures within 300 feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used.
 - (3) Notification shall be given not less than 15 days before the date of the hearing. The notice shall contain all of the following information:
 - a. Indicate the date, time, and place of the hearing.
 - b. Describe the nature of the request.
 - c. Indicate the property which is the subject of request, including any existing street addresses for the site.
 - d. State when and where the request may be examined.
 - e. Indicate when and where written comments will be received concerning the request.
 - (4) When the Planning Commission is scheduled to hold a public hearing pursuant to Subsection **86-94(1)** or **(2)**, notice of the date, time, and place of the public hearing shall also be given by mail to each electric, gas and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
 - (5) The applicant, where required, shall post a notice of the public hearing on the subject site at least 15 days prior to the hearing on a form provided by the Township. This subsection shall not apply to variances, appeals of a decision made by the Director of Community Planning and Development, interpretations, planned unit developments, and mixed use planned unit developments.

§ 86-66. through § 86-90. (Reserved)

DIVISION 3. Amendments

[1] *State law reference: Amendments, MCL 125.284, 125.279 et seq.*

§ 86-91. Purpose.

[Code 1974, § 81-3.1(A)]

The Township finds that it may be necessary to amend the text of this chapter or the boundaries of the official Township Zoning Map from time to time. The Township Board may, following receipt of a recommendation from the Planning Commission, adopt, modify, or deny an ordinance which amends, supplements, or repeals the text of this chapter or the boundaries of the official Township Zoning Map in accordance with the following procedures.

§ 86-92. Text amendments.

[Code 1974, § 81-3.1(B); Ord. No. 2007-12, 10-28-2007]

Amendments or supplements to the text of this chapter may only be initiated by the Township Board or the Planning Commission. A resident or property owner of the Township may propose that an amendment or supplement to this chapter be initiated by either the Planning Commission or Township Board. The hearing and notice requirements set forth in Subsection **86-94(2)** shall apply.

§ 86-93. Zoning Map amendments.

[Code 1974, § 81-3.1(C); Ord. No. 2003-07, 5-20-2003; Ord. No. 2007-12, 10-28-2007]

Amendment to the official Township Zoning Map (rezonings) may only be initiated in the following manner. The hearing and notice requirements set forth in § **86-94** shall apply:

- (1) The Township Board or the Planning Commission may initiate an amendment to the official Township Zoning Map.
- (2) A property owner may initiate an amendment to the official Township Zoning Map by application. The application shall be considered complete when all of the following information has been received by the Director of Community Planning and Development:
 - a. A completed rezoning application form, which forms shall be available in the Department of Community Planning and Development.
 - b. A nonrefundable fee in the amount established in the schedule of fees as adopted by the Township Board.
 - c. A legal description of the subject property.
 - d. Evidence of fee and/or other ownership of the subject property.
 - e. A written statement with supporting evidence attached which demonstrates (1) any alleged error in the boundaries of the Zoning Map or (2) changing conditions which are alleged to warrant an amendment to the Zoning Map or (3) the reasons for the requested amendment to the Zoning Map if neither (1) or (2) apply.
 - f. A rezoning traffic study prepared by a qualified traffic engineer, based in whole or in part, on the most current edition of the handbook titled Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities, published by the state department of transportation, for all of the following:
 1. Rezonings when the proposed district would permit uses that could generate more than 100 additional directional trips during the peak hour than the principal uses permitted under the current zoning.
 2. Rezonings of land having direct access to a principal or minor arterial street, unless the uses in the proposed zoning district would generate fewer peak hour trips than uses in the existing zoning district.

A threshold table converting peak hour directional trips to specific land uses shall be available from the Department of Community Planning and Development. The threshold

conversions shall be based on the current Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), and updated as needed.

Information pertaining to the contents of the rezoning traffic study shall be available in the Department of Community Planning and Development.

- g. Other information specified by the Director of Community Planning and Development which is deemed necessary to evaluate the application.
- (3) An owner of land may voluntarily offer in writing, and the Township may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a Zoning Map.
- a. In approving the conditions the Township may establish a time period during which the conditions apply to the land. Except for an extension, if the conditions are not satisfied within the time specified, the land shall revert to its former zoning classification.
 - b. The local government shall not add to or alter the conditions during the specified time period.
 - c. The specified time period may be extended upon the application of the landowner and approval of the Township.
 - d. The Township shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer shall not otherwise affect a landowner's rights.
- (4) No application for a rezoning which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed circumstances found by the Director of Community Planning and Development, to be sufficient to justify consideration.

§ 86-94. Review process.

[Code 1974, § 81-3.1(D); Ord. No. 2007-12, 10-28-2007]

Upon initiation of a zoning ordinance amendment or a determination that the application for a Zoning Map amendment is complete, the Director of Community Planning and Development shall initiate the review process below:

- (1) Notice of hearing on a proposed change to the official Township Zoning Map. A notice shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances. The applicant shall post a notice of the public hearing on the subject site per the requirements of Subsection 86-65(b)(5).
- (2) Notice of hearing on the proposed change to the zoning ordinance. A notice shall be published in at least one newspaper of general circulation in the Township not less than 15 days prior to the date of the hearing. The notice shall include the date, time, place, subject of the hearing, and the place and time the proposed amendment may be examined.
- (3) Conduct of public hearing. The Planning Commission shall hold a public hearing on the proposed text or map amendment.
 - a. Any person may speak at the public hearing or submit evidence, either individually or as a representative of a person or an organization.
 - b. The Planning Commission may continue the public hearing to a fixed time, date, and place by so announcing on the record at the hearing. Additional notices of a continuation of the public hearing shall not be required unless the hearing is adjourned for more than 36 hours. If the hearing has been adjourned for over 36 hours, notice shall be provided in the same manner as the original hearing.

- (4) Planning Commission action. The Planning Commission's recommendation on the map or text amendment shall be transmitted to the Township Board along with the approved minutes of the public hearing and the compiled record.
- (5) Township Board action.
 - a. Following review of the Planning Commission's recommendation and record, the Township Board may adopt the proposed amendment in accordance with subsection (6) of this section.
 - b. Prior to making a decision on a proposed text or map amendment, the Township Board may take one or more of the following actions:
 1. Hold a public hearing. If the Township Board decides to hold a public hearing, notice of the public hearing shall be given in the same manner as outlined in Subsection **86-65(b)**.
 2. The Township Board may refer the proposed text or map amendment to the Planning Commission for consideration and comment within a time specified by the Township Board.
 3. The Township Board shall grant a hearing on the proposed text or map amendment to a property owner who by certified mail addressed to the Township Clerk requests a hearing. A representative of the Planning Commission shall be requested to attend the hearing held by the Township Board. Notice of the public hearing shall be given in the same manner as outlined in Subsection **86-65(b)**.
 4. After reviewing the comments from the Planning Commission, and after a public hearing allowed under this section, the Township Board shall consider and vote upon the adoption of the text or map amendment with or without changes.
 5. The Township Board shall approve the proposed text or map amendment by a majority vote of its members.
- (6) Adoption of ordinance amendment. Zoning ordinance text and map amendments. A proposed map or text amendment shall not be adopted by the Township Board at the same meeting at which it is introduced. The following procedures shall be followed prior to the adoption of an amendment to this chapter:
 - a. Publication of ordinance as introduced. The Township Clerk shall cause the proposed amendment to be published in a newspaper of general circulation within the Township prior to the meeting at which the proposed amendment is to be considered for final adoption. The publication shall include the text of the proposed amendment in the form in which it is introduced.
 - b. Publication of adopted amendment. Following final adoption of the amendment by the Township Board, the Township Clerk shall cause the amendment to be published in a newspaper of general circulation within the Township within 15 days after adoption. The publication shall include:
 1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
 2. The effective date of the amendment; and
 3. The place and time where a copy of the amendment may be purchased or inspected.
 - c. Effective date of amendment. The effective date of the amendment shall be seven days from the date of publication of the adopted amendment or upon such later date as may be required under § 402 of the Michigan Zoning Enabling Act (MCL § 125.3402) if a notice of intent to file a petition of a referendum was received by the Township.

State law reference: Required hearings and notice thereof, MCL 125.279 et seq.

§ 86-95. Effect of Zoning Map amendments.

[Code 1974, § 81-3.1(E)]

No changes shall be made to the official Township Zoning Map except by formal adoption by the Township Board in conformity with this chapter. The Township Clerk shall cause ordinance changes pursuant to amendment to be entered on the official Township Zoning Map.

§ 86-96. Official Township Zoning Map.

[Code 1974, § 81-3.1(F)]

The official Township Zoning Map shall be located at the Township municipal building and shall constitute the final authority with regard to the zoning of all land in the Township.

§ 86-97. through § 86-120. (Reserved)

DIVISION 4. Special Use Permits

[1] *State law reference: Special land uses, MCL 125.286b, 125.286d.*

§ 86-121. Purpose.

[Code 1974, § 81-3.2(A)]

The Township finds that certain uses are generally compatible in designated zoning districts, but their nature, design, or location may have negative effects on adjacent land uses as well as the health, safety, and general welfare of the community. These uses may be allowed in designated zoning districts as special uses subject to the requirements and conditions set forth in this chapter and approved in accordance with the procedures set forth in this division.

§ 86-122. Applicability.

[Code 1974, § 81-3.2(B)]

Only the uses authorized as special uses in Article **IV** of this chapter or as otherwise authorized in Article **VI** of this chapter may be issued a special use permit. Uses not expressly authorized are prohibited. The designation of a use as a special use does not constitute an assurance that a special use permit will be issued by the Planning Commission. Special uses, because of their nature, require special restrictions and some measure of attention in order to determine whether or not such uses will be compatible with uses permitted by right in the zoning district and with this chapter. Special uses are, therefore, prohibited unless permitted by the Township as provided in this chapter. Each request for a special use permit shall be evaluated by the Planning Commission for compliance with the criteria set forth in this division and the applicable standards specified for such special use in the zoning district where the use is to be located.

§ 86-123. Preliminary discussions.

[Code 1974, § 81-3.2(C)]

The applicant may meet with the Director of Community Planning and Development to discuss the requirements for a special use permit. In addition to the preliminary discussions, the applicant may submit a conceptual plan for review by the Director of Community Planning and Development in order that preliminary technical deficiencies may be addressed prior to submittal of an application for a

special use permit. This procedure is intended to be informational only and shall not limit the substance of the review process.

§ 86-124. Application requirements.

[Code 1974, § 81-3.2(D)]

- (a) The application shall be submitted to the Director of Community Planning and Development to be submitted to the Planning Commission and shall include the provisions specified in this section. Only complete applications shall be processed.
- (b) A completed special use permit application form, available in the Department of Community Planning and Development, shall contain the following information, if applicable:
 - (1) The type of special use requested.
 - (2) The address and/or parcel number of the property.
 - (3) The applicant's name, address, and phone number.
 - (4) The name, address, and phone number of all persons with an ownership interest, if different from the applicant.
 - (5) Name and address of the developer, if different from the applicant.
 - (6) Name and address of the engineer, architect, landscape architect, land planner and/or land surveyor aiding in preparation of the site plan.
 - (7) Project title.
 - (8) The gross and net acreage of all parcels in the project.
 - (9) Proposed project and development phases.
 - (10) Total number of existing and proposed structures, units, bedrooms, or offices.
 - (11) Square footage and usable floor area of existing and proposed buildings.
 - (12) Number of existing and proposed parking spaces, carports, or garages.
 - (13) Approximate number of employees by shift.
 - (14) Amount and type of existing and proposed recreation and open space.
- (c) In addition, the following is required:
 - (1) A nonrefundable fee in the amount established in the schedule of fees adopted by the Township Board.
 - (2) A legal description of the subject property.
 - (3) Evidence of fee and/or other ownership of the property for which the special use permit is being requested.
 - (4) A site plan, drawn to a legible scale, containing the following information where applicable:
 - a. Boundaries of the subject property.
 - b. Total area of the subject property.
 - c. Location of all existing and proposed structures.
 - d. Approximate location and distance of all structures within 100 feet of the subject property.

- e. Uses of existing and proposed buildings, on the subject site.
 - f. Proposed means of vehicular and pedestrian ingress and egress to the subject property.
 - g. Public and private roads and streets, rights-of-way, and easements, indicating names and widths, which abut or cross the site.
 - h. Existing and proposed parking spaces, and vehicular and pedestrian circulation patterns.
 - i. The buildable area of the subject property indicating all required setbacks, yards and open space.
 - j. Zoning classification of the subject and adjacent properties.
 - k. Existing and proposed fencing, screening, landscaping, and buffers.
 - l. Location and sizes of existing utilities including power lines and towers, both above and below the ground.
 - m. Amount and location of all impervious surfaces.
 - n. The verified boundaries of all natural water features and required setback lines.
- (5) Elevations illustrating all sides of the proposed structures and project entrance features as they will appear upon completion, accompanied by samples of or a display board of the various exterior materials and colors proposed to be used for the project.
- (6) A traffic study prepared by a qualified traffic engineer based, in whole or in part, on the most current edition of the handbook titled Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities, published by the state department of transportation, when the following thresholds are met.
- a. A traffic assessment shall be required for the following:
 1. New special uses which could generate between 50 to 99 directional trips during a peak hour of traffic.
 2. Expansion or change of an existing special use where increase in intensity would generate an additional 50 to 99 directional trips during a peak hour of traffic.
 3. All other special uses requiring a traffic assessment as specified in Article **IV**, Division 2 of this chapter.
 - b. A traffic impact study shall be required for the following:
 1. New special uses which would generate over 100 directional trips during a peak hour of traffic, or over 750 trips on an average day.
 2. Expansion or change of an existing special use where increase in intensity would generate an additional 100 directional trips or more during a peak hour of traffic, or over 750 trips on an average day.
 3. All other special uses requiring a traffic impact study as specified in Article **IV**, Division 2 of this chapter.
- (7) Natural features assessment. A written description of the anticipated impacts on the natural features at each phase and at project completion in accordance with the following provisions:
- a. The natural features assessment shall, at a minimum, contain the following information:
 1. An inventory of natural features proposed to be retained, removed, or modified. Natural features shall include, but are not limited to, wetlands, significant stands of trees or individual trees greater than 12 inches dbh, floodways, floodplains, waterbodies, identified groundwater vulnerable areas, slopes greater than 20%,

ravines, and vegetative cover types with potential to sustain significant or endangered wildlife.

2. Description of the impacts on natural features.
 3. Description of any proposed efforts to mitigate any negative impacts.
- b. The requirement for preparing a natural features assessment may be waived by the Director of Community Planning and Development in the following instances:
1. The Director of Community Planning and Development determines that no natural features will be significantly impacted by the proposed project including impacts to adjacent properties.
 2. A similar environmental study was previously prepared for the subject site and the Director of Community Planning and Development has determined that no substantive change in conditions has occurred.
- (8) Other information specified by the Director of Community Planning and Development which is reasonably deemed necessary to evaluate the application.

§ 86-125. Review process.

[Code 1974, § 81-3.2(E); Ord. No. 2007-12, 10-28-2007]

- (a) Upon determination that the application is complete, the Director of Community Planning and Development shall initiate the following review processes:
- (1) Notice of public hearing. A notice shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances. The applicant shall post a notice of the public hearing on the subject site per the requirements of Subsection 86-65(b)(5).
 - (2) Conduct of public hearing. The Planning Commission shall hold a public hearing on the request for a special use permit.
 - a. Any person may appear at the public hearing and submit comments, either individually or as a representative of a person or an organization.
 - b. The Planning Commission may continue the public hearing to a fixed time, date, and place. Additional notices of continued public hearings shall not be required unless the hearing is adjourned for more than 36 hours. If the hearing has been adjourned for over 36 hours, notice shall be provided in the same manner as the original hearing.
 - (3) Additional information. The Planning Commission may request that additional information be submitted by the applicant to evaluate the special use permit application.
 - (4) Decision. The Planning Commission may deny, approve, or approve with conditions an application for a special use permit. The decision shall be incorporated in a statement containing the conclusions relative to the special use under consideration which specifies the basis for the decision, and any conditions imposed.
 - (5) Notice of decision. The Director of Community Planning and Development shall notify the applicant in writing of the Planning Commission's decision and the reasons therefor.
- (b) Appeal. An aggrieved person may appeal the Planning Commission's decision to the Township Board, in accordance with § **86-189**.

§ 86-126. Review criteria.

[Code 1974, § 81-3.2(F)]

Applications for special use permits shall be reviewed for compliance with the following standards and requirements, where applicable. An application for a special use permit that complies with all the following standards and requirements in this chapter may be approved. The applicant shall assure that:

- (1) The project is consistent with the intent and purposes of this chapter.
- (2) The project is consistent with applicable land use policies contained in the Township's comprehensive development plan of current adoption.
- (3) The project is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- (4) The project will not adversely affect or be hazardous to existing neighboring uses.
- (5) The project will not be detrimental to the economic welfare of surrounding properties or the community.
- (6) The project is adequately served by public facilities, such as existing roads, schools, stormwater drainage, public safety, public transportation, and public recreation, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such service.
- (7) The project is adequately served by public sanitation facilities if so designed. If on-site sanitation facilities for sewage disposal, potable water supply, and stormwater are proposed, they shall be properly designed and capable of handling the longterm needs of the proposed project.
- (8) The project will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (9) The project will not directly or indirectly have a substantial adverse impact on the natural resources of the Township, including, but not limited to, prime agricultural soils, water recharge areas, lakes, rivers, streams, major forests, wetlands, and wildlife areas.

§ 86-127. Conditions.

[Code 1974, § 81-3.2(G); Ord. No. 2007-12, 10-28-2007]

The Planning Commission may require additional conditions, beyond those specified for the particular special use in this chapter, necessary to accomplish the purposes and intent of this chapter as follows:

- (1) Site conditions including, but not limited to, the following:
 - a. Special yards, open spaces, or buffers.
 - b. Fences, walls, or installation and maintenance of landscaping.
 - c. Points of vehicular ingress and egress.
 - d. Traffic circulation systems.
 - e. Extent of signage.
 - f. Limited hours of operation and methods of operation.
 - g. Controls for potential nuisances.
 - h. Standards for maintenance of buildings and grounds.
- (2) Development schedules and standards.

- (3) For uses of a temporary nature, review, evaluation, or expiration of a use after a specified time period may be required.
- (4) Where a variance or other agency approval is required for the establishment of the proposed special use, the Planning Commission shall condition the special use permit on obtaining the required variance or approval.
- (5) Performance guarantee. To guarantee compliance with this chapter and any conditions imposed by this chapter, at the time a certificate of occupancy is issued, the Director of Community Planning and Development may require that a cash deposit, certified check, or irrevocable bank letter of credit in a form acceptable to the Township Treasurer, covering the estimated cost of incomplete improvements associated with the approved site plan, be deposited with the Township Treasurer to insure faithful completion of the improvements. As required improvements are completed, portions of a cash deposit or certified check may be rebated. In the case a letter of credit is on file with the Township Treasurer, as work progresses, a new letter of credit may replace the letter of credit on file.
- (6) Any condition imposed upon a special use permit shall be part of the record and remain unchanged, unaltered, and not expanded upon except with the mutual consent of the Township and the landowner.

§ 86-128. Effect of issuance.

[Code 1974, § 81-3.2(H); Ord. No. 2007-08, 9-30-2007; Ord. No. 2010-05, 3-28-2010; Ord. No. 2011-06, 5-5-2011]

- (a) Limitation. Issuance of a special use permit shall authorize only the particular use for which it is issued and shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.
- (b) Effective date. The effective date of a special use permit shall be 10 days from the date of the Planning Commission's approval. In the event an appeal of the Planning Commission's decision is filed within this ten-day period, the effective date of the special use permit shall be the date the appeal is decided in favor of the applicant or otherwise dismissed or disposed of.
- (c) When permit becomes void. If the special use, or construction related to the special use, has not commenced within 24 months after the effective date of the special use permit, such permit shall be void.
- (d) Time for completion. All construction related to the special use must be completed within 36 months from the effective date of the special use permit, unless specifically approved as a phased development. If an extension is granted, all construction related to the special use permit shall be completed within 48 months from the effective date of the special use permit, unless specifically approved as a phased development.
- (e) Reestablishment. An approved special use shall not be reestablished without obtaining new approval from the Planning Commission in accordance with this division unless the site has been converted to a use permitted by right or a subsequent use received a new special use permit.
- (f) Extension request. If the special use, or construction related to the special use, has not commenced within 24 months from the effective date of the special use permit, an extension may be requested in writing prior to the expiration date. An extension shall be reviewed and approved or denied in writing by the same person or body that made the original decision.
 - (1) Notice of extension request.
 - a. A notice shall be delivered personally or by mail to the parties making the request, owner(s) of the property if different than the applicant, and to all persons to whom real property is assessed located within 300 feet of the boundary of the property in question

at the address listed on the most recent assessment roll, and to the occupants of all structures within 300 feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used.

- b. The notice of extension request shall be given not less than 15 days before the date of the meeting. The notice shall contain all of the following information:
 1. Indicate the date, time and place of the meeting.
 2. Describe the nature of the request.
 3. Indicate the property which is the subject of the request, including any existing street address for the site.
 4. State when and where the request may be examined.
 5. Indicate when and where written comments will be received concerning the request.
- (2) The extension shall be granted if all three of the following criteria are met:
 - a. The applicant failed to begin construction within the required time period due to their inability to obtain financing or their inability to acquire the necessary permits, due to circumstances outside of the applicant's control.
 - b. The project continues to be consistent with the special use permit review criteria listed in § 86-126 of the Township Code of Ordinances as originally applied.
 - c. The project remains conforming to all requirements of the previously approved special use permit.
- (3) One extension may be granted for a period not to exceed 12 months from the expiration date of the special use permit. In approving an extension, the person or body making the decision may impose new conditions to ensure the special use remains conforming to the previously approved special use. The special use shall meet all applicable codes in effect as of the date of issuance of a building permit unless otherwise specifically exempted from the code in the special use permit approval.

§ 86-129. Amendments.

[Code 1974, § 81-3.2(I); Ord. No. 2009-04, 6-28-2009]

- (a) Generally. Any applicant who has been granted a special use permit may apply for an amendment in writing to the Director of Community Planning and Development. The director shall make a determination as to whether a proposed amendment constitutes a major or minor amendment to the original special use permit.
- (b) Major amendments. A major amendment shall be evidenced by having a significant impact on the permit and the conditions of its approval, which shall include, but not be limited to:
 - (1) Additions to buildings in excess of 2,000 square feet for buildings under 20,000 square feet in gross floor area or 10% of an existing building over 20,000 square feet in gross floor area.
 - (2) Expansion or increase in the intensity of a use that anticipates an increase in 100 or more vehicle trip ends during the peak hour.
 - (3) The addition of site area equal to or more than 20,000 square feet for existing sites less than 40,000 square feet in area or two times the original site size for sites over 40,000 square feet.
 - (4) Expansion of a use that anticipates a 10% or greater increase in required off-street parking spaces.

- (5) The addition of a drive-through window.
 - (6) Adjacent to residentially zoned property.
 - (7) Any addition to a legal nonconforming site.
- (c) Minor amendments. All projects not defined as major amendments shall be considered minor amendments.
- (d) Procedure for processing amendments to existing special use permits determined to be major amendments by the Director of Community Planning and Development. Major amendments to approved special use permits may only be granted by the body issuing the original special use permit in accordance with the procedures and criteria set forth in this section.
- (1) Amendments of special use permits granted by the Planning Commission. Amendments to approved special use permits may only be granted by the Planning Commission in accordance with the procedures and criteria set forth in this division, subject to appeal in accordance with § **86-189**.
 - (2) Amendments of special use permits granted by the Township Board. Special use permit applications approved by the Township Board subsequent to an appeal of the Planning Commission's granting or denial of such special use permit application shall only be modified, removed, or replaced through a decision by the Township Board in accordance with the following procedures:
 - a. Application. An application for an amended special use permit shall be submitted to the Director of Community Planning and Development.
 - b. Fee. A fee shall be paid at the time of filing the application in the amount established in the schedule of fees adopted by the Township Board.
 - c. Public hearing. The application for an amended special use permit shall be subject to the same notices and hearings and all other procedures required for the initial application reviewed and decided by the Planning Commission as set forth in § **86-121** et seq.; however, the term "Township Board" shall be substituted for the term "Planning Commission."
 - d. Decision. Prior to deciding the application, the Township Board may refer the application to the Planning Commission for a recommendation.
- (e) Procedures for processing amendments to existing special use permits determined to be minor amendments by the Director of Community Planning and Development. Upon determination that the request is a minor amendment, the Director of Community Planning and Development shall initiate the following review process:
- (1) Application. An application for an amended special use permit shall be submitted to the Director of Community Planning and Development.
 - (2) Fee. A fee shall be paid at the time of filing the application in the amount established in the schedule of fees adopted by the Township Board.
 - (3) Public hearing. The application for an amended special use permit shall be subject to the same notices and hearings and all other procedures required for the initial application reviewed and decided by the Planning Commission as set forth in § **86-121** et seq.; however, the term "Director of Community Planning and Development" shall be substituted for the term "Planning Commission."
- (f) Appeal. An aggrieved person may appeal the decision of the Director of Community Planning and Development to the body responsible for the original special use permit approval, in accordance with § **86-188**.

§ 86-130. through § 86-150. (Reserved)

DIVISION 5. Site Plan Review

[1] *State law reference: Site plans, MCL 125.286e.*

§ 86-151. Purpose.

[Code 1974, § 81-3.3(A)]

The Township finds that the development of nonresidential and multiple-family residential uses of land may have a substantial effect on the character of the community and its public health, safety, and general welfare. Therefore, this division requires that all nonresidential and multiple-family residential uses and structures be subject to site plan review in order to reasonably ensure that the development and use of land will not adversely affect the public health, safety, and general welfare; to ensure compliance with this chapter, other applicable ordinances, other Township planning documents, and state and federal statutes; and to ensure that the proposed development is compatible with the surrounding uses.

§ 86-152. Applicability.

[Code 1974, § 81-3.3(B)]

Except for single-family or two-family dwellings, a site plan approved under this division is required for any of the following:

- (1) All building permits, grading permits, and certificates of occupancy.
- (2) The construction, reconstruction, vertical or horizontal enlargement, relocation, or alteration of a building, or conversion of use. An alteration is any change in the supporting members of an existing building, any change in the location of doors or windows, or any change in usable floor area; it does not include normal repairs or maintenance.
- (3) Changes in on-site traffic flow or parking or the removal of structural or vegetative screening.

§ 86-153. Preliminary discussions; conceptual site plan review.

[Code 1974, § 81-3.3(C)]

An applicant may meet with the Director of Community Planning and Development to discuss the requirements for a site plan review. In addition to the preliminary discussions, an applicant may submit a conceptual plan for review by the Director of Community Planning and Development in order that preliminary technical deficiencies may be addressed prior to submittal of an application for a site plan review. This procedure is intended to be informational only and shall not limit the substance of the review process.

§ 86-154. Application; required information.

[Code 1974, § 81-3.3(D)]

The application shall be submitted to the Director of Community Planning and Development and shall include the following to encourage applicants to propose plans for and develop property which has high quality of site and building design. No application shall be processed until it is complete.

- (1) A site plan review application form available in the Department of Community Planning and Development containing the following information, where applicable:
 - a. The address and/or parcel number of the subject property.
 - b. The applicant's name, address, and phone number.
 - c. The name, address, and phone number of all persons with an ownership interest, if different from the applicant.
 - d. Name and address of the developer, if different from the applicant.
 - e. Name and address of the engineer, architect, landscape architect, land planner, and/or land surveyor aiding in preparation of the site plan.
 - f. Project title.
 - g. The gross and net acreage of all parcels in the project.
 - h. Projected time frame and development phases.
 - i. Total number of existing and proposed structures, units, bedrooms, or offices.
 - j. Square footage and usable floor area of existing and proposed buildings.
 - k. Number of existing and proposed parking spaces, carports, or garages.
 - l. Number of employees by shift.
 - m. Amount and type of existing and proposed recreation and open space.
- (2) A legal description and plot of survey of the subject property.
- (3) Evidence of fee and/or other ownership of the subject property for which site plan review is being requested.
- (4) A nonrefundable fee in the amount established in the schedule of fees as adopted by the Township Board.
- (5) Copies of required applications made to and reviews or permits received from other Township, county, state, or federal departments and agencies.
- (6) Layout plan, drawn to scale, showing the proposed location of structures and other improvements including roads, driveways, pedestrian walks, off-street parking areas, landscaped areas, buffers and screenings, vegetative pattern, natural features, fences and walls, lighting locations, and the land uses and zoning classifications on the subject parcel and adjoining parcels.
- (7) Landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed or retained on the site, the location and design of landscaped areas, and the varieties and sizes of plant materials, including trees, shrubs, vines, and ground covers, to be planted therein, and other landscape features as may be necessary to illustrate the landscape content.
- (8) Utility plan, drawn to scale, showing the location and size of existing and proposed public water mains, wells, and sanitary sewers and associated easement or location of existing and proposed private drinking water wells, on-site wastewater treatment and disposal systems. The location of existing and proposed monitoring wells, irrigation wells, test wells, or wells used for industrial processes shall also be depicted. The location of existing and proposed private utilities including natural gas, electricity, telephone, and cable television and associated easements shall also be shown on the plan.
- (9) The location and elevations of existing and proposed water features, as well as their applicable floodplain. Grading and drainage plans, drawn to scale, including design of storm sewers, outlets, and showing existing and proposed contours at two-foot intervals, stormwater detention areas and

retention ponds, and the piped stormwater drainage system. Plans shall also indicate direction of drainage flow. Sufficient data regarding site runoff estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanence of drainage detention and/or retention as well as the impact on local surface and groundwater.

- (10) Floor plans and elevations, drawn to scale, illustrating all sides of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.
- (11) Sign plans, drawn to scale, indicating their size, materials, and illumination, if any.
- (12) A map of the natural features of the site prior to development and a written description of the features to be retained, removed, or modified, and proposed measures to mitigate any negative impacts on the site and adjacent properties. Natural features to be addressed include, but are not limited to, wetlands, significant stands of trees or individual trees greater than 12 inches dbh, floodways, floodplains, water features, identified groundwater vulnerable areas, slopes greater than 20%, ravines, and wildlife habitats, vegetative cover types with potential to sustain significant, or endangered wildlife.
- (13) The location and status of any floor drains in existing or proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
- (14) A description and location for any existing or proposed above ground and below ground storage facilities.
- (15) The 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.
- (16) The description of the type of operations proposed for the project and drawings showing size, location, and description of any proposed interior or exterior areas for the storing, using, loading or unloading of hazardous substances, hazardous wastes, and/or polluting materials.
- (17) An 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).
- (18) Completion of the environmental permits checklist on the form provided by the Department of Community Planning and Development.
- (19) Such other information as is necessary to enable the Director of Community Planning and Development to determine whether the proposed site plan will conform to the provisions of this chapter.

§ 86-155. Review process.

[Code 1974, § 81-3.3(E); Ord. No. 2007-12, 10-28-2007]

- (a) Generally. Upon a determination that the application is complete, the Director of Community Planning and Development shall initiate the following review process:
 - (1) Notice of review. Interested persons shall be notified of the site plan review as follows:
 - a. A notice of the review shall be sent by mail or personal delivery to the applicant, the property owner if different than applicant, and to the owners of property adjacent to the subject property at least 15 days prior to the date of the review. Such notice shall indicate the date, time, place, and subject of the review, and the place and time the proposed site plan may be examined.
 - b. The applicant shall post a notice of the review on a form provided by the Township on the subject property at least 15 days prior to the review.

- (2) Review of site plan by the Director of Community Planning and Development. The Director of Community Planning and Development shall review each site plan to determine whether it complies with this chapter, other applicable ordinances and other Township planning documents, any comments of other departments, and agencies, and state and federal statutes.
 - (3) Decision. Upon receipt of all of the requested information, the Director of Community Planning and Development, within 30 days of the date the application is deemed complete, may approve, approve with conditions, or deny the application for site plan review as follows.
 - a. Approval. A site plan that complies with this chapter and the conditions imposed pursuant to this chapter, other Township planning documents, and state and federal statutes shall be approved.
 - b. Conditional approval. A site plan that requires minor modifications for compliance may be conditionally approved. The Director of Community Planning and Development shall identify the required revisions, additional information, or conditions, and the applicant shall submit a revised site plan or additional information as requested to the Director of Community Planning and Development within 30 days from the date of conditional approval. The director shall verify that the site plan complies with the conditional approval prior to issuing any permits to commence construction or certifications for occupancy. In the event that the revised site plan or additional information is not submitted within 30 days, the conditional approval shall be denied. The Director of Community Planning and Development may extend the thirty-day time period for good cause.
 - c. Denial. Upon determination that a site plan does not comply with the requirements and standards set forth in this chapter, other applicable ordinances, other Township planning documents, or state and federal statutes, the site plan shall be denied. An applicant whose site plan has been denied may submit a new site plan, pay the applicable fee, and receive a new site plan review or appeal the denial.
 - (4) Notice of decision. The Director of Community Planning and Development shall notify the applicant in writing of the decision and the reasons therefor.
- (b) Appeal. An aggrieved person may appeal the decision of the Director of Community Planning and Development in accordance with § 86-187.

§ 86-156. Review criteria.

[Code 1974, § 81-3.3(F); Ord. No. 2010-11, 8-22-2010]

Site plans for projects shall be reviewed for compliance with the following standards and requirements, where applicable:

- (1) Conformance to zoning regulations. Each project shall satisfy all dimensional, landscaping, buffering, design, and other requirements set forth in this chapter and shall comply with other Township, county, state and federal laws, ordinances and regulations.
- (2) Review standards. The following review standards shall be applied in evaluating the site plan:
 - a. Neighborhood and community character standards.
 1. New or existing structures. New or existing structures shall be constructed or renovated in a manner that is compatible with the surrounding neighborhood when adjacent to a residential zone.
 2. Relation of proposed buildings to environment. Proposed buildings shall be adapted to the terrain and the size and shape of the lot.

- i. Compatibility with surrounding buildings. New buildings shall be compatible with the architectural character of surrounding buildings.
 - ii. Building materials. Building materials shall be compatible with, or complimentary to, neighboring sites and structures.
 - iii. Siting. The design of a building, its location on the site, and the site layout shall respond to specific site conditions, such as topography, solar and wind exposure, privacy, views, access, drainage, and noise.
 - iv. Special features. Mechanical equipment, storage facilities, activity areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks or screening methods as shall reasonably be required to prevent their being incongruous with or disruptive to adjacent properties.
 3. Landscape preservation. The landscape should be preserved in as natural a state as possible by minimizing tree and soil removal. Sensitive areas, such as steep slopes, wetlands, and shore areas, as well as resource areas such as forests, wooded lots, and open space shall be preserved where practical.
 4. Traffic. New structures or uses shall not adversely impact traffic flows at or near their site to the extent that the public safety is endangered or the level of service is substantially deteriorated. Impacts on pedestrian and nonmotorized travel will also be evaluated, particularly in areas where sidewalks are not present.
 5. Lighting. Exterior lighting shall be designed and illumination arranged so that it is directed downward and deflected away from adjacent properties and so that it does not impair the vision of traffic along adjacent streets.
 6. Advertising features. The size location and lighting of all permanent signs and outdoor advertising structures or features shall be consistent with the requirements of Article **VII** of this chapter.
- b. Site development standards.
1. Fire and emergency access. Setbacks, access paths, and fire hydrant locations shall be provided per existing statutes and ordinances and in accordance with the requirements of the appropriate reviewing authorities. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access as required by the state construction code or Uniform Fire Code as referenced in this chapter.
 2. Parking and loading. The required number of parking and loading spaces for the intended use, as provided in the applicable zoning district regulations, shall be sufficient. Calculations and justifications for additional spaces shall be noted on the plans.
 3. Drives and circulation. Attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulations, separation of pedestrian and vehicular traffic, method of screening, and arrangement of parking areas that are safe, convenient, and do not detract from the design of proposed buildings and neighboring properties. The pedestrian circulation system shall be insulated where possible from the vehicular circulation system. Shared parking and interior connecting drives shall be required wherever feasible.
 4. Surface water management. Attention shall be given to proper site surface water management so that it will not adversely affect neighboring properties and natural features, or worsen downstream flooding and water quality.
 - i. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, and water features.

- ii. Stormwater detention, retention, transport, and drainage facilities shall, inasmuch as practical, be designed to use or enhance the natural stormwater system on-site, including the storage and filtering capacity of wetlands, water features, and/or the infiltration capability of the natural landscape. Stormwater facilities shall be designed so as not to cause flooding or the potential for pollution of water features or groundwater, on-site or off-site. Stormwater facilities shall conform with the requirements of the county drain commissioner.
5. Groundwater protection. Attention shall be given to all businesses and facilities, including private and public facilities, which use, store, or generate hazardous substances to ensure the following standards are met.
 - i. 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 the state department of environmental quality. General purpose floor drains which discharge to groundwater are generally prohibited.
 - ii. Sites where 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, or water features.
 - iii. Secondary containment facilities shall be provided for aboveground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground 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.
 - iv. Underground storage tanks shall be registered, installed, operated, maintained, closed, or removed in accordance with regulations of the state department of environmental quality.
 - v. Aboveground storage tanks shall be certified, installed, operated, maintained, closed, or removed in accordance with regulations of the state department of environmental quality.
 - vi. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the state department of agriculture.
 - vii. Abandoned water and/or monitoring wells and cisterns shall be plugged in accordance with regulations and procedures of the state department of environmental quality and the county Health Department.
 - viii. State and federal requirements for storage, spill prevention, record keeping, emergency response, and 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.
 - ix. As of the effective date of the ordinance amendment from which this chapter is derived, new irrigation wells shall be prohibited in all locations within the Township where public water service is available. Abandoned irrigation wells shall be plugged in accordance with regulations and procedures of the state department of environmental quality and the county Health Department.

6. Soil erosion and sedimentation. Soil erosion and sedimentation control measures, such as seeding and silt fencing, shall be required before, during, and upon completion of construction where deemed necessary to prevent erosion and sedimentation in accordance with current Township standards. In case a letter of credit is on file with the Township Treasurer, as work progresses, a new letter of credit may replace the letter of credit on file.
7. Utility service. New utility service distribution lines shall be underground wherever feasible. Any existing utility installations remaining above ground shall not adversely impact neighboring properties and the site. All utility installations shall be carried out in accordance with current standards, rules, and regulations of those agencies having jurisdiction.
8. Construction. All construction shall be carried out in accordance with the standards, rules, and regulations of the Township, including the Township Engineer's Construction Design Manual and all applicable ordinances.

§ 86-157. Modifications to approved site plans.

[Code 1974, § 81-3.3(G)]

Upon application and payment of the fee in the amount established in the schedule of fees adopted by the Township Board, modifications to an approved site plan may be granted by the Director of Community Planning and Development, provided that such changes conform to the provisions of this chapter and all other Township, county, state, and federal laws and regulations.

§ 86-158. Effect of issuance.

[Code 1974, § 81-3.3(H); Ord. No. 2007-08, 9-30-2007; Ord. No. 2010-05, 3-28-2010; Ord. No. 2011-06, 5-5-2011]

- (a) The effective date of a site plan shall be 10 days from the date of approval. In the event an appeal of the director's decision is filed within this ten-day period, the effective date of the site plan shall be the date the appeal is decided in favor of the applicant.
- (b) A building permit must be approved within 24 months of the effective date of the site plan, otherwise the site plan approval shall be void. For phased developments, the first building permit shall be approved within 24 months and all subsequent building permits shall be issued within five years of the date of site plan approval. Permitted time frames do not change with successive owners.
- (c) Approval of a site plan shall authorize only the construction and site improvements as depicted on the site plan.
- (d) If a building permit has not been issued within 24 months from the effective date of the site plan, an extension may be requested in writing prior to the expiration date. An extension request shall be reviewed and approved or denied in writing by the Director of Community Planning and Development.

The extension shall be granted if all three of the following criteria are met:

1. The applicant failed to begin construction within the required time period due to their inability to obtain financing or their inability to acquire the necessary permits, due to circumstances outside of the applicant's control.
2. The project continues to be consistent with the site plan review criteria listed in § 86-156 of the Township Code of Ordinances as originally applied.
3. The project remains conforming to all requirements of the previously approved site plan.

One extension may be granted for a period not to exceed 12 months from the expiration date of the site plan. In approving an extension, the Director of Community Planning and Development may impose new conditions to ensure the site plan remains conforming to the previously approved site plan. The site plan shall meet all applicable codes in effect as of the date of issuance of a building permit unless otherwise specifically exempted from the code in the site plan review approval.

§ 86-159. Subsequent permits.

[Code 1974, § 81-3.3(I)]

Site improvements related to the approved site plan, excluding grading and foundation permits, shall not commence until the applicant has secured all other permits and approvals required by this chapter and all other applicable Township, county, state, and federal laws and regulations.

§ 86-160. Performance guarantee.

[Code 1974, § 81-3.3(J)]

To guarantee compliance with this chapter and any conditions imposed by this chapter, at the time a certificate of occupancy is issued, the Director of Community Planning and Development may require that a cash deposit, certified check, or irrevocable bank letter of credit in a form acceptable to the Township Treasurer, covering the estimated cost of incomplete improvements associated with the approved site plan, be deposited with the Township Treasurer to insure faithful completion of the improvements. As required improvements are completed, portions of a cash deposit or certified check may be rebated. In case a letter of credit is on file with the Township Treasurer, as work progresses, a new letter of credit may replace the letter of credit on file.

§ 86-161. Enforcement.

[Code 1974, § 81-3.3(K)]

Conditions and requirements stated as part of the site plan authorization shall be a continuing obligation of the owners of the subject property. Enforcement procedures as set forth in §§ **86-9** and **86-10** shall apply.

§ 86-162. Posting and other notification of decisions.

[Code 1974, § 81-3.3(L)]

- (a) A list of decisions made on site plans shall be posted by the Director of Community Planning and Development in the municipal building of the Township and shall include the following:
- (1) Name and location of project.
 - (2) Size of project.
 - (3) Brief description of project.
 - (4) Date the decisions to approve, conditionally approve, or deny the project was made.
- (b) All decisions shall be listed on the regular Planning Commission agendas and reported to the Township Board.

§ 86-163. through § 86-185. (Reserved)

DIVISION 6. Appeals

[1] *State law reference: Appeals, MCL 125.290 et seq.*

§ 86-186. Purpose.

[Code 1974, § 81-3.4(A)]

The purpose of this division is to establish the procedures by which an appeal of a decision or interpretation of the Director of Community Planning and Development or the Planning Commission may be made.

§ 86-187. Appeals to the Zoning Board of Appeals of decisions made by the Director of Community Planning and Development or administrative official.

[Code 1974, § 81-3.4(B); Ord. No. 2007-12, 10-28-2007; Ord. No. 2009-04, 6-28-2009]

Except for decisions regarding special use permits and planned unit development decisions, an aggrieved person, officer, department, board, or bureau of state government may appeal any administrative order or decision of the Director of Community Planning and Development or administrative official charged with enforcement of the zoning ordinance to the Zoning Board of Appeals. Appeals shall be made in accordance with the following procedures:

(1) Procedures.

- a. Notice of appeal. A notice of appeal is a written statement specifying the grounds for appeal, the date of the decision, and supporting materials related to the decision. A notice of appeal must be filed with the Department of Community Planning and Development within 10 days of the date of the decision of the Director of Community Planning and Development.
- b. Hearing. When a notice of appeal has been filed in proper form with the Department of Community Planning and Development, it shall be placed on the Zoning Board of Appeals' calendar for a hearing, as applicable.
- c. Notice of public hearing. Notices shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances.
- d. Decision. In its determination of the appeal, the decision shall be made by a concurring vote of a majority of the members of the Zoning Board of Appeals. The Zoning Board of Appeals may take, but is not limited to, any of the following actions:
 1. Affirm the decision of the Director of Community Planning and Development or administrative official with or without modification.
 2. Reverse the decision of the Director of Community Planning and Development or administrative official and state its reason therefor.
 3. Modify the decision of the Director of Community Planning and Development or administrative official.
- e. Conditions. The Zoning Board of Appeals may require reasonable conditions in its decisions in order to further the intent and purpose of this chapter.
- f. Notice of decision. The Director of Community Planning and Development shall notify the parties making the request in writing of the Zoning Board of Appeals' decision.

- (2) Stay of proceedings. An appeal of any administrative order, requirement, decision, or determination, stays all proceedings in furtherance of the action appealed unless the Director of Community Planning and Development, body, or officer certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the circuit court.
- (3) Authority transferred. When the Zoning Board of Appeals is reviewing a site plan; or an order, requirement, decision, interpretation, or determination of the Director of Community Planning and Development or administrative official, the board shall have all of the powers of the director as to that appeal.

§ 86-188. Appeals to the Planning Commission or Township Board of decisions on minor amendments to special use permits or planned unit developments made by the Director of Community Planning and Development.

[Code 1974, § 81-3.4(C); Ord. No. 2007-12, 10-28-2007; Ord. No. 2009-04, 6-28-2009]

The decision of the Director of Community Planning and Development to approve or deny a minor amendment to a special use permit or planned unit development may be appealed by an aggrieved person to the body making the original decision, Township Board or Planning Commission. Appeals shall be made in accordance with the following procedures:

- (1) Procedures for appeals to the Township Board or Planning Commission.
 - a. Notice of appeal. A notice of appeal is a written statement specifying the grounds for appeal, the date of the decision, and supporting materials related to the decision. A notice of appeal must be filed with the Department of Community Planning and Development within 10 days of the date of the decision made by the Director of Community Planning and Development.
 - b. Hearing. When a notice of appeal has been filed in proper form with the Department of Community Planning and Development, the request shall be placed on the Township Board's or Planning Commission's agenda for a hearing, as applicable.
 - c. Notice of public hearing. Notices shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances.
 - d. Decision. In its determination of the appeal, the Township Board or Planning Commission may take, but is not limited to, any of the following actions:
 1. Affirm the decision of the Director of Community Planning and Development with or without modification.
 2. Reverse the decision of the Director of Community Planning and Development and state its reason therefor.
 3. Refer the matter back to the Director of Community Planning and Development for further hearings or other action prior to final determination of the appeal by the Township Board or Planning Commission.
 4. Refer the matter to the Zoning Board of Appeals if the issue appears to be a matter of interpretation of the provisions of this chapter.
 - e. Notice of decision. The Director of Community Planning and Development shall notify the parties making the request in writing of the Township Board's or Planning Commission's decision.

- (2) Authority transferred. When the Township Board or Planning Commission is reviewing the Director of Community Planning and Development's approval or denial of a minor amendment to a special use permit or planned unit development, the Township Board or Planning Commission shall have all of the powers of the director.

§ 86-189. Appeals of decisions made by the Planning Commission.

[Code 1974, § 81-3.4(D); Ord. No. 2007-12, 10-28-2007; Ord. No. 2009-04, 6-28-2009]

An aggrieved person may appeal a decision of the Planning Commission in the granting or denial of a special use permit to the Township Board in accordance with the following procedures:

(1) Procedures.

- a. Notice of appeal. A notice of appeal is a written statement specifying the grounds for appeal, the date of the decision, and supporting materials related to the decision. A notice of appeal must be filed with the Department of Community Planning and Development within 10 days of the date of the decision made by the Planning Commission.
- b. Hearing. When a notice of appeal has been filed in proper form with the Department of Community Planning and Development, the request shall be placed on the Township Board's calendar for hearing within 30 days.
- c. Notice of public hearing. Notices shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances.
- d. Decision. In its determination of the appeal, the Township Board may take, but is not limited to, any of the following actions:
 1. Affirm the decision of the Planning Commission with or without modification.
 2. Reverse the decision of the Planning Commission and state its reason therefor.
 3. Refer the matter back to the Planning Commission for further hearings or other action prior to final determination of the appeal by the Township Board.
 4. Refer the matter to the Zoning Board of Appeals if the issue appears to be a matter of interpretation of the provisions of this chapter.
- e. Notice of decision. The Director of Community Planning and Development shall transmit in writing to the parties making the request notification of the Township Board's decision.

- (2) Authority transferred. When the Township Board is reviewing an appeal from a decision of the Planning Commission on a special use permit or a site plan approval, the Township Board shall have all of the powers of the Planning Commission as to that appeal.

§ 86-190. through § 86-215. (Reserved)

DIVISION 7. Variances

[1] *State law reference: Variances, MCL 125.290 et seq.*

§ 86-216. Purpose.

[Code 1974, § 81-3.5(A)]

The purpose of this division is to establish authority and procedures whereby the Zoning Board of Appeals may vary or modify provisions of this chapter in cases where the granting of a variance would not be contrary to the public interest and, due to special conditions, a literal enforcement of the provisions of this chapter.

§ 86-217. Applicability.

[Code 1974, § 81-3.5(B)]

The Zoning Board of Appeals may grant variances from any provisions of this chapter, except in the following instances:

- (1) To allow a use expressly or by implication prohibited by the terms of this chapter in such zoning district.
- (2) To waive compliance with regulations pertaining to nonconforming land, structures, or uses except as specifically authorized in section Article V, Division 6 of this chapter.

§ 86-218. Application requirements.

[Code 1974, § 81-3.5(C)]

The following shall be submitted to the Department of Community Planning and Development. No application shall be processed until it is complete.

- (1) A completed variance application form available from the Department of Community Planning and Development containing the following information:
 - a. The address and/or parcel number of the subject property.
 - b. The applicant's name, address, and phone number.
 - c. The name, address, and phone number of all persons with an ownership interest, if different from the applicant.
 - d. Zoning of the subject property.
 - e. Zoning ordinance section from which variances are being requested.
- (2) A nonrefundable fee in the amount established in the schedule of fees as adopted by the Township Board.
- (3) A legal description and plot of survey of the subject property.
- (4) Evidence of fee and/or other ownership of the subject property for which the variance is being requested.
- (5) A written statement with supporting evidence demonstrating compliance with the review criteria specified in § 86-221.
- (6) A plan showing the location of existing structures or other features which limit the full use of the subject property in accordance with this chapter requirements, and location of proposed structures or additions, or other activity requiring a variance from the terms of this chapter.
- (7) Other information the Director of Community Planning and Development deems necessary to thoroughly evaluate the application.

§ 86-219. Environmental commission review.

[Code 1974, § 81-3.5(D)]

When in the determination of the Director of Community Planning and Development a requested variance affects either a regulated wetland, wetland setback, or both, the director may refer the case to the environmental commission.

§ 86-220. Review process.

[Code 1974, § 81-3.5(E); Ord. No. 2007-12, 10-28-2007]

Upon determination that the application for a variance, site specific interpretation, or site specific appeal of a decision by the Director of Community Planning and Development is complete, the Director of Community Planning and Development shall initiate the review process as described below:

- (1) Notice of public hearing. Notices shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances.
- (2) Conduct of public hearing. The Zoning Board of Appeals shall conduct a public hearing in accordance with the organization and procedures set forth in § **86-62(d)**.
- (3) Decision. Decisions of the Zoning Board of Appeals to approve or deny an application for a variance are final, subject to appeal to the proper court of jurisdiction.
- (4) Notice of decision. The Director of Community Planning and Development shall notify the applicant in writing of the zoning board of appeal's decision.

§ 86-221. Review criteria.

[Code 1974, § 81-3.5(F); Ord. No. 2007-12, 10-28-2007]

In the review of an application for a variance, the Zoning Board of Appeals should determine if the following criteria are satisfied:

- (1) Unique circumstances exist that are peculiar to the land or structure, that are not applicable to other land or structures in the same zoning district.
- (2) These special circumstances are not self-created.
- (3) Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.
- (4) That the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose.
- (5) Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.
- (6) Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
- (7) The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
- (8) Granting the variance will be generally consistent with public interest and the purposes and intent of this chapter.

§ 86-222. Conditions.

[Code 1974, § 81-3.5(G)]

- (a) The Zoning Board of Appeals, in granting a variance, may require such conditions and safeguards deemed necessary to accomplish the purposes and intent of this chapter, to prevent or minimize adverse impacts upon the public and neighborhoods, and to ensure compatibility among land uses.
- (b) Site conditions may include, but shall not be limited to the following:
 - (1) Special yards, open spaces, or buffers.
 - (2) Fences, wall, or installation and maintenance of landscaping.
 - (3) Points of vehicular ingress and egress.
 - (4) Traffic circulation systems.
 - (5) Extent of signage.
 - (6) Limited hours of operation and methods of operations.
 - (7) Controls for potential nuisances.
 - (8) Standards for maintenance of buildings and grounds.
- (c) At the time a variance is granted, the Zoning Board of Appeals may require that a cash deposit, certified check, or irrevocable bank letter of credit in a form acceptable to the Township Treasurer covering the estimated cost of the required improvements be deposited with the Township Treasurer to insure faithful completion of the improvements. As required improvements are completed, portions of a cash deposit or certified check may be rebated. In the case a letter of credit is on file with the Township Treasurer, as work progresses, a new letter of credit may replace the letter of credit on file.
- (d) A breach of any of the conditions required by the Zoning Board of Appeals shall automatically invalidate the variance granted.

§ 86-223. Effect of variance approval.

[Code 1974, § 81-3.5(H); Ord. No. 2010-12, 8-22-2010]

Granting a variance shall authorize only the purpose for which it was granted. The effective date of a variance shall be the date the Zoning Board of Appeals approves such variance. A building permit must be applied for within 24 months of the date of the approval of the variance and a certificate of occupancy must be issued within 18 months of the date the building permit was issued, otherwise the variance shall be void.

§ 86-224. Amendments.

[Code 1974, § 81-3.5(I)]

A variance may be amended, modified, or extended only in accordance with the procedures and criteria set forth for an original application in this division.

§ 86-225. Reapplication.

[Code 1974, § 81-3.5(J); Ord. No. 2004-01, 2-29-2004]

No application for a variance, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed circumstances found by the Zoning Board of Appeals to be sufficient to justify consideration.

§ 86-226. Subsequent permits.

[Code 1974, § 81-3.5(K)]

Development authorized by the granting of the variance shall not commence until the applicant has secured all other permits and approvals required by this chapter and all other applicable Township, county, state, and federal regulations.

§ 86-227. Enforcement.

[Code 1974, § 81-3.5(L)]

Conditions and requirements stated as part of the variance authorization shall be a continuing obligation of the owner of the property. Enforcement procedures set forth in § 86-9 and 86-10 shall apply.

§ 86-228. through § 86-250. (Reserved)

DIVISION 8. Temporary Use Permits

§ 86-251. Applicability.

[Code 1974, § 81-3.6(A)]

Temporary and seasonal outdoor commercial uses, as authorized in specific districts, shall require a temporary use permit. The Director of Community Planning and Development shall only approve an application for a temporary use permit in accordance with the procedures and standards set forth in this division and all other applicable regulations.

§ 86-252. Application requirements.

[Code 1974, § 81-3.6(B)]

The following shall be submitted to the Director of Community Planning and Development. A decision on an application for a temporary use permit shall be made within 30 days from the time the director determines the application is complete. No application shall be processed until it is complete.

- (1) The address or parcel number of the property.
- (2) The applicant's signature, address, and phone number.
- (3) The name, address, and phone number of all persons with an ownership interest, if different than applicant.
- (4) Description of the proposed temporary use including, but not limited to, the area proposed for the special event, parking areas, lighting, number of patrons expected, number of employees, sanitary facilities, etc.
- (5) A statement specifying safety precautions to be taken including, police, fire, traffic, and other safety issues.
- (6) Evidence of fee and/or other ownership of the property for which the temporary use permit is being requested.
- (7) A nonrefundable fee in the amount established in the schedule of fees adopted by the Township Board from time to time.

§ 86-253. Review.

[Code 1974, § 81-3.6(C)]

Upon determination that the application is complete and copies of permits required by other departments and agencies are attached, the Director of Community Planning and Development shall review the temporary use permit application for compliance with all applicable requirements of this chapter.

§ 86-254. Decision.

[Code 1974, § 81-3.6(D)]

The Director of Community Planning and Development shall approve an application for a temporary use permit if it conforms with all the requirements and standards of this chapter, and other Township, county, state, or federal regulations.

§ 86-255. Appeals.

[Code 1974, § 81-3.6(E)]

Aggrieved persons may appeal the Director of Community Planning and Development's decision to grant or deny a temporary use permit to the Zoning Board of Appeals, in accordance with § **86-188**.

§ 86-256. Amendments to approved temporary use permits.

[Code 1974, § 81-3.6(F)]

A temporary use permit may be amended, extended, or modified only in accordance with the procedures set forth for an original application in this division.

§ 86-257. Permit expiration.

[Code 1974, § 81-3.6(G)]

At the end of the time period for which the temporary use was permitted, including any renewal or extension periods, the use shall be discontinued, and all temporary structures and signs shall be removed within 48 hours of expiration of the permit.

§ 86-258. through § 86-280. (Reserved)

DIVISION 9. Permits, Performance Guarantees, and Certificates of Occupancy

§ 86-281. Building permits.

[Code 1974, § 81-4.1]

- (a) Required. A building permit shall be required prior to proceeding with any construction, alteration, enlargement, demolition, placement, movement, or removal of any building or structure, or grading, cutting, filling, or excavating associated with such building or structure, as required by the state construction code of current adoption, and all other applicable ordinances.

- (b) Application. Application for a building permit or occupancy permit shall be filed in writing, signed by the person, firm, copartnership, or corporation requesting the same or by the duly authorized agent of such person, firm, copartnership, or corporation. All applications for building permits under the provisions of this division shall be accompanied with evidence of ownership, or contract right to ownership, to the property to be covered by the permit. There shall be submitted with all applications for building permits two copies of a site layout or plot plan, drawn to scale, showing where applicable:
- (1) The location, shape, area, and dimension of the lot.
 - (2) The location, dimensions, height, and bulk of the existing and/or proposed structures, to be erected, altered or moved on the lot.
 - (3) The intended use.
 - (4) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
 - (5) The yard, open space, and parking space dimensions.
 - (6) The proposed parking areas and surfacing.
 - (7) The number of loading and unloading space provided.
 - (8) Any other information deemed necessary by the chief building inspector to determine and provide for the enforcement of this chapter.
- (c) Voiding of permit. Any building permit granted under this division shall become null and void unless the development proposed shall have passed its first building inspection within one year from the date of granting of the building permit.
- (d) Inspection. The construction of usage affected by any building permit shall be subject to periodic inspections.

§ 86-282. Grading permits.

[Code 1974, § 81-4.2]

- (a) Grading, earth stripping, cutting, filling, or excavating not associated with construction of buildings or structures, or grading activities undertaken prior to obtaining a building permit for the construction of buildings or structures, shall require a grading permit. Grading permits shall be in accordance with the state construction code of current adoption and all other applicable ordinances.
- (b) Grading activities coincident with construction of buildings or structures shall be reviewed and approved or denied as part of a building permit; however, all grading activities shall comply with the provisions of this division.

§ 86-283. Performance guarantees.

[Code 1974, § 81-4.3]

No permit for occupying any structure or use shall be granted until all improvements indicated on the approved plan have been completed and approved. If such improvements have not been completed and a certificate of occupancy is desired, a performance guarantee in the form of a cash deposit, certified check, or irrevocable letter of credit in a form acceptable to the Township Treasurer, covering the estimated cost of incomplete improvements associated with the project approved plans, shall be deposited with the Township Treasurer to insure faithful completion of the improvements. As required improvements are completed, as determined by the Director of Community Planning and

Development, or other person authorized to verify completion of required improvements, the performance guarantee shall be returned or released in whole or in part consonant with the required improvement.

§ 86-284. Certificates of occupancy.

[Code 1974, § 81-4.4]

- (a) Generally. To ensure that the provisions of this chapter are met, certificates of occupancy must be obtained and no land shall be occupied or used, and no structure shall be used until a certificate of occupancy shall have been issued stating that the structure or land and its proposed use comply with the provisions of this chapter and the state construction code.
- (b) Applicability. Certificates of occupancy shall be required for all new construction, alterations and enlargements of existing buildings, and placement or movement of new or existing buildings.
- (c) Application. All certificates of occupancy shall be applied for coincident with the application for a building permit.
- (d) Issuance. A certificate of occupancy shall be issued at the time of final inspection provided the use or building meets the requirements of this chapter, the state construction code, and all other applicable township, county, state, and federal regulations.

§ 86-285. Revocation.

[Code 1974, § 81-4.5]

- (a) Any permit or certificate issued under the provisions of this chapter may be suspended or revoked in writing by the Director of Community Planning and Development when the permit or certificate was issued in error, or at any time whenever the holder thereof:
 - (1) Shall have made any false or fraudulent statement in the application for such permit or certificate, or in the exercise of such permit or certificate;
 - (2) Shall have violated any of the provisions of this chapter;
 - (3) Shall have failed to satisfy the requirements of this chapter or of any rules adopted pursuant thereto;
 - (4) Shall have violated the requirements of a conditional approval under this chapter which authorized the permit's or certificate's issuance; or
 - (5) Shall have caused, created, or maintained, in the exercise of such permit or certificate, a menace or danger to the public health, safety, or welfare.
- (b) The permit or certificate holder shall be promptly notified, in writing, of any such suspension or revocation.

§ 86-286. Appeals.

[Code 1974, § 81-4.6]

Aggrieved persons may appeal the Director of Community Planning and Development's decision to issue or deny a building permit or grading permit, or to revoke or suspend a permit or certificate of occupancy, to the Zoning Board of Appeals in accordance with § **86-188**.

§ 86-287. through § 86-310. (Reserved)86-310. (Reserved)

ARTICLE III. Zoning Districts Established; Zoning Map

§ 86-311. Establishment of districts.

[Code 1974, §§ 82-1.1, 82-1.2]

For the purpose of promoting the safety, morals, convenience, and the general welfare of the community, the Township is hereby divided into different zoning districts as follows:

Types of Districts:

RR Districts	One-Family Rural Residential Districts
RRR Districts	One-Family Rural Residential Low-Density Districts
RRA Districts	One-Family Suburban Estate Districts
RAAA Districts	One-Family Low-Density Residential Districts
RAA Districts	One-Family Low-Medium-Density Residential Districts
RA Districts	One-Family Medium-Density Residential Districts
RB Districts	One-Family High-Density Residential Districts
RX Districts	One- and Two-Family Residential Districts
RD Districts	Multiple-Family Low-Density Districts
RDD Districts	Multiple-Family Low-Density Districts
RC Districts	Multiple-Family Medium-Density District
RCC Districts	Multiple-Family High-Density Districts
RN Districts	Village of Nemoka Mixed Residential District
PRD Districts	Planned Residential Development Overlay Districts
C-1	Commercial District
C-2	Commercial District
C-3	Commercial District
MP Districts	Mobile Home Park Districts
PO Districts	Professional and Office Districts
CR Districts	Commercial Recreation Districts
RP Districts	Research Park and Office Park Districts
I Districts	Industrial Districts
CV Districts	Conservancy Districts
AG Districts	Agricultural District
Wireless Communications Facilities Overlay Districts	
PUD Districts	Planned Unit Development District

§ 86-312. Zoning District Map.

[Code 1974, § 82-1.3]

These districts so established are bounded and defined as shown on a map entitled "Zoning District Map of Meridian Township," adopted by the Township Board and certified by the Township Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this chapter.

§ 86-313. Interpretation of district boundaries.

[Code 1974, § 82-1.4]

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning Map, the following rules shall apply.

- (1) Where district boundaries are indicated as approximately following the streets or highways, the centerlines of such streets or highways shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines such lot lines shall be construed to be such boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the centerline of street lines of streets or to the centerlines or rights-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
- (4) Where district boundaries are indicated as approximately following railroad lines, the line midway between the main tracks shall be construed to be such boundaries.
- (5) Where the boundary of a district follows a stream or drain the district boundary line shall be interpreted as following the approximate centerline between the two banks. Where the boundary of a district follows a lake, pond, or similar body of water the district boundary line shall be interpreted as following the shoreline.

§ 86-314. through § 86-340. (Reserved)

ARTICLE IV. District Regulations

DIVISION 1. Generally

§ 86-341. Application.

[Code 1974, § 82-1.5]

Except as hereinafter provided:

- (1) No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered, unless in conformity with the regulations specified for the district in which it is located.
- (2) No building shall hereafter be erected or altered:
 - a. To exceed the height;
 - b. To accommodate or house a greater number of families;
 - c. To occupy a greater percentage of lot area;
 - d. To have narrower or smaller rear yards, front yards, side yards, inner or outer courts; and
 - e. To have less dwelling space per dwelling unit area than is specified for the district in which such building is located.
- (3) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

§ 86-342. Uses not permitted in any district.

[Code 1974, § 82-1.6]

The following uses are not permitted in any district, subject to the conditions imposed herein:

- (1) The wrecking, storage, or dismantling of automobiles or the maintenance and/or operation of junk yards is prohibited, except as provided in Article **VI** of this chapter.
- (2) No conditions shall be allowed to exist which will constitute a hazard to health, safety, or welfare, are unsightly, or in any way create a nuisance or damage adjoining property.

§ 86-343. Exemptions from regulations.

[Code 1974, § 82-1.7]

Except as provided for elsewhere in these provisions, the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, steam, electrical, fuel, or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal, including poles, high voltage transmission lines, and towers in connection with such lines, wires, mains, drains, sewers, pipes, conduits, cables, meters, distributions transformers, fire alarm boxes, police call boxes, traffic signals, hydrants, structures less than 50 square feet in area, and other similar equipment, accessories, and appurtenances shall be permitted in all districts and are excluded from all provisions of this chapter. This exemption shall not apply to utility installations in natural vegetation strips as set forth in § **86-471**, to structures greater than 50 square feet in area that are regulated under § 86-654(f)(4), or to wireless communications facilities subject to the requirements of § **86-438**.

§ 86-344. through § 86-365. (Reserved)

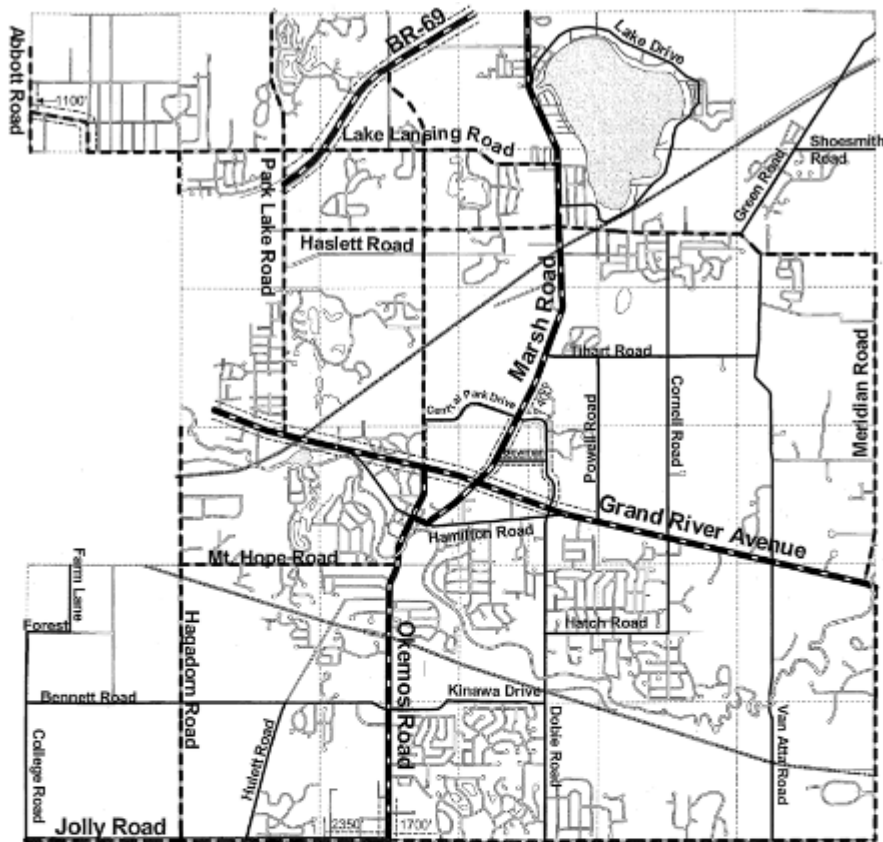
DIVISION 2. Residential Districts

§ 86-366. Schedule of Regulations for Residential Districts.

The Schedule of Regulations for Residential Districts is included as an attachment to this chapter.

§ 86-367. Street setbacks and service drives.

[Code 1974, § 82-8]



§ 86-368. RR District: One-Family Rural Residential District.

[Code 1974, §§ 82-2.1—82-2.4; Ord. No. 2002-05, 5-7-2002; Ord. No. 2010-03, 2-28-2010; Ord. No. 2011-07, 5-5-2011; Ord. No. 2011-09, 7-19-2011]

(a) Purpose.

- (1) A one-family residential district implies a predominant occurrence of dwelling structures located on individual lots of land and housing only one family or household group. There exists, however, a range of preference relative to the character and size of individual residential properties that prompts creation of at least three one-family residential districts. Furthermore, in consideration of the excessive cost of extending water and sewerage service to all areas of the Township, the establishment of a zoning district in which spacious lots are required makes it reasonably possible to obtain a continuous supply of safe, potable water on the immediate property and to treat sewage by septic tank followed by the disposal of the effluent on the same property.

- (2) This section, therefore, establishes the RR one-family rural residential district, together with the regulations for all permitted land uses. It is the purpose of this section to establish a district composed of residential properties of a semirural character and one that includes facilities for an extended period of time into the future. This district includes existing low-density one-family properties as well as areas within which such development appears both likely and desirable, and the availability of water and sewers by itself shall not constitute cause for instituting a higher density zoning.
 - (3) The requirements for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. Residential development involving higher population densities and requiring higher levels of public, facilities, and services shall be excluded from this district, but can be accommodated in either the RAA, RA or RB single-family residential districts, the RX one- and two-family residential districts or the RD, RDD, RN, RC or RCC multiple-family residential districts.
 - (4) In order to avoid intrusion of undesirable uses and to foster all possible benefits for continued high quality of residential environment, all nonresidential land and structure uses in this district have been classified into those uses permitted by right and those permitted by special use permit. Those uses permitted by right include those that require a minimum of limitations, but those uses presenting potential injurious effect upon residential and other property, unless authorized under specific imposed conditions, are controlled through the issuance of special use permits.
 - (5) This section applies to the RR district.
- (b) Uses permitted by right.
- (1) Single-family dwellings, provided that, except for RR-zoned parcels equal to or greater than 50 acres in area, there shall not be more than one dwelling upon each lot and that such dwelling is either constructed on the site or manufactured off the site, which shall meet each of the following standards:
[Amended 10-7-2014 by Ord. No. 2014-05]
 - a. The dwelling shall comply with the minimum living space requirements and other requirements of § **86-366**, schedule of regulations for residential districts.
 - b. The dwelling shall have a roof overhang of not less than six inches on all sides.
 - c. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run. The main roof shall be shingled or shall appear to be shingled, except where alternate energy devices are installed.
 - d. The exterior walls shall be constructed, or appear to be constructed, of wood or masonry. Reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.
 - e. The main body of the dwelling shall be a rectangle, with a width of not less than 20 feet, as measured across the narrowest section.
 - f. The dwelling shall have not less than two exterior doors, which shall be located on separate sides of the dwelling.
 - g. The dwelling shall be firmly attached to a permanent foundation, which shall be coextensive with the perimeter of the dwelling. The foundation shall be constructed in accordance with the state construction code, and attachment of the dwelling to the foundation shall meet all applicable building codes and other state and federal regulations.
 - h. The dwelling shall not have exposed wheels, towing mechanism, undercarriage, or chassis.

- i. The dwelling shall contain storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction, similar in exterior appearance to the principal dwelling. Such storage area shall be in addition to the space for the storage of automobiles and shall contain a floor area not less than 10% of the minimum living space required in § **86-366**.
- j. The dwelling shall be certified by the manufacturer or builder to be:
 - 1. Designed only for erection or installation on a site-built permanent foundation;
 - 2. Not designed to be moved once so erected or installed;
 - 3. Designed and manufactured to comply with the state construction code, as adopted by the Township;
 - 4. To the manufacturer's or builder's knowledge, not intended to be used other than on a site-built permanent foundation.
- k. The dwelling shall meet all standards of the state construction code and all other applicable Township ordinances.
- l. The dwelling shall be occupied by a family, a family and one roomer, a functional family, a functional family and one roomer, or by a group of not more than two unrelated persons, except that a person owning a single-family dwelling shall be permitted to keep two roomers while continuing to own and reside in the dwelling. The maximum occupancy shall not exceed three unrelated persons, including the owner, for an owner-occupied dwelling. For the purposes of this chapter persons comprising a functional family as defined in § **86-2** shall be deemed related persons.

Compliance with the foregoing standards shall be determined by the Director of Community Planning and Development or his designee, upon review of the plans submitted, which plans shall include elevations or photographs of all sides of the proposed dwelling, exterior dimensions, roof slopes, description of exterior finish and roofing composition, storage areas, and all other information required to be submitted under any applicable ordinance. Such determination may be appealed by an aggrieved party to the Zoning Board of Appeals, pursuant to Article II, Division 6 of this chapter. Further, the Zoning Board of Appeals shall be empowered to grant variances from the foregoing standards pursuant to § **86-216**. Such variances may be granted to permit innovative design concepts involved in such matters as solar energy, view, unique land contour, or relief from the common or standard design dwelling, provided that the conditions of § **86-221** are satisfied.

(2) Home occupations.

- a. The following are typical examples of uses which can be conducted within the standards set forth in this section and therefore qualify as home occupations. Uses which qualify as home occupations are not limited to those named in this section.
 - 1. Home offices for services such as, but not limited to, accountant, architect, attorney, computer programmer, consultant, graphic designer, insurance agent, realtor, or web designer.
 - 2. Instruction in crafts or fine arts such as, but not limited to, art, dance, and music instruction, and studio uses for such activities as painting, sculpting, and writing.
 - 3. Personal services such as, but not limited to, bicycle repair, clothing design, construction and alteration, computer repair, hair dresser, manicurist, and small appliance repair (excluding internal combustion engines).
 - 4. Offices of professionals licensed by the State of Michigan to treat human patients.

- b. Home occupations shall satisfy the following conditions:
1. The nonresidential use shall be incidental to the primary residential use.
 2. The home occupation shall utilize no more than 25% of the floor area of the dwelling, or 500 square feet, whichever is less.
 3. The home occupation shall involve no employee other than members of their immediate family residing on the premises.
 4. All activities shall be carried on indoors only in the principal building, an attached or detached garage, or other accessory building. No outdoor activities or storage shall be permitted.
 5. There shall be no alterations to the building or property which would in any way change its residential character or appearance.
 6. There shall be no external evidence of a home occupation except one nonilluminated sign not exceeding two square feet in surface display area and attached flat against the building, in accordance with the sign regulations specified in § **86-685** of the Code of Ordinances.
 7. No activity related to the occupation occurring on the premises including clients, customers, or pickup and delivery vehicles shall adversely impact the surrounding neighborhood or the right of surrounding residents to the quiet enjoyment of their property, including, but not limited to, the creation of noise, vibrations, odors, heat, glare, or electrical interference detectable beyond the property line; or have any pickup or delivery by motor vehicle before 7:00 a.m. or after 7:00 p.m.
 8. No occupation by its nature or conduct shall generate undue traffic in excess of that normally expected in a residential neighborhood.
 9. Customers of the home occupation shall be accommodated on an appointment basis; no regular hours shall be maintained or advertised where the premises are generally open to customers.
 10. No food or beverages shall be sold to be consumed on the premises.
- (3) Other customary accessory uses and buildings. Provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. See § **86-502** for yard regulations for accessory buildings. Such permitted accessory uses shall include living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
- (4) Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work and before issuance of any occupancy permit.
- (5) Recreation uses. Public parks, playgrounds, playfields, and other public open space for recreational uses.
- (6) Golf courses. This shall not be deemed to permit golf driving ranges or miniature golf courses. Practice putting and chipping greens are allowed when in conjunction with a golf course. The sale of golf balls and golf clubs or the repair of golf clubs shall be permitted when ancillary to the golf course. Only those accessory buildings related to the maintenance and operation of the golf course, such as an office, inclement weather shelter, starter shed, storage buildings for carts or maintenance equipment, and other similar structures, shall be permitted. Buildings related to the maintenance of the golf course shall not be located closer than 100 feet to any property line. Measures must be taken in course layout to avoid hazard to adjacent property owners.

- (7) Customary agricultural operations. Including general farming, truck gardening, fruit orchards, nursery green houses not selling at retail on the premises, and usual farm buildings but subject to the following conditions:
- a. Raising and keeping of small animals, such as poultry, rabbits and goats, only in RR and RRR districts.
 - b. Raising and keeping of livestock, such as cattle, hogs, sheep, and horses, provided that all such raising and keeping shall be for the personal use or consumption by the occupants of the premises, only in RR and RRR districts, provided that the minimum area upon which one such animal may be kept is three acres and that one additional animal may be kept for each additional acre by which the parcel exceeds three acres.
 - c. Raising and keeping for profit livestock, such as cattle, hogs, sheep and similar livestock on a parcel of land not less than 10 acres in area, only in RR and RRR districts.
 - d. No storage of manure or odor or dust-producing materials or use shall be permitted within 100 feet of any property line.
 - e. No buildings for storage of mechanical equipment shall be permitted closer than 100 feet of any property line.
 - f. No products shall be publicly displayed or offered for sale from the roadside except those grown upon the land abutting the road.
 - g. Stabling or confining animals or poultry in barns, pens, stables, or corrals for the production of milk or egg products or for temporary holding of livestock for normal tending shall not be construed as a feedlot and shall be permitted by right, provided no such barn, pen, stable, or corral is located within 100 feet from any property line. Pasture land shall not be subject to any setbacks. Pasture land shall be identified by a predominance of vegetation consisting of desirable forage species upon which livestock graze.
- (8) Raising and keeping of chickens and rabbits as nonagricultural use. The raising and keeping of chickens and rabbits accessory only to one-family dwellings in the RRA, RAAA, RAA, and RA zoning districts is subject to the following requirements:
- a. Registration.
 1. Prior to the raising and keeping of chickens and rabbits on any property under this section, the property shall be registered with the Department of Community Planning and Development.
 2. Only an individual living in a dwelling on the property shall raise or keep chickens and rabbits on the property. A registration may not be transferred.
 3. Notwithstanding registering with the Township, private restrictions on the use of property shall remain enforceable and take precedence over the registration. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
 - b. Standards. In addition to registering with the Township, the raising and keeping of chickens and rabbits accessory only to one-family dwellings in the RRA, RAAA, RAA, and RA zoning districts shall comply with the following standards:
 1. In no case shall the maximum number of chickens and rabbits in any combination exceed four.
 2. Roosters shall not be allowed.
 3. The sale of chickens, rabbits and eggs on the property is prohibited.

4. Chickens and rabbits shall not be kept in any location on the property other than in the rear yard as defined by the zoning ordinance.
 5. Chickens and rabbits shall be provided with a covered structure and must be kept in the covered structure or an adjoining fenced area at all times. Covered structures and fenced areas used for the raising and keeping of chickens and rabbits are subject to all provisions of Chapter **86** (zoning), except the covered structure and fenced area shall be set back a minimum of 10 feet from a side or rear lot line and structures proposed for reverse frontage lots shall be located no closer than 30 feet to the right-of-way of the designated rear yard.
 6. All structures for the raising and keeping of chickens and rabbits shall be constructed so as to prevent rodents or other animals from being harbored underneath, within, or within the walls of the structure.
 7. All feed and other items associated with the raising and keeping of chickens and rabbits shall be kept in containers or otherwise protected so as to prevent access to or contact with rodents or other animals.
 8. The covered structure used to house the chickens and rabbits and any fenced area shall be kept in a sanitary condition.
 9. This section shall not regulate the keeping of chickens in those areas zoned RR (Rural Residential), RRR (Single Family, Low Density, Rural Residential), or AG (Agricultural) where the raising of chickens is a permitted use when conducted in compliance with the Michigan Right to Farm Act and the generally accepted agricultural and management practices promulgated therein.
- (9) Railroad rights-of-way. Including all necessary trackage, switches, and operating devices, but excluding storage, marshalling yards, freight yards, or sidings.
- (10) Supplementary uses. The temporary storage of not more than one unoccupied travel trailer or camper trailer upon each lot; provided, however, that such trailer be completely enclosed in a structure or parked in a rear yard in conformance with the applicable yard requirements of the zone in which it is located. Other supplementary uses are described in Article **V**, Division 2 of this chapter.
- (11) Signs. Identifying any of the permitted uses in this district shall be in accordance with those requirements specified in Article **VII** of this chapter.
- (12) Automobile parking. Automobile parking shall be provided as specified in Article **VIII**, Division 2 of this chapter.
- (13) Public educational institutions. Elementary schools, high schools, and other educational institutions under the jurisdiction of a public school board of education or other publicly elected board authorized by the Constitution of the State of Michigan.
- (14) Private, noncommercial kennels. As defined by this chapter.
- (15) Foster family homes and foster family group homes.
[Amended by Ord. No. 2014-07, 12-9-2014]
- (16) Garage sales. Garage sales, rummage sales, yard sales, and similar activities may be conducted for no longer than three days and no more than twice per calendar year on the same property.
- (17) Family child care homes.
[Added by Ord. No. 2014-07, 12-9-2014]
- (18) Family adult care homes. Family adult care homes, provided structures and sites meet all current building, residential, fire and property maintenance codes as adopted by the Township.

[Added by Ord. No. 2014-07, 12-9-2014]

- (19) One additional single-family residential dwelling and associated accessory structures may be constructed on a parcel occupied by not more than one single-family residential dwelling unit and associated accessory structures, provided the subject parcel is zoned RR (Rural Residential), is equal to or greater than 50 acres in area, and other applicable zoning district requirements are met.

[Added by Ord. No. 2014-05; 10-7-2014]

- (c) Uses permitted by special use permit. The following uses of land and structures may be permitted by the application for and the issuance of a special use permit as provided for in Article **VI** of this chapter:

- (1) Golf driving ranges or miniature golf courses, if on the same parcel of land as a golf course. If not located on the same parcel of land as a golf course, golf driving ranges or miniature golf courses may be permitted in CR (commercial recreation) districts.
- (2) Club buildings for outdoor sports, except for a golf course. Buildings primarily for the purpose of operating an outdoor sports area may include sales and dispensing of food or beverages, retail sales or rental equipment related to the principal use of the property, and storage of equipment used in maintaining the property.
- (3) Golf courses featuring the following uses when ancillary to the principal use of the site: club house, pro shop, snack shop, restaurants or banquet facilities, swimming pools, tennis courts, fitness facility, short-term overnight lodging, salon, spa, and other structures, services, and activities determined to be appropriate on the site.
- (4) Public riding stables and livestock auction yards.
- (5) Greenhouses and nurseries selling at retail on the premises.
- (6) Veterinary hospitals, clinics, or commercial kennels.
- (7) Game or hunting preserves operated for profit.
- (8) Institutions for human care. Hospitals, sanitariums, nursing or convalescent homes, homes for the aged and other similar institutions as provided for in Subsection **86-654(c)**. This shall not include multiple housing developments.
- (9) Religious institutions. Churches, convents, or similar institutions provided for in Article **VI** of this chapter.
- (10) Public, private or quasi-public education and social institutions. Elementary schools through secondary schools and institutions for higher education, auditoriums, and other places for assembly, centers for social activities, fraternities and sororities, child care centers, group child care homes.

[Amended by Ord. No. 2014-07, 12-9-2014]

- (11) Camps for outdoor activities.
- (12) Sand or gravel pits, quarries, incinerators, junk yards, sanitary fills, public or semiprivate sewage treatment and disposal installations as provided for in Article **VI** of this chapter.
- (13) Cemeteries, public or private, when occupying a site of no less than 20 acres; provided, that no building shall be closer than 50 feet from any property lines.
- (14) Airports.
- (15) Adult care centers and group adult care homes. Adult care centers and group adult care homes, provided structures and sites meet all current building, residential, fire and property maintenance codes as adopted by the Township.

[Added by Ord. No. 2014-07, 12-9-2014]

- (d) Dimensional requirements. The following minimum dimensions for lot area and width, front, side, and rear yards, together with maximum dimensions for lot coverage and building heights, shall be required for every structure and land use in this district, except as noted.
- (1) Minimum lot area. No lot shall hereafter be subdivided to provide less than 40,000 square feet of lot area. Attention is directed to supplementary area regulations Article V, Division 3 of this chapter for permitted exceptions to lot area.
 - (2) Minimum lot width: 200 feet.
 - (3) Maximum lot coverage. All buildings, including accessory buildings, shall not cover more than 20% of the lot area.
 - (4) Minimum yard dimensions.
 - a. Front yard. In accordance with the setback requirements of § 86-367 for the type of street upon which the lot fronts.
 - b. Side yard: 20 feet.
 - c. Rear yard: 35 feet.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § 86-367 for the type of streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - e. Through and reverse frontage lots. Principal buildings shall be located in accordance with the front yard setback requirements of § 86-367 for the type of streets upon which the through or reverse frontage lot abuts. Access to residential sites shall be located on the street with the lowest functional classification as illustrated in § 86-367. All regulations applicable to front yards shall apply except freestanding accessory buildings or structures, such as decks, garages, sheds, swimming pools, and tennis courts, proposed for reverse frontage lots shall be located no closer than 30 feet from the right-of-way of the designated rear yards.
 - (5) Supplementary yard regulations. For permitted exceptions in yard dimensions, for permitted yard encroachments, and for placement of accessory building in yard area, refer to Article V, Division 4 of this chapter.
 - (6) Maximum building height. Two-and-one-half stories, but not exceeding 35 feet. For permitted exceptions to residential building heights refer to Article V, Division 5 of this chapter.
 - (7) Minimum living space. Minimum, gross living area per family shall not be less than 1,000 square feet of floor area on the first floor if one story or 625 square feet of floor area on the first floor level if two stories, exclusive of any attached garage. In any case total living area shall not be less than 1,000 square feet.

State law reference: State-mandated residential uses, MCL 125.286g.

§ 86-369. RRR District: One-Family Rural Residential Low-Density District.

[Code 1974, § 82-18]

- (a) Purpose. The purpose of the RRR district is to retain a rural character in those areas appropriate for larger lot sizes and to maintain a lower population density in those areas. This section applies to the RRR district.

- (b) Uses permitted by right. All uses permitted by right in the RR district subject to all restrictions specified therefor.
- (c) Uses permitted by special use permit. All uses permitted by special use permit in the RR district subject to all restrictions therefor.
- (d) Dimensional requirements. The following minimum dimensions for lot area and width, front, side, and rear yards, together with maximum dimensions for lot coverage and building heights, shall be required for every structure and land use in this district, except as noted.
 - (1) Minimum lot area: 80,000 square feet. Attention is directed to supplementary area regulations, Article V, Division 3 of this chapter, for permitted exceptions to lot area.
 - (2) Minimum interior lot width: 200 feet.
 - (3) Minimum corner lot width: 200 feet along the street upon which the lot fronts.
 - (4) Maximum lot coverage. All buildings including accessory buildings shall not cover more than 10% of the lot area.
 - (5) Minimum yard dimensions.
 - a. Front yard. In accordance with the setback requirements of § 86-367 for the type of street upon which the lot fronts.
 - b. Side yard: 25 feet.
 - c. Rear yard: 50 feet.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § 86-367 for the type of street upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - e. Through and reverse frontage lots. Principal buildings shall be located in accordance with the front yard setback requirements of § 86-367 for the type of streets upon which the through or reverse frontage lot abuts. Access to residential sites shall be located on the street with the lowest functional classification as illustrated in § 86-367. All regulations applicable to front yards shall apply except freestanding accessory buildings or structures, such as decks, garages, sheds, swimming pools, and tennis courts, proposed for reverse frontage lots shall be located no closer than 30 feet from the right-of-way of the designated rear yard.
 - (6) Supplementary yard regulations. For permitted exceptions in yard dimensions, for permitted yard encroachments, and for placement of accessory building in yard area, refer to Article V, Division 4 of this chapter.
 - (7) Maximum building height: two-and-one half stories, but not exceeding 35 feet. For permitted exceptions to residential building heights refer to Article V, Division 5 of this chapter.
 - (8) Minimum living space. Minimum, gross living area per family shall not be less than 1,000 square feet of floor area on the first floor if one story or 625 square feet of floor area on the first floor level if two stories, exclusive of any attached garage. In any case total living area shall not be less than 1,000 square feet.

State law reference: State-mandated residential uses, MCL 125.286g.

§ 86-370. RRA District: One-Family Suburban Estate Residential District.

[Code 1974, § 82-2.5]

- (a) Purpose. The purpose of the RRA district is to achieve the same character, stability and sound residential environment as intended for the one-family rural residential district (RR). The difference between RR and RRA districts is that the smaller lot size will permit a slightly higher population density that makes it possible to service the dwelling units with public sewer and water facilities when the facilities are available. This district is intended to serve as a transition between higher density zoning districts and RR. This section applies to the RRA district.
- (b) Uses permitted by right. All uses permitted by right in the RR district subject to all the restrictions specified therein are also permitted in the RRA district with the exception of private noncommercial kennels.
- (c) Uses permitted by special use permit. All uses permitted by special use permit in the RR district, subject to all restrictions specified therein, are permitted by special use permit in the RRA district, except the following uses are not permitted:
- (1) Public riding stables and livestock auction yards.
 - (2) Greenhouses and nurseries selling at retail on the premises.
 - (3) Veterinary hospitals; clinics; kennels, including commercial kennels and private noncommercial kennels.
 - (4) Game or hunting preserves operated for profit.
 - (5) Sand or gravel pits, quarries, incinerators, junk yards, sanitary fills, public or semiprivate sewage treatment and disposal installations, as provided for in Article VI of this chapter.
 - (6) Airports.
- (d) Dimensional requirements. The following minimum dimensions for lot area and width, front, side, and rear yards, together with maximum dimensions for lot coverage and building heights, shall be required for every structure and land use in this district, except as noted:
- (1) Minimum lot area: 30,000 square feet.
 - (2) Minimum interior lot width: 135 feet.
 - (3) Minimum corner lot width: 135 feet along street upon which the lot fronts.
 - (4) Maximum lot coverage. All buildings, including accessory buildings, shall not cover more than 25% of the total lot area.
 - (5) Minimum yard dimensions.
 - a. Front yards. In accordance with the setback requirements of § **86-367** for the type of street upon which the lot fronts.
 - b. Side yards: 15 feet.
 - c. Rear yards. For lots up to 150 feet in depth the rear yard shall not be less than 35 feet in depth, for lots over 150 feet in depth the rear yard shall not be less than 40 feet in depth.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § **86-367** for the type of streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - e. Through and reverse frontage lots. Principal buildings shall be located in accordance with the front yard setback requirements of § **86-367** for the type of streets upon which the lot has frontage and all regulations applicable to front yards shall apply. All regulations applicable to front yards shall apply except freestanding accessory buildings or structures, such as decks, garages, sheds, swimming pools, and tennis courts, proposed for reverse frontage lots shall be located no closer than 30 feet from the right-of-way of the designated rear yard.

- (6) Supplementary yard regulations. For permitted reductions in yard dimensions, for permitted yard encroachments, and for placement of accessory buildings in yard area, refer to Article V, Division 3 of this chapter.
- (7) Maximum building height. No residential structure shall exceed 2 1/2 stories or 35 feet, whichever is less. Accessory buildings shall not exceed a height of 15 feet on any residential lot. For permitted exceptions to residential building heights, refer to Article V, Division 5 of this chapter. For building height limitations for nonresidential structures and uses in residential districts, refer to § 86-654.
- (8) Minimum living space. Minimum gross living area per family shall not be less than 1,000 square feet of floor area on the first floor if one story or 625 square feet of floor area on the first floor level of two stories. In any case, the total living area shall not be less than 1,000 square feet.

State law reference: State-mandated residential uses, MCL 125.286g.

§ 86-371. RAAA District: One-Family Low-Density Residential District.

[Code 1974, §§ 82-3.1—82-3.4]

- (a) Purpose. The purpose of the RAAA district is to achieve the same character, stability, and sound residential environment as intended for the one-family rural residential districts (RR) and (RRA). The difference between RR/RRA and RAAA districts is that a higher density of population will be permitted through the construction and occupancy of one-family dwelling structures on smaller lot areas. There is no intent to promote by these regulations a residential district of lower quality than the RR/RRA one-family rural residential districts. This section applies to the RAAA district.
- (b) Uses permitted by right. All uses permitted by right in the RR district subject to all the restrictions specified therein are also permitted in the RAAA district, with the exception of private noncommercial kennels.
- (c) Uses permitted by special use permit. All uses permitted by special use permit in the RR district subject to all restrictions specified therein are permitted by special use permit in the RAAA district, except the following uses are not permitted:
 - (1) Public riding stables and livestock auction yards.
 - (2) Greenhouses and nurseries selling at retail on the premises.
 - (3) Veterinary hospitals, clinic, or kennels, including commercial kennels and private noncommercial kennels.
 - (4) Game or hunting preserves operated for profit.
 - (5) Sand or gravel pits, quarries, incinerators, junk yards, sanitary fills, public or semiprivate sewage treatment and disposal installations, as provided for in Article VI of this chapter.
 - (6) Airports.
- (d) Dimensional requirements. The following minimum dimensions for lot area and width, front, side, and rear yards, together with maximum dimensions for lot coverage and building heights, shall be required for every structure and land use in this district, except as noted:
 - (1) Minimum lot area: 20,000 square feet.
 - (2) Minimum interior lot width: 100 feet.
 - (3) Minimum corner lot width: 110 feet along street upon which lot fronts.

- (4) Maximum lot coverage. All buildings, including accessory buildings, shall not cover more than 30% of the total lot area.
- (5) Minimum yard dimensions.
 - a. Front yards. In accordance with the setback requirements of § 86-367 for the type of street upon which the lot fronts.
 - b. Side yards: 10 feet.
 - c. Rear yards. For lots up to 150 feet in depth, the rear yard shall not be less than 30 feet in depth; if over 150 feet in depth, the rear yard shall not be less than 40 feet in depth.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § 86-367 for the type of streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - e. Through and reverse frontage lots. Principal building shall be located in accordance with the front yard setback requirements of § 86-367 for the type of streets upon which the through or reverse frontage lot abuts. Access to residential sites shall be located on the street with the lowest functional classification as illustrated in § 86-367. All regulations applicable to front yards shall apply, except freestanding accessory buildings or structures, such as decks, garages, sheds, swimming pools, and tennis courts, proposed for reverse frontage lots shall be located no closer than 30 feet from the right-of-way of the designated rear yard.
- (6) Supplementary yard regulations. For permitted reductions in yard dimensions, for permitted yard encroachments, and for placement of accessory buildings in yard area, refer to Article V, Division 4 of this chapter.
- (7) Maximum building height. No residential structure shall exceed 2 1/2 stories or 35 feet, whichever is less. Accessory buildings shall not exceed a height of 15 feet on any residential lot. For permitted exceptions to residential building heights, refer to Article V, Division 5 of this chapter. For building height limitations for nonresidential structures in residential district, refer to § 86-654.
- (8) Minimum living space. Minimum gross living area per family shall not be less than 1,000 square feet of floor area on the first floor if one story or 625 square feet of floor area on the first floor of two stories. In any case, the total living area shall not be less than 1,000 square feet.

State law reference: State-mandated residential uses, MCL 125.286g.

§ 86-372. RAA District: One-Family/Low-Density Residential District.

[Code 1974, § 82-3.5]

- (a) Purpose. The purpose of the RAA district is to achieve the same character, stability, and sound residential environment as intended for the one-family rural residential districts (RR). The difference between RR and RAA districts is that a higher density of population will be permitted through the construction and occupancy of one-family dwelling structures on smaller lot areas. There is no intent to promote by these regulations a residential district of lower quality than the RR one-family rural residential districts. This section applies to the RAA district.
- (b) Uses permitted by right. All uses permitted by right in the RR district subject to all the restrictions specified therefor.

- (c) Uses permitted by special use permit. All uses permitted by special use permit in the RR district subject to all restrictions specified therefor, except the following uses are not permitted:
- (1) Public riding stables and livestock auction yards.
 - (2) Greenhouses and nurseries selling at retail on the premises.
 - (3) Veterinary hospitals, clinic, or kennels.
 - (4) Game or hunting preserves operated for profit.
 - (5) Sand or gravel pits, quarries, incinerators, junk yards, sanitary fills, public or semiprivate sewage treatment and disposal installations, as provided for in Article **VI** of this chapter.
- (d) Dimensional requirements. The following minimum dimensions for lot area and width, front, side, and rear yards, together with maximum dimensions for lot coverage and building heights, shall be required for every structure and land use in this district, except as noted:
- (1) Minimum lot area: 13,500 square feet. Interior lot area requirements may be reduced for no more than 25% of the lots in any one subdivision plat, provided lots so reduced are no less than 12,000 square feet in area, and provided the interior lot area of the subdivision plat averages 13,500 square feet. Attention is directed to supplementary area regulations, Article **V** of this chapter, for other permitted exceptions to lot area.
 - (2) Minimum interior lot width: 90 feet. Interior lot widths may be reduced for no more than 25% of the lots in any one subdivision plat, provided lots so reduced are no less than 80 feet in width and provided the interior lot width of the subdivision plat averages 90 feet in width and provided no more than two adjacent lots shall be less than 90 feet in width.
 - (3) Minimum corner lot width: 100 feet along the street upon which the lot fronts.
 - (4) Maximum lot coverage. All buildings, including accessory buildings, shall not cover more than 30% of the total lot area.
 - (5) Minimum yard dimensions.
 - a. Front yards. In accordance with the setback requirements of § **86-367** for the type of street upon which the lot fronts.
 - b. Side yards: 10 feet.
 - c. Rear yards. For lots up to 150 feet in depth, the rear yard shall not be less than 30 feet in depth; for lots over 150 feet in depth the rear yard shall not be less than 40 feet in depth.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § **86-367** for the type of streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - e. Through and reverse frontage lots. Principal buildings shall be located in accordance with the front yard setback requirements of § **86-367** for the type of streets upon which the through or reverse frontage lot abuts. Access to residential sites shall be located on the street with the lowest functional classification as illustrated in § **86-367**. All regulations applicable to front yards shall apply except freestanding accessory buildings or structures, such as decks, garages, sheds, swimming pools, and tennis courts, proposed for reverse frontage lots shall be located no closer than 30 feet from the right-of-way of the designated rear yard.
 - (6) Supplementary yard regulations. For permitted reductions in yard dimensions, for permitted yard encroachments, and for placement of accessory buildings in yard area, refer to Article **V**, Division 4 of this chapter.

- (7) Maximum building height. No residential structure shall exceed 2 1/2 stories or 35 feet. Accessory buildings shall not exceed a height of 15 feet on any residential lot. For permitted exceptions to residential building heights, refer to Article V, Division 5 of this chapter, supplementary height regulations. For building height limitations for nonresidential structures in residential districts, refer to § 86-654.
- (8) Minimum living space. Minimum gross living area per family shall not be less than 1,150 square feet of floor area on the first floor if one story or 775 square feet of floor area on the first floor level of two stories. In any case, the total living area shall not be less than 1,150 square feet.

State law reference: State-mandated residential uses, MCL 125.286g.

§ 86-373. RA District: One-Family Medium-Density Residential District.

[Code 1974, § 82-4]

- (a) Purpose. The purpose of the RA district is to achieve the same character, stability, and sound residential environment as intended for the one-family rural residential district (RR) and one-family low density residential district (RAA). The difference between RR, RAA, and RA districts is that a higher density of population will be permitted through the construction and occupancy of one-family dwelling structures on smaller lot areas with public sanitary sewer facilities. There is no intent to promote by these regulations a residential district of lower quality than in the RR district. This section applies to the RA district.
- (b) Uses permitted by right. All uses permitted by right in the RR district, subject to all the restrictions specified therefor.
- (c) Uses permitted by special use permit. Except as specified, all uses permitted by special use permit in the RR district are subject to all the restrictions specified therefor.
- (d) Uses not permitted.
 - (1) Public riding stables and livestock auction yards.
 - (2) Greenhouses and nurseries selling at retail on the premises.
 - (3) Veterinary hospitals, clinics, or kennels.
 - (4) Game or hunting preserves operated for profit.
 - (5) Sand or gravel pits, quarries, incinerators, junk yards, sanitary fills, public or semiprivate sewage treatment and disposal installations, as provided for in Article VI of this chapter.
- (e) Dimensional requirements. The following dimensions for lot area and width, front, side, and rear yards, together with maximum dimensions for lot coverage and building heights, shall be required for every structure and land use in this district, except as noted:
 - (1) Minimum lot area: 10,000 square feet. Interior lot area requirements may be reduced for no more than 25% of the lots in any one subdivision plat, provided lots so reduced are not less than 9,000 square feet in area and provided the interior lot area of the subdivision plat averages 10,000 square feet. Attention is directed to supplementary regulations, Article V, Division 3 of this chapter for other permitted exceptions to lot area.
 - (2) Minimum interior lot width: 80 feet. Interior lot widths may be reduced for no more than 25% of the lots in any one subdivision plat, provided lots so reduced are no less than 70 feet in width, the interior lot width of the subdivision plat averages 80 feet in width, and no more than two adjacent lots shall be less than 80 feet in width.

- (3) Minimum corner lot width: 90 feet along street upon which lot fronts.
- (4) Maximum lot coverage. All buildings including accessory buildings shall not cover more than 30% of the total lot area.
- (5) Minimum yard dimensions.
 - a. Front yards. In accordance with the setback requirements of § **86-367** for the type of street upon which the lot fronts.
 - b. Side yards: 10 feet.
 - c. Rear yards. For lots up to 150 feet in depth, the rear yard shall not be less than 30 feet in depth. For lots over 150 feet in depth, the rear yard shall not be less than 40 feet in depth.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § **86-367** for the type of streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - e. Through and reverse frontage lots. Principal buildings shall be located in accordance with the front yard setback requirements of § **86-367** for the type of streets upon which the through or reverse frontage lot abuts. Access to residential sites shall be located on the street with the lowest functional classification as illustrated in § **86-367**. All regulations applicable to front yards shall apply, except freestanding accessory buildings or structures, such as decks, garages, sheds, swimming pools, and tennis courts, proposed for reverse frontage lots shall be located no closer than 30 feet from the right-of-way of the designated rear yard.
- (6) Supplementary yard regulations. For permitted reductions in yard dimensions, for permitted encroachments, and for placement of accessory buildings in yard area, refer to Article **V**, Division 4 of this chapter.
- (7) Maximum building heights. No residential structure shall exceed 2 1/2 stories or 35 feet. Accessory buildings shall not exceed a height of 15 feet on any residential lot. For permitted exceptions to residential building heights refer to Article **V**, Division 5 of this chapter. For building height limitations for nonresidential structures in residential districts, refer to § **86-654**.
- (8) Minimum living space. Minimum gross living area per family shall not be less than 1,000 square feet of floor area on the first floor if one story or 625 square feet of floor area on the first floor level if two stories. In any case, the total living area shall not be less than 1,000 square feet.

State law reference: State-mandated residential uses, MCL 125.286g.

§ 86-374. RB District: One-Family High-Density Residential District.

[Code 1974, § 82-5]

- (a) Purpose. The purpose of the RB district is to achieve the same character, stability, and sound residential environment as intended for the RR, RAA, and RA residential districts. The difference between the three previously mentioned and the RB district is that a higher density of population will be permitted through the construction and occupancy of one-family dwelling structures on smaller lot area. There is no intent to promote by these regulations a residential district of lower quality than in the RR, RAA, and RA districts. This section applies to the RB district.

- (b) Uses permitted by right. All uses permitted by right in the RA district, subject to all the restrictions specified therefor.
- (c) Uses permitted by special use permit. All uses permitted by special use permit in the RA district subject to all the restrictions specified therefor.
- (d) Dimensional requirements.
 - (1) Minimum lot area: 8,000 square feet. No lot shall hereafter be subdivided to provide less than 8,000 square feet of lot area. Attention is directed to supplementary area regulations, Article **V**, Division 3 of this chapter, for permitted exceptions to lot area.
 - (2) Minimum interior lot width: 65 feet. Interior lot widths may be reduced for no more than 25% of the lots in any one subdivision plat, provided lots so reduced are no less than 60 feet in width, the interior lot width of the subdivision plat averages 65 feet in width, and no more than two adjacent lots shall be less than 65 feet in width.
 - (3) Minimum corner lot width: 70 feet along the street upon which the lot fronts.
 - (4) Maximum lot coverage. All buildings, including accessory buildings, shall not cover more than 35% of the total area.
 - (5) Minimum yard dimension.
 - a. Front yards. In accordance with the setback requirements of § **86-367** for the type of street upon which the lot fronts.
 - b. Side yards: seven feet.
 - c. Rear yards. For lots up to 150 feet in depth, the rear yard shall not be less than 30 feet in depth. For lots over 150 feet in depth, the rear yard shall not be less than 40 feet in depth.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § **86-367** for the type of streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - e. Through and reverse frontage lots. Principal buildings shall be located in accordance with the front yard setback requirements of § **86-367** for the type of streets upon which the through or reverse frontage lot abuts. Access to residential sites shall be located on the street with the lowest functional classification as illustrated in § **86-367**. All regulations applicable to front yards shall apply, except freestanding accessory buildings or structures, such as decks, garages, sheds, swimming pools, and tennis courts, proposed for reverse frontage lots shall be located no closer than 30 feet from the right-of-way of the designated rear yard.
 - (6) Supplementary yard regulations. For permitted reductions in yard dimensions, for permitted yard encroachments, and for placement of accessory buildings in yard areas, refer to Article **V**, Division 4 of this chapter.
 - (7) Maximum building height. No residential structure shall exceed 2 1/2 stories or 35 feet. Accessory buildings shall not exceed a height of 15 feet on any residential lot. For permitted exceptions to residential building heights, refer to Article **V**, Division 5 of this chapter. For building height limitations for nonresidential structures in residential districts refer to § **86-654**.
 - (8) Minimum living space. Minimum gross living area per family shall not be less than 800 square feet of floor area on the first floor if one story or 480 square feet of area on the first floor level if two story. In any case, the total living area shall not be less than 800 square feet.

State law reference: State-mandated residential uses, MCL 125.286g.

§ 86-375. RX District: One- And Two-Family Residential District.

[Code 1974, § 82-6; Ord. No. 2002-05, 5-7-2002]

- (a) Purpose. The purpose of the RX district is to achieve the same character, stability, and sound residential environment as intended for the RR, RAA, RA, and RB residential districts. The difference between the four previously mentioned districts and the RX district is that a higher density of population will be permitted through the construction and occupancy of single-family dwelling structures on smaller lot area and that two-family dwelling structures will also be permitted. There is no intent to promote by these regulations a residential district of lower quality than in the RR, RAA, RA, or RB districts. This section applies to the RX district.
- (b) Uses permitted by right. All uses permitted by right in the RB district, subject to all the restrictions specified therefor, and two-family residential dwelling structures (duplexes).
- (c) Uses permitted by special use permit. All uses permitted by special use permit in the RB district subject to all the restrictions specified therefor.
- (d) Dimensional requirements (duplexes).
 - (1) Minimum lot area: 11,000 square feet. Interior lot area requirements may be reduced for no more than 25% of lots designated for duplex use in any one subdivision plat, provided lots so reduced are no less than 10,000 square feet in area and provided the interior lot area of all lots designated for duplex use in the subdivision plat averages 11,000 square feet. Exceptions provided for in Article V, Division 3 of this chapter, supplementary area regulations, may not be granted for the construction of two-family dwelling units.
 - (2) Minimum interior lot width: 100 feet. Interior lot widths may be reduced for no more than 25% of the lots in any one subdivision plat designated for duplex use, provided the lots so reduced are no less than 90 feet in width, provided the interior lot width of those lots so designated for duplex use in the subdivision plat averages 100 feet in width, and provided no more than two such adjacent duplex lots shall be less than 90 feet in width.
 - (3) Minimum corner lot width: 110 feet along the street upon which the lot fronts.
 - (4) Maximum lot coverage. All buildings including accessory buildings, shall not cover more than 30% of the total area.
 - (5) Minimum yard dimensions.
 - a. Front yards. In accordance with the setback requirements of § 86-367 for the type of street upon which the lot fronts.
 - b. Side yards: 10 feet.
 - c. Rear yards. For lots up to 150 feet in depth, the rear yard shall not be less than 40 feet in depth. For lots over 150 feet in depth, the rear yard shall not be less than 50 feet in depth.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § 86-367 for the type of streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - e. Through and reverse frontage lots. Principal buildings shall be located in accordance with the front yard setback requirements of § 86-367 for the type of streets upon which the through or reverse frontage lot abuts. Access to residential sites shall be located on the street with the lowest functional classification as illustrated in § 86-367. All regulations applicable to front yards shall apply, except freestanding accessory buildings or structures, such as decks, garages, sheds, swimming pools, and tennis courts, proposed

for reverse frontage lots shall be located no closer than 30 feet from the right-of-way of the designated rear yard.

- (6) Supplementary yard regulations. For permitted reductions in yard dimensions, for permitted yard encroachments, and for placement of accessory buildings in yard area, refer to Article V, Division 5 of this chapter.
- (7) Maximum building heights. No residential structure shall exceed 2 1/2 stories or 35 feet. Accessory buildings shall not exceed a height of 15 feet on any residential lot. For permitted exceptions to residential building heights, refer to Article V, Division 5 of this chapter. For building height limitations for nonresidential structures in residential districts, refer to § **86-654**.
- (8) Minimum living space. Minimum gross living area in a duplex shall not be less than 2,000 square feet and neither living unit shall contain less than 800 square feet of living area.
- (9) Occupancy. No more than two unrelated individuals may occupy each duplex living unit.
- (e) Dimensional requirements (single-family). The dimensional requirements for single-family lots in the RX district shall be the same as those provided for in § **86-374**.

State law reference: State-mandated residential uses, MCL 125.286g.

§ 86-376. Multiple-Family Residential Districts: RDD, RD, RC, RCC Districts.

[Code 1974, § 82-7; Ord. No. 2002-05, 5-7-2002; Ord. No. 2007-14, 11-25-2007; Ord. No. 2010-02, 2-28-2010; Ord. No. 2010-11, 8-22-2010; 5-5-2020 by Ord. No. 2020-05]

- (a) Purpose. The RDD, RD, RC, and RCC districts are intended to accommodate multiple-family residential uses at a higher density than any single-family district, but at no lower standards of quality. The primary purposes of these districts are to accommodate multiple-family developments of sustained desirability and stability that will be harmonious to adjacent properties, to promote large parcel, single-owner developments that allow an added degree of flexibility in the placement, bulk, and interrelationship of the buildings and uses within a planned project and adjacent areas, and to maintain the overall intensity of land use, density of population, and required open space specified in this section and in the Comprehensive Development Plan of the Township.
 - (1) The primary distinction between these districts is density. The RDD zone permits a maximum of five dwelling units per acre, the RD zone permits a maximum of eight dwelling units per acre, the RC zone permits a maximum of 14 dwelling units per acre, and the RCC zone permits variable high density up to a maximum of 34 dwelling units per acre. In addition, single-family detached dwellings are permitted in the RDD, RD, RC, and RCC zoning districts.
- (b) Uses permitted by right.
 - (1) Two-family dwellings in the RDD, RD, and RC districts, provided that no more than two unrelated persons may occupy a dwelling unit in these districts.
- (c) Uses permitted by special use permit.
 - (1) RDD, RD, RC, and RCC districts. The following uses may be permitted by special use permit in the RDD, RD, RC, and RCC districts, provided all requirements of this chapter are met:
 - a. Any single structure on a single parcel of land containing three or more dwelling units.
 - b. Single-family detached dwellings when part of a multiple-family development in the RDD, RD, RC, and RCC districts, provided the number of single-family dwellings does not

exceed more than 50% of the density (dwelling units per acre) allowed for the multiple-family development.

- c. Development containing a mix of single-family detached dwellings and two-family dwellings; a mix of two-family dwellings and multiple-family dwellings; or a mix of single-family detached dwellings, two-family dwellings, and multiple-family dwellings. In any case the number of single-family dwellings may not exceed more than 50% of the density (dwelling units per acre) allowed for the proposed development.
 - d. Group housing developments containing more than 50 dwelling units, in accordance with the requirements of Article **VI** of this chapter.
 - e. Community center when part of a housing project.
 - f. Incidental commercial services for principal use of the development's occupants, when in conjunction with a housing project identified in Subsection (d)(1) of this section containing at least 200 units; provided that:
 1. Plans for any advertising signs or window displays shall be submitted to the Planning Commission for approval;
 2. There shall be no direct access to the commercial service from any exterior (off-site) road;
 3. The architectural appearance of the commercial service building, if a separate structure, shall be harmonious with the appearance of other structures in the development; and
 4. Commercial services shall be limited to the following:
 - i. Grocery stores;
 - ii. Services such as dry-cleaning pickup agencies, shoe repair shops, beauty parlors, or barbershops;
 - iii. Drugstores; and
 - iv. Restaurants without dancing or entertainment, but excluding dairy bars and drive-in establishments.
 - g. Functional families as defined by this chapter.
 - h. Nonresidential structures and uses in accordance with § **86-654**.
- (d) Procedure for obtaining special use permits. The following procedure shall be followed for all developments identified in Subsections (d)(1) and (2) of this section, in addition to the requirements of Article **II**, Division 4, of this chapter, relating to special use permits in general.
- (1) Preliminary procedures. The applicant shall meet with the planning director to discuss any technical difficulties of a proposed development prior to formal application for a special use permit. The applicant shall provide the planning director preliminary plans of the project and preliminary engineering information on the project.
 - (2) Application procedures. The applicant shall submit the following information to the Planning Commission via the Planning Director:
 - a. A site plan, drawn to a readable scale, including dimensions and locations of buildings, parking, roads, road names, access, and preliminary landscape design;
 - b. A legal description of the property in question, together with proof of ownership or a certified letter from the owner agreeing to the request;
 - c. Existing contours of the property at two-foot intervals based on USGS data;

- d. Proposed contours of the property at two-foot intervals based on USGS data;
 - e. Preliminary engineering reports in accordance with the adopted Township water and sewer standards, together with a letter of review from the Township Engineer;
 - f. Ten copies of a report on the intent and scope of the project, including, but not limited to:
 - 1. Number, size, volume, and dimensions of buildings;
 - 2. Number and size of dwelling units;
 - 3. Basis of calculations of floor area and density and required parking;
 - 4. Number, size, and type of parking spaces; and
 - 5. Architectural sketches or rendering of proposed buildings; and
 - g. If necessary, the Planning Director may require the applicant to submit selected soil borings taken on the site.
- (3) Local agency review. The applicant shall provide the Township copies of the project plans for each local agency. The Township shall transmit plans to the following agencies for review and optional comment within 10 days:
- a. The County Road Commission;
 - b. The County Drain Commissioner;
 - c. The County Health Department;
 - d. The appropriate School Board;
 - e. The Township Engineer;
 - f. The Township Fire Department; and
 - g. The Township Board.
- (4) Public hearing. The Planning Commission shall set the public hearing date after having received all required information and plans in accordance with this chapter.
- (5) Approval of special use permit. After reviewing the proposed project, the Planning Commission shall either approve or deny the special use permit, or approve subject to any conditions they deem appropriate, and shall prepare a report stating its conclusions, the basis for its decision and any conditions relating to approval.
- (6) Issuance of special use permit. If the Planning Commission has acted favorably on an application for special use permit, the Planning Director shall issue such permit after review of construction plans to determine compliance with the terms and conditions of the special use permit, which plans shall include:
- a. Detailed site plans, including a landscaping plan drawn by a registered landscape architect;
 - b. Detailed utility construction plans; and
 - c. Working plans of all other aspects of the project.

If construction plans vary substantially from those approved by the Planning Commission, such variations must be resubmitted to the Planning Commission for approval after notice and public hearing.

- (e) Duration and validity of permit.

- (1) The Planning Commission's approval of a special use permit shall be issued on a site plan and is valid regardless of change of ownership, provided that all terms and conditions are complied with by the new owner. Such permit shall be placed on file with the Planning Director.
 - (2) In cases where construction has not been commenced within a one-year period after approval, the permit shall automatically become null and void and all rights thereunder shall terminate. Upon written application filed prior to the termination of the one-year period, the Planning Commission may authorize a single extension of the permit for not more than one year without further notice or hearing.
 - (3) No permit for occupying any completed residential units shall be granted until all utilities, access drives, parking walkways, pools, screening, drainage, and other improvements indicated on the approved plan have been inspected and approved. If such improvements have not been completed and an occupancy permit is desired, a performance guarantee in the form of a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the Township, covering the estimated cost of improvements associated with the project, shall be deposited with the Township to insure faithful completion of the improvements. Quarterly rebates of any cash deposits shall be made by the Township in reasonable proportion to the ratio of work completed on the required improvements as work progresses.
- (f) Minimum design standards.
- (1) Minimum lot areas.
 - a. Refer to § **86-366**, Schedule of Regulations for Residential Districts.
 - b. Minimum lot area requirements apply to one or more buildings on a particular parcel provided each building has at least two dwelling units in it.
 - (2) Minimum lot width: 100 feet.
 - (3) Maximum lot coverage and open space required. All buildings, including accessory buildings, shall not occupy more than 35% of the net area of land included within the limits of the proposed project or any stage in the development of the proposed project which may receive approval under this chapter. A minimum of 35% of the total land area of the project excluding drives and parking areas must be set aside as open space. All land used for open space must be improved for the use of all residents of the development. Open space may be dedicated for public use. Such dedication may be required by the Planning Commission if shown as public open space on the Master Plan.
 - (4) Minimum yard dimensions.
 - a. Front yard. No less than 25 feet for one- or two-story buildings, with an additional one foot required for each additional one foot the building exceeds 35 feet in height.
 - b. Side yards.
 1. Single-family and two families shall not be less than 10 feet.
 2. Three families to 10 families shall not be less than 15 feet.
 3. Greater than 10 families shall not be less than 25 feet from the property line for one- or two-story buildings, with an additional foot required for each additional foot of height of the building over 35 feet.
 - c. Rear yard. Building shall not be less than 40 feet from the property line for one- or two-story buildings, with an additional foot required for each additional foot of height of the building over 35 feet.
 - d. Required setbacks. In addition to the foregoing, all buildings shall be located in accordance with the particular setback requirement of § **86-367**.

- e. Distance from a single-family district boundary. No single-family, two-family, or multiple-family building designed, erected, or used for three or more families shall be located closer than 50 feet to any single-family residential zone line, nor shall any accessory building to a multiple structure containing three or more dwelling units be located closer than 50 feet to any single-family residential zone line. Where Commission studies indicate adjoining property will eventually assume similar zoning as the property in question, the Commission may waive the fifty-foot minimum.
- f. Distance between buildings.
 1. Minimum distance. Buildings with two or more dwelling units shall be located no closer than 25 feet to any other building. Detached single-family dwellings shall be located no closer than 10 feet from any other building.
 2. Closed courts. No courts completely enclosed by building structure shall be permitted; however, screen walls not exceeding six feet in height are permitted to enclose what would otherwise be open court. All dimensional requirements for open courts shall apply to such enclosed courts.
 3. Open courts.
 - i. Projecting wings of a building that form a court, enclosed on three sides, shall conform to the following when the court face of either wing contains windows from a living room, bedroom, or dining room:
 - A. The minimum distance between wings shall be 50 feet for one-story buildings. For any additional stories added to either wing, the distance shall be increased five feet for each additional story added to either wing.
 - B. The maximum distance that a wing can project from the face of a building shall be 1 1/2 times the horizontal distance between wings.
 - ii. Projecting wings of a building that form a court enclosed on three sides shall conform to the following when neither court face of the wings contains a window from a living room, bedroom, or dining room:
 - A. The minimum distance between wings shall be 25 feet for one-story buildings. For any additional stories added to either wing, the distance shall be increased five feet for each additional story added to either wing.
 - B. The maximum distance a wing can project from the face of a building shall be 1 1/2 times the horizontal distance between wings.
 4. Other yard dimensions.
 - i. Any single-family detached dwelling, two-family dwelling, or multiple-family structure containing three or more units shall not be located closer than 20 feet to any street, access road, driveway, or parking area.
 - ii. Any single building or connected building may not exceed 200 feet in any one dimension. All buildings shall be so arranged as to permit emergency vehicle access, by some practical means, to all sides.
- (5) Single-family detached dwellings shall be constructed in accordance with the standards established in Section **86-368(b)(1)a** through I, unless otherwise superseded by provisions of this section.
- (6) Maximum building height. Maximum building height shall not exceed 2 1/2 stories or 35 feet, except as noted below. No space below grade level shall be used for dwelling purposes except as follows:

- a. When the finished floor grade of the space below grade level is no more than four feet below finished outside ground level at any point on the property of that part of the structure enclosing the below-grade dwelling space.
 - b. On sloping sites when the finished floor grade of the space below grade level is finished outside ground level for at least the length of one wall. In the same instance, such dwelling space have either adequate through- or cross-ventilation.
 - c. Building height may be increased to a maximum of 70 feet in the RC zone and 12 stories in the RCC zone, provided that:
 1. The building in question is part of a group housing plan and receives Planning Commission approval.
 2. All yard requirements, except distance to parking areas or street, must be increased by one foot for every two feet of building height in excess of 25 feet.
 3. No structure in excess of 25 feet in height shall be placed closer to any property line than a distance equal to 1 1/2 times the height of the building, or 50 feet, whichever is greater.
 4. Any proposed building in the RCC zone which is to exceed 70 feet in height must be approved by the Township Engineer and Fire and Building Departments for fire protection and water service prior to issuance of a special use permit.
- (7) Signs. Identifying any of the permitted uses in this district shall be in accordance with those requirements specified in Article **VII** of this chapter.
- (8) Minimum living space. Minimum gross living space area for multiple-family dwelling units shall be 350 square feet for one room, 500 square feet for two rooms, and 750 square feet for three rooms. An average of 100 additional square feet for each room in excess of three rooms. The term "room," as used in this subsection, shall not include kitchenette, dinette, alcove, bathrooms, halls, or patio.
- (9) Parking requirements. For motor vehicle and bicycle parking requirements, refer to § **86-366** and Article **VIII** of this chapter. In addition, every multiple-family structure shall provide motor vehicle parking facilities which:
- a. Are appropriately spaced and divided by landscaped areas as opposed to one continuous parking lot.
 - b. Are screened by landscaping and physical structures and, where feasible, depressed below eye level or enclosed.
 - c. Are served by two points of access to public street when there are 50 or more dwelling units in the project.
 - d. Are served by access to a public street other than a local street when there are 25 or more dwelling units in the project.
 - e. Shall provide a minimum of 180 square feet in area for each vehicle parking space, each space shall be definitely designated and reserved for parking purposes, and each space shall be accessible separately from a drive.
 - f. May be allowed within or under any multiple-family structure; however, carports or surface parking shall not be located closer than 20 feet to any multiple-family residential structure.
 - g. Shall have no parking located farther than 150 feet from one entrance to the multiple-family structure which it is intended to serve.

- h. Shall have no commercial repair work, servicing, or selling of any kind conducted on any parking area.
- (10) Storage of refuse. All refuse containers, including trash and recycling containers, shall be enclosed on at least three sides by a screening device approved by the Planning Director, subject to the following provisions:
- a. For existing uses receiving a certificate of occupancy prior to the effective date of this section, recycling containers shall be placed adjacent to other refuse containers on-site. If the Planning Director determines that it is not practical to place the container adjacent to other refuse containers on the site, such containers may be placed in parking areas, provided that the space used for the container shall not occupy required parking spaces, and further provided that recycling containers shall be enclosed on three sides by a screening device approved by the Planning Director.
 - b. For uses receiving a certificate of occupancy after the effective date of this section, recycling containers shall meet the requirements of this section and the requirements for site plan review under Article II, Division 5, of this chapter.
- (11) Landscaping required. Landscaping acceptable to the Planning Commission shall be provided in open spaces, around buildings, and within parking areas. No occupancy permit may be issued until landscaping has been inspected and approved or a performance bond equal to the estimated cost has been posted with the Township.
- a. A plan for control of soil erosion which meets the Township's standards for soil erosion and sedimentation control shall be carried out during the construction and completion of the project.
 - b. When deemed necessary by the Planning Commission, in order to protect surrounding properties, appropriate screening of plant materials, wood, or brick, approved by the Planning Commission, may be required.
- (12) Density. The density (dwelling units per acre) in the RDD, RD, RC, RN, and RCC zoned districts shall be in accordance with the table below and the following stipulations:
- a. Maximum Density Table.

Zone	Maximum Density (dwelling units per acre)
RDD	5
RD	8
RC	14
RN	14
RCC	34

- b. Those sites which contain wetlands and/or floodplains shall be permitted a maximum number of units based on the following formula:

$$N = A \times D \times C$$

Where:

- N = Maximum number of units permitted.
- A = Area of site outside the floodplain and wetland.
- D = Allowable density from Maximum Density Table [Subsection (g)(12)a above].
- C = 1+ percent of site in floodplain and wetland expressed as decimal.

For purposes of this chapter, wetland areas are those lands which meet the definition of a wetland set forth in § 30301 of the Natural Resources and Environmental Protection Act (MCL § 324.30301). For purposes of this chapter, floodplain areas are those lands which meet the definition contained in § **86-436(b)**.

State law reference: State-mandated residential uses, MCL 125.286g.

§ 86-377. RN District: Village of Nemoka Mixed Residential District.

[Code 1974, § 82-16]

(a) Purpose.

- (1) The purpose of the RN district is to permit a mixture of single-family and multiple-family residential dwellings within the area commonly known as the Village of Nemoka area of Haslett. The Village of Nemoka is characterized by a mixture of multiple-family and single-family dwellings unlike other areas of the Township where differing land uses have been segregated through the use of zoning. It is not the intent of this section to discourage either of the prominent land uses in the Village of Nemoka but to promote the unique character of the mixed land uses currently found in the Village. In the RN district both single-family dwelling units and multiple-family dwelling units at a maximum density of 14 units per acre, are permitted.
- (2) The district is to encompass those specific and unique land use characteristics found only in the Village of Nemoka. Consequently, the use of this district is limited exclusively to the Village of Nemoka which is generally described as the area bounded on the north by Lake Lansing Road, on the west by Marsh Road, on the east by Lake Lansing, and on the south by Haslett Road.
- (3) This section applies to the RN district.

(b) Uses permitted by right.

- (1) All uses permitted by right in the RB district subject to the restrictions and dimensional requirements specified therefor.
- (2) Two-family dwellings.

(c) Uses permitted by special use permit from the Planning Commission or Planning Director. All uses permitted in Subsection **86-376(c)** subject to all the procedures and restrictions specified therefor.

(d) Uses permitted by special use permit. All uses permitted in Subsection 86-376(d)(1) subject to all the restrictions specified therefor. In the RN district multiple-family dwellings may be developed at a maximum density of 14 dwelling units per acre.

(e) Procedure for obtaining special use permits. The procedures set forth in Subsection **86-376(e)** shall be followed.

(f) Duration and validity of permit. Special use permits granted in the RN district shall be subject to the provisions of Subsection **86-376(f)** and all other provisions applicable to special use permits contained in Article **VII** of this chapter.

(g) Minimum design standards.

- (1) Single-family detached structures shall comply with the dimensional requirements for RB district construction contained in Subsection **86-374(d)**.

- (2) Multiple-family structures shall comply with the minimum design standards contained in Subsection **86-376(b)**.

State law reference: State-mandated residential uses, MCL 125.286g.

§ 86-378. PRD District: Planned Residential Development Overlay District.

[Code 1974, § 86-11]

(a) Purpose.

- (1) The purpose of the PRD district is to preserve natural features and open space by allowing flexibility and alternative design standards for single-family residential developments. While lot dimensions and yard requirements may be reduced from that required in the underlying zoning district, the overall number of dwelling units in the development shall not exceed the number of dwelling units that could have been developed under conventional subdivision development.
- (2) This district is intended to promote single-family development that minimizes development impacts on important natural features and the more economic provision of infrastructure. Minimum requirements and performance standards are set forth to ensure the objectives of this district are achieved.
- (3) This section applies to the PRD district.

- (b) Applicability; districts for which these regulations apply. The planned residential development overlay district (PRD) may be applied as an alternative to conventional zoning regulations in the RR, RRA, RAAA, RAA, and RA single-family residential zoning districts. All requirements and standards of the underlying zoning district or the district being requested with a concurrent rezoning application shall also apply, unless varied by the specific provisions of this section.

(c) Definitions.

DEVELOPMENT PARCEL

The tract, site, parcel of land, or property in its entirety that is the subject of an application for a planned residential development overlay district.

IMPORTANT NATURAL FEATURES

The naturally occurring characteristics of the land, including, but not limited to, wetlands, woodlands, floodways, floodplains, water bodies or waterways, identified groundwater recharge areas, slopes greater than 12%, ravines, and habitats of threatened or endangered species.

OPEN SPACE

An area of land within the PRD development parcel essentially unimproved, except for recreational facilities, which is conveyed or dedicated to an entity approved by the Township Board and set aside for the enjoyment of the residents of the development, their guests, and/or the general public.

PRELIMINARY LOT LAYOUT

A map or plan showing the location of streets, location of lots, lot dimensions and sizes, and drainage scheme.

- (d) General provisions and standards. The following are general provisions and standards that apply to all PRD developments:
- (1) Minimum development parcel: five acres.

- (2) Permitted uses. All uses permitted by right in the underlying district, if approved as part of the PRD application, except the following:
 - Private commercial kennels
 - Public educational institutions
- (3) Special uses. All special uses permitted in the underlying district, if approved as part of the PRD application, except the following:
 - Airports
 - Cemeteries
 - Golf driving ranges or miniature golf courses
 - Greenhouses and nurseries selling retail on the premises
 - Institutions for human care
 - Livestock auction yards
 - Nonpublic, private, or quasipublic educational and social institutions
 - Religious institutions
 - Sand or gravel pits
 - Veterinary hospitals, clinics, or commercial kennels.
- (4) Method of determining number of dwelling units for the development parcel. The maximum number of dwelling units that may be permitted on any development parcel shall be derived in the following manner:
 - a. The applicant shall prepare a preliminary lot layout, containing information required by the Department of Community Planning and Development, in conformance with the underlying zoning district in which the development parcel is located or the district being requested with a concurrent rezoning application, and in conformance with the comprehensive development plan, the subdivision regulations, and the Township's Code of Ordinances, without variances. The preliminary lot layout may show roads crossing regulated wetlands at the narrowest points. The purpose for this requirement is to determine the number of lots that could be located on the development parcel using conventional development standards within the underlying zoning district or the requested zoning district. The Department of Community Planning and Development shall determine the maximum number of dwelling units within 15 days of submittal of a preliminary lot layout meeting the submittal requirements of the department. A fee set forth in the adopted schedule of fees shall accompany the submittal.
 - b. For purposes of determining the maximum number of dwelling units, the Department of Community Planning and Development shall assume public sanitary sewer in reviewing the preliminary lot layout, if the applicant intends to request sanitary sewer service as part of the PRD application. This does not obligate the Township to provide sanitary sewer service to the property and the number of lots shown in the preliminary lot layout shall be adjusted as necessary if on-site septic systems are to be utilized.
 - c. Once the preliminary lot layout is found by the Department of Community Planning and Development to be in conformance with the governing regulations, the total number of lots intended for residential units shall become the maximum number of dwelling units permitted on the development parcel under the PRD overlay zoning district.
- (5) Open space preservation:
 - a. A minimum of 20% of the development parcel shall remain as open space.
 - b. The following areas shall not be counted toward the minimum open space requirements:
[Amended 2-6-2018 by Ord. No. 2018-02]

1. Residential lots.
 2. Public or private rights-of-way.
 3. Driveways and parking areas.
 4. Buffer areas required by this section, unless contiguous and integrated with other preserved open space.
 5. Floodways, floodplains, wetlands, or other water bodies or waterways, unless they are part of a golf course.
 6. Public or private easements.
- c. The required amount of open space shall be preserved in perpetuity. The preserved open space shall be deeded to the development's homeowners' association, a land conservancy, the public or otherwise protected in a manner acceptable to the Township. The form of all preservation instruments shall be approved by the Township Attorney. The preserved open space shall be shown and appropriately labeled on the plat approved by the Township and recorded with the county register of deeds.
- d. Except as otherwise provided, a maximum of 50% of preserved open space may be used for the provision of active recreational amenities for the development's residents or public use, if designed to limit adverse impacts on important natural features preserved in conformance with the purposes of this district. As used in this section, a golf course is considered a recreational amenity and does not include any structures, appurtenances, driveways or parking areas. If the recreational facility plan includes a golf course, a maximum of 75% of preserved open space may be used for the provision of active recreational amenities for the development's residents or public use, if designed to limit adverse impacts on important natural features preserved in conformance with the purposes of this district. Any recreational facility plan shall be approved as part of the PRD application.
[Amended 2-6-2018 by Ord. No. 2018-02]
- (e) Design standards. The following standards are intended to ensure that the development is designed to preserve important natural features and open space.
- (1) Buffering adjacent residential development. When the proposed PRD is adjacent to land zoned with minimum lot sizes greater than the average lot size approved for the PRD, a fifty-foot buffer area shall be provided between the two parcels.
 - (2) Applicable district regulations. All requirements of the corresponding zoning district in the table below shall apply within the applicable underlying zoning district:

Underlying Zoning (square feet)	Applicable Regulations (square feet)
RR—40,000	RAAA—20,000
RRA—30,000	RAA—13,500
RAAA—20,000	RA—10,000
RAA—13,500	RB—8,000
RA—10,000	RB—8,000

- (3) Preservation of natural features; configuration of open space.
 - a. Disturbance of important natural features, as defined herein, shall be avoided.
 - b. To the greatest extent possible, natural features and open spaces preserved shall remain contiguous to promote wildlife habitat.

- c. To the greatest extent possible, natural features and open spaces preserved shall also be contiguous with those open spaces that occur on adjacent land.
 - d. To the greatest extent possible, scenic vistas from arterial streets shall be preserved and subdivision design shall incorporate buffering of lots closest to any arterial street.
- (f) Application for PRD overlay zoning; submission of sketch plan. Any person wishing to obtain PRD overlay zoning shall submit an application and fee to rezone the development parcel PRD overlay. The application shall be submitted and reviewed in accordance with Article II, Division 2 of this chapter. In addition to these requirements, a sketch plan shall be prepared in the following manner and 18 copies submitted with the application:
- (1) The total number of dwelling units shall not exceed the number determined in subsection (d)(4) of this section.
 - (2) Existing conditions and characteristics of the development parcel and those lands within 500 feet of the site shall be shown on the plan. Conditions and characteristics include, but are not limited to, wetlands, woodlands, lakes, streams, rivers, drainageways, ponds, slopes, ravines, floodplains, and agricultural fields.
 - (3) General layout and size of streets, blocks, and lots shall be shown on the plan.
 - (4) The location and size of areas designated for open spaces and recreation areas in conformance with subsection (e)(3) of this section shall be shown on the plan.
- (g) Review of sketch plan by Planning Commission and Township Board. The Planning Commission and Township Board shall review and approve, conditionally approve, or deny the sketch plan concurrently with the application to rezone the development parcel to PRD overlay. The sketch plan shall conform to the general provisions and standards in subsection (d) of this section and design standards in subsection (e) of this section.
- (h) Submission of preliminary plat; review procedure. Once the application for PRD overlay zoning and the sketch plan have been approved by the Township Board, the applicant shall prepare a preliminary plat in general conformance with the approved sketch plan, subdivision regulations, and the requirements in this section. The preliminary plat shall be reviewed in accordance with the subdivision regulations.
- (i) Submission of final plat; review procedure. Once the preliminary plat has been approved or approved with conditions, the applicant shall prepare and submit a final plat in accordance with the standards and requirements set forth in the subdivision regulations. The final plat shall be reviewed in accordance with the subdivision regulations.

State law reference: Planned unit development, MCL 125.286c, 125.286d.

§ 86-379. through § 86-400. (Reserved)

DIVISION 3. Commercial, Retail, and Business Districts C-1, C-2, and C-3

[1] *Cross reference: Licenses, permits, and miscellaneous regulations, ch. 38.*

§ 86-401. Purpose.

[Code 1974, § 82-11.1]

The C-1, C-2, and C-3 districts allow establishments engaged in selling goods or merchandise and providing services to the general public for personal or household consumption or to other businesses

and rendering services incidental to the sale of such goods.

§ 86-402. Standards applying to all uses.

[Code 1974, § 82-11.2; Ord. No. 2004-06, 9-5-2004; Ord. No. 2009-10, 11-22-2009; Ord. No. 2010-02, 2-28-2010; Ord. No. 2011-14, 11-15-2011]

The following provisions apply to all uses in the C-1, C-2, and C-3 districts:

(1) Minimum yard dimensions:

- a. Front yards. Minimum yard dimensions shall be in accordance with the setback requirements of the Master Plan for Major Streets and Highways, Meridian Charter Township, Ingham County, Michigan, for the type of street upon which the lot principally fronts. For corner lots, each side abutting the street shall be considered frontage and shall comply with the setback requirements of the Master Plan for Major Streets and Highways.
- b. Side yards. Minimum yard dimensions for side yards shall be 15 feet, except:
 - 1. All buildings shall be located in accordance with the setback requirements of the Master Plan for Major Streets and Highways, Meridian Charter Township, Ingham County, Michigan, for the type of street upon which the lot principally sides or backs should it do so.
 - 2. The principal building may be constructed on the side property line, provided that access is provided to the rear yard by means of a drive or alley, and if constructed with the adjacent property owner's approval, at the same time as and in conjunction with construction of an abutting building. Otherwise, side yards shall be at least 15 feet, except that all buildings shall be located in accordance with the setback requirements of the Master Plan of Major Streets and Highways, Meridian Charter Township, Ingham County, Michigan, for the type of street upon which the lot principally sides or backs should it do so.
- c. Rear yards. Rear yards shall be at least 15 feet.
- d. Side and rear yard adjacent to a residential district. For standards see Subsection 86-403(b) (3) for C-1, Subsection 86-404(b)(3) for C-2, or Subsection 86-405(b)(3) for C-3.
- e. Corner lots. Lot width for corner lots shall be in accordance with the following chart, except the Director of Community Planning and Development may waive this requirement for existing legally nonconforming lots and parcels if a safe access location can be identified. An applicant may appeal the director's decision to the Zoning Board of Appeals.

Corner Lot Frontage Requirements	
Street Classification*	Lot Frontage (feet)
Arterial	250
Collector	125
Local	50

NOTES:

- * As identified on the Recommended Road Network Plan Map in the Township Comprehensive Development Plan.

- (2) Maximum building height. Thirty-five feet, not including steeples, bell towers, or other similar structures, unless each required yard is increased one foot for every foot of height above 35 feet.

(3) Signs, flags, and banners.

- a. Signs. Signs identifying any of the permitted uses in this district shall be in accordance with those requirements specified in the schedule outlined in Article VII of this chapter.
- b. Flags and banners. No flags, banners, streamers, or similar devices shall be permitted in these districts except as follows: a maximum of two flags or banners, in any combination, containing no commercial message, of a size no larger than 60 square feet for a United States flag or 24 feet square feet for all other flags or banners shall be permitted on each site in this district. Flagpoles may be illuminated. Illumination, if present, shall be from the base of the structure upon which the flag or banner is flown. Placement of flags and banners shall be limited to the following locations:
 - 1. On a building facade. Flags and banners may be flown from a staff projecting at an upward angle from a building wall. Flags and banners displayed from staffs shall be positioned with the lowest point of the flag, banner, or staff a minimum of 10 feet above the surrounding grade, sidewalk, or pavement whichever is higher. The flag, banner, or staff shall extend no more than five feet above the roofline.
 - 2. On a pole. A maximum of one flag pole shall be permitted per site. A maximum of two flags or banners may be flown from the flagpole with the lowest portion of any flag or banner being a minimum of 15 feet above the ground when draped along the flagpole. All flagpoles shall be set back a minimum of 10 feet from the street right-of-way lines. The height of the flagpole shall not exceed a maximum of 40 feet. No flagpole shall be installed without obtaining a building permit. The location or placement of the flagpole is subject to the approval of the Director of Community Planning and Development. All flagpoles shall be designed or engineered for commercial applications and constructed of commercial grade materials and shall be properly maintained by the property owner.

(4) Parking and loading requirements. Motor vehicle parking and loading, and bicycle parking requirements for this district are specified in Article VIII of this chapter.

(5) Motor vehicle access:

- a. Driveways shall be located off a major arterial or primary street as identified in § 86-367, except as identified in § 86-441, the corridor access management overlay district or as approved by the Planning Commission.
- b. For corner lots, the location of driveways shall comply with the following minimum standards, except as required by § 86-441 or by the current standards of the county road commission:

Driveways: Distance from Intersections		
Classification	Intersecting With	Clearance (feet)
Arterial	Arterial	250
	Collector	125
	Local	50
Collector	All	50
Local	All	50

- c. Except as provided in § 86-441, the recommended spacing between commercial driveways shall be as indicated in the following chart:

Posted Speed (mph)	Minimum Separation (feet)
25	105

Posted Speed (mph)	Minimum Separation (feet)
30	125
35	150
40	185
45	230
50	275

- d. Service drives are required according to § **86-367** and § **86-441**, to minimize the potential for traffic hazards in the streets immediately adjacent thereto. Where not required, access via a service drive may be required to minimize traffic hazards.
 - e. Access via a service drive may be required if the minimum distances from intersections or adjoining uses cannot be provided.
 - f. If deemed necessary by the Director of Community Planning and Development, or the Planning Commission, a traffic study may be required to establish mitigation alternatives that meet the needs of roadway function.
 - g. All points of entrance or exit to a public street shall be no closer than 20 feet to an adjacent property line unless a shared driveway has been required and approved by special use permit or during site plan review.
 - h. The minimum driveway width shall be 25 feet.
 - i. Entrance and exit drives shall be perpendicular to the road.
 - j. The Director of Community Planning and Development may waive specific access requirements when every effort has been made to achieve the objectives of the chapter and the standards preclude use of the property as zoned.
 - k. For all uses in the C-2 and C-3 commercial districts, external access to the project shall be directly provided by a major street or highway shown in § **86-367**. Further the applicant shall demonstrate that such external access on any street or highway shall be fully capable of absorbing the maximum hourly traffic anticipated to be generated by the use(s) without undue interference to other traffic on any street.
 - l. Unless specified elsewhere, the standards of § **86-441**, the corridor access management overlay district shall supercede the requirements of this section for any properties located within the overlay district.
- (6) Direct pedestrian access. Direct pedestrian access shall be provided from the principal entrance of the building to the sidewalk on the closest public right-of-way. Pedestrian access shall be provided from parking facilities to the ground floor uses, either through building entrances, pedestrian ways along the perimeter of buildings, or by pedestrian throughways which connect the rear parking lots to the sidewalks along the front street. Pedestrian throughways may be exterior and located between buildings or may be incorporated into the interior design of a structure. Pedestrian throughways shall be a minimum of 10 feet wide.
- (7) Service and loading areas. Service and loading areas shall be screened, using a combination of fencing and/or landscaping, from adjacent residential properties.
- (8) Site plan review. All uses shall be subject to site plan review, unless explicitly exempted in this chapter.
- (9) Sale of goods produced in the C-1, C-2, or C-3 district. Goods produced within the C-1, C-2, or C-3 districts shall be sold primarily on the premises where they are produced.

- (10) Outdoor uses prohibited. Unless specifically permitted, all uses shall be conducted within completely enclosed buildings.
- (11) Storage of dangerous materials prohibited. The storage of dangerous flammable, toxic, or explosive materials shall be prohibited except as allowed by law for the use permitted in the district.
- (12) Landscaping. Landscaping shall be maintained in accordance with plans approved by the Director of Community Planning and Development.
- (13) Building perimeter landscaping. An area equal to four feet multiplied by the perimeter of the building in feet shall be incorporated either at the building or elsewhere on the site, as approved by the Director of Community Planning and Development during site plan review. A combination of plant material consisting of trees, shrubs, vines, and ground cover shall be the primary component within the perimeter landscape area to accent architectural features. This section replaces § **86-758(2)** for the C-1, C-2, or C-3 districts.
- (14) Lighting. Lighting shall be arranged such that no illumination shall adversely affect the welfare of an adjacent property or traffic on the adjacent streets. The applicant may be required to submit a lighting plan indicating the location, size, style, and candle power of the proposed fixtures for review and approval by the Director of Community Planning and Development. Flashing lights shall not be permitted.
- (15) Refuse containers. All refuse containers, including trash and recycling containers, shall be enclosed on all four sides by a screening device approved by the Director of Community Planning and Development, subject to the following provisions:
 - a. For existing uses receiving a certificate of occupancy prior to November 15, 1994, recycling containers shall be placed adjacent to other refuse containers on-site. If the Director of Community Planning and Development determines that it is not practical to place the container adjacent to other refuse containers on the site, such containers may be placed in parking areas, provided that the space used for the container shall not occupy required parking spaces and further provided that recycling containers shall be enclosed on four sides by a screening device approved by the Director of Community Planning and Development.
 - b. For uses receiving a certificate of occupancy after November 15, 1994, recycling containers shall meet the requirements of this section and the requirements for site plan review under Article II, Division 5 of this chapter.
- (16) Air conditioning units, heating oil tanks, etc. Air conditioning units, heating oil storage tanks, or similar appurtenances shall be properly screened, as approved by the Director of Community Planning and Development.
- (17) Maximum impervious surface. The maximum percentage of impervious surface permitted on a site shall be 70%. Impervious surfaces shall include all land covered with paving and buildings. The impervious surface ratio is calculated by dividing the total impervious surface by the gross area of the site. The following shall be counted as pervious surfaces:
 - a. Required perimeter landscaped buffers.
 - b. Fifty percent of on-site stormwater detention and retention basins above design level, if designed as an integral part of the site landscaping, provided that the side slope of such basins shall not be steeper than 4:1 (horizontal:vertical).
 - c. Parking lot islands and medians that are 20 feet or greater in each dimension designed and used for landscape plantings.
- (18) Noise levels. No noise exceeding 70 dBA shall be emitted, as measured from a property line.
- (19) Transition strips. A transition strip shall be required for all uses in the C-2 and C-3 commercial districts when projects are located adjacent to a residential district or when located adjacent to a

school, hospital, or other public institution. The following standards shall guide the arrangement of the transition strip:

- a. The transition strip shall be at least 100 feet in width except on any side abutting a major street or highway.
- b. No part of the transition strip shall be used for any project function other than landscaping and/or screening or pedestrian pathways.
- c. The transition strip shall contain plant materials or structural fences, or walls used separately or in combination.
- d. The plans and specifications for the gross site development shall include the proposed arrangement of such planting and structures.

(20) Performance standards for the C-1, C-2, and C-3 districts:

- a. No obnoxious, toxic, or corrosive smoke, fumes or gases shall be emitted from a use in any of these districts.
- b. No noxious matter in such quantities to produce a public nuisance or hazard beyond the lot lines shall be emitted.
- c. No dust or other particulate matter created by any operation or emanating from any stored products shall be permitted beyond the lot line.
- d. Physical vibrations humanly perceptible at or beyond the lot boundaries shall be prohibited.
- e. No operation within these districts shall engage in the production of any explosives or explosive materials. Nor shall explosive material be stored except in compliance with state, county, and local regulations as applicable.

(21) Residential structures used for commercial purposes. No structure erected for the purpose of acting as a residential dwelling or apartment shall be used for commercial or office purposes unless it can meet all commercial structure standards of the state construction code. These restrictions are not applicable to legitimate home occupations as defined by this chapter. The intent of this section is to protect the safety of Township residents while allowing reasonable use of historic or otherwise sound residential structures.

§ 86-403. C-1 Commercial District.

[Code 1974, § 82-11.3; Ord. No. 2002-08, 7-16-2002; Ord. No. 2007-09, 10-14-2007; Ord. No. 2009-05, 8-2-2009; Ord. No. 2009-10, 11-22-2009]

- (a) Purposes and intent. The C-1 commercial district is intended to provide convenient day-to-day retail and personal services to persons living in adjacent residential areas with a minimum impact upon surrounding residential development. Uses within the district shall be limited to those necessary to satisfy basic shopping or service needs which, by their nature and size, are not related to community or regional level shopping patterns. It is further intended that this district encourage the concentration of local business areas in locations that promote the best use of land, avoiding strip business frontage development and allowing easy access by all persons regardless of vehicular availability. This section applies to the C-1 district.
- (b) Standards applying to all C-1 uses:
 - (1) Minimum lot area: 4,000 square feet.
 - (2) Minimum lot width: 50 feet.
 - (3) Side and rear setback adjacent to a residential district. No building, parking, access drives, or other structures shall be less than 50 feet from a residential district, except a thirty-five-foot

setback shall be required if a screen comprised of a double row of interlocking trees or the equivalent is provided in addition to normal landscape requirements.

- (4) Off-street parking and loading:
 - a. No parking shall be permitted in the required front setback.
 - b. Off-street parking may be reduced by one space for every one space of public on street parking available within 750 feet of the entrance. On-street parking located in front of residential properties shall not be counted toward the parking requirement for nonresidential uses.
 - (5) Color and texture of material of rear and side of buildings. Rear and sides of buildings which abut residential properties shall be finished with materials that in color and texture resemble the front of the building or blend with the landscaping.
 - (6) Pedestrian and bicycle pathways. Where feasible, pathways for pedestrians and bicycles shall connect projects in the C-1 district to adjacent residential neighborhoods.
 - (7) Location in freestanding buildings. Uses may be located in separate freestanding buildings, provided the style and building materials used create a uniform architectural theme.
 - (8) Business hours. Business hours shall be limited to 6:00 a.m. to 12:00 midnight seven days a week, except emergency medical clinics may be open 24 hours. All other uses may operate between the hours of 12:00 midnight and 6:00 a.m. if granted a special use permit by the Planning Commission in accordance with § **86-124** through § **86-128** of the Code of Ordinances.
[Amended 1-15-2013 by Ord. No. 2013-01]
 - (9) Limitation on business types. All business establishments shall be retail or service establishments dealing directly with customers.
 - (10) Lighting. In addition to Subsection **86-402(14)**, freestanding illumination shall not exceed 20 feet in height.
- (c) Uses permitted by right.
- (1) Banks, credit unions, savings and loan establishments.
 - (2) Instructional centers for business, trade, music, art, dance, craft, martial arts, or other places of instruction.
 - (3) Offices of professionals licensed by the State of Michigan to treat human patients such as, but not limited to, chiropractors, dentists, dietitians/nutritionists, massage therapists, occupational therapists, optometrists, osteopaths, physical therapists, physicians, podiatrists and psychologists. This shall not include facilities accommodating overnight patients.
 - (4) Offices.
 - (5) Personal service establishments which perform services on the premises such as, but not limited to, barber or beauty shops, repair shops (jewelry, electronic, shoe, small appliances, etc.), pharmacies, tailor shops, laundries and dry cleaners, with the exception of dry cleaning plants, and self-service laundries.
 - (6) Restaurants or other eating establishments which serve food or beverages for consumption on the premises or for carryout. This shall not include drive-through restaurants. An outdoor eating area is allowed by right, subject to site plan review. The outdoor seating area shall be either attached to or be immediately adjacent to the principal building to which the outdoor seating area is accessory.
 - (7) Retail food establishments for consumption off the premises.

- (8) Retail merchandise establishments, selling principally new merchandise. Uses in this category include, but are not limited to, pharmacies, variety, dry goods, notions, clothing, music, and book stores which supply goods on the premises.
 - (9) Health and physical fitness establishments.
[Added 1-15-2013 by Ord. No. 2013-01]
- (d) Permitted conditional uses.
- (1) Child care centers, provided:
[Amended by Ord. No. 2014-07, 12-9-2014]
 - a. Such uses shall be licensed by the State of Michigan.
 - b. Such uses shall maintain an on-site screened and fenced outdoor play area equal to a size required by the state. Play areas shall be separated from streets, access drives, and parking areas with a landscaped buffer at least 20 feet in width.
 - c. Twenty percent, but no fewer than two, of all required parking spaces shall be clearly marked for drop-off and pickup and shall be located as close as possible to the front entrance to minimize the necessity for children to cross a parking lot or driveway.
 - (2) Adult care centers. Adult care centers, provided structures and sites meet all current building, residential, fire and property maintenance codes as adopted by the Township.
[Added by Ord. No. 2014-07, 12-9-2014^[1]
[1] Editor's Note: This ordinance also provided for the renumbering of former Subsections (d)(2) and (3) as Subsections (d)(3) and (4).
 - (3) Small animal veterinary clinics, provided:
 - a. The building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to surrounding properties.
 - b. Boarding of small animals shall be permitted as an accessory to the principal use, except all boarding shall be conducted within a wholly enclosed building.
 - c. A veterinary clinic or hospital may provide one apartment within the building for a live-in caretaker.
 - (4) Temporary outdoor uses including, but not limited to, the sale of Christmas trees, shrubbery, flowers, fruits and vegetables, special sidewalk sales, or short-term promotional activities (motor vehicle sales are excluded from this use), provided:
 - a. All such outdoor uses must be approved in advance by the Director of Community Planning and Development.
 - b. Upon approval, a permit shall be issued to the applicant specifying the terms, conditions, and time limitations of the activity.
 - c. A fee, established by the schedule of fees promulgated under this chapter, shall be paid upon issuance of the permit.
 - d. Temporary outdoor uses shall not be subject to site plan review.
- (e) Uses permitted by special use permit:
- (1) Drive-through banking services such as teller windows and automatic teller machines, provided the following conditions are met. The Planning Commission may impose additional conditions and safeguards when deemed necessary.
 - a. Twenty-four-hour drive-through services shall not be located in a yard immediately adjacent to a residential zoning district.

- b. No more than two such windows shall be permitted on a site.
- (2) Public or private utility buildings and structures except those with storage yards.
- (3) Social institutions, neighborhood centers, and clubhouses. No outdoor uses shall be permitted.
- (4) Any building or group of buildings with a combined gross floor area of greater than 25,000 square feet and located on a lot.
- (5) Gasoline stations, exclusive of repair service or car wash facilities, subject to the following conditions:
 - a. No gasoline station shall have more than 10 vehicle fueling stations.
 - b. Any building, gas island, air compressors, tire filling stations, or similar equipment shall be set back a minimum of 150 feet from an abutting residential district line.
 - c. The site shall accommodate safe internal vehicle circulation.
 - d. Setbacks for vehicle fueling stations, and similar equipment, shall be a minimum of 20 feet from any right-of-way line. Gasoline pump islands, and similar equipment shall be a minimum of 25 feet from a side or rear property line.
 - e. There shall be no outdoor displays of items for sale, such as tires, tractors, lawnmowers, or other materials, except that supplies intended to be provided to customers directly, such as oil or windshield washer fluid, may be displayed on the pump islands.
 - f. Storage of flammable products. Outside aboveground tanks for the storage of gasoline, oil or other flammable liquids or gases for sale, other than liquefied petroleum gas, shall be prohibited at any gasoline service station.
- (6) Uses operating between the hours of 12:00 midnight and 6:00 a.m.
[Added Ord. No. 2013-01, 1-15-2013]

§ 86-404. C-2 Commercial District.

[Code 1974, § 82-11.4; Ord. No. 2002-04, 4-16-2002; Ord. No. 2005-01, 1-30-2005; Ord. No. 2005-04, 3-13-2005; Ord. No. 2007-09, 10-14-2007; Ord. No. 2008-02, 2-17-2008; Ord. No. 2009-05, 8-2-2009; Ord. No. 2009-10, 11-22-2009]

- (a) Purpose and intent. The C-2 commercial district is established for the accommodation of those commercial and business service activities that serve a community level trade area. Patrons would have the option of walking or using private or public transportation to reach the destination. Such activities require land and structure uses that are typically compact and densely grouped generating a larger volume of pedestrian and vehicular traffic than expected in the C-1 district. It is the purpose of these regulations to permit the establishment of a wide variety of business enterprise types in this district. This section applies to the C-2 district.
- (b) Standards applying to all C-2 commercial uses.
 - (1) Minimum lot area: 4,000 square feet.
 - (2) Minimum lot width: 100 feet.
 - (3) Side and rear setback adjacent to a residential district. No building, parking, access drive, or other structure shall be less than 100 feet from a residential district line, except a sixty-foot setback shall be required if screening that incorporates a double row of interlocking trees, primarily evergreens, or the equivalent in addition to general screening standards.
- (c) Uses permitted by right.

- (1) Any combination of uses permitted in the district when located in a building or group of buildings with a maximum combined gross floor area of 25,000 square feet and located on a lot.
 - (2) Banks, credit unions, and savings and loan establishments.
 - (3) Instructional centers for business, trade, music, art, dance, craft, martial arts, or other places of instruction.
 - (4) Churches or similar places of worship.
 - (5) Community centers; indoor recreation such as bowling alleys, billiard rooms, tennis facilities; and health and physical fitness establishments.
 - (6) Libraries, post offices, fire and police stations, and similar public service buildings.
 - (7) Offices of professionals licensed by the State of Michigan to treat human patients such as, but not limited to, chiropractors, dentists, dietitians/nutritionists, massage therapists, occupational therapists, optometrists, osteopaths, physical therapists, physicians, podiatrists and psychologists. This shall not include facilities accommodating overnight patients.
 - (8) Offices.
 - (9) Personal and business service establishments which perform services on the premises such as, but not limited to, barber shops, or hair salons, repair shops (shoe, electronic, small appliance, jewelry, etc.), tailor shops, laundries and dry cleaners (with the exception of dry cleaning plants), and self-service laundries, printing, including publishing, photographic reproduction, blueprinting and related trades and arts.
 - (10) Restaurants or other eating establishments which serve food and may serve alcoholic beverages for consumption on the premises or for carryout. This shall not include drive-through type restaurants. An outdoor eating area is allowed by right, subject to site plan review. The outdoor seating area shall be either attached to or be immediately adjacent to the principal building to which the outdoor seating area is accessory.
 - (11) Retail establishments selling new or used merchandise, except pawn shops.
 - (12) Retail food establishments, such as supermarkets which supply groceries and similar commodities for consumption off-premises.
 - (13) Social clubs and institutions and similar public and semipublic uses.
 - (14) Theaters and auditoriums. This shall not include outdoor, drive-in theaters.
- (d) Permitted conditional uses.
- (1) Bars, taverns, lounges, and brewpubs, provided the property line of such uses shall be a minimum of 500 feet from a residential property line and 100 feet from a child care center.
 - (2) Child care centers. In addition to compliance with § 86-403(d)(1), in this district the property line of a child care center shall be set back 100 feet from incompatible uses, including but not limited to gas stations, bars, taverns, and lounges.
[Amended by Ord. No. 2014-07, 12-9-2014]
 - (3) Adult care centers. Adult care centers, provided structures and sites meet all current building, residential, fire and property maintenance codes as adopted by the Township.
[Added by Ord. No. 2014-07, 12-9-2014^[1]]
[1] *Editor's Note: This ordinance also provided for the renumbering of former Subsections (d)(3) and (4) as Subsections (d)(4) and (5).*
 - (4) Small animal veterinary clinics. See § 86-403(d)(2) for conditions.

- (5) Temporary outdoor uses including, but not limited to, the sale of Christmas trees, shrubbery, flowers, fruits and vegetables, special sidewalk sales, or promotional activities. Motor vehicle sales are excluded from the use. See § 86-403(d)(4) for conditions.
- (e) Uses permitted by special use permit:
- (1) Funeral homes and mortuaries, excluding crematoriums.
 - (2) Hospitals and medical clinics providing in-patient services.
 - (3) Light manufacturing including processing, assembly, or fabrication establishments.
 - (4) Open air business uses, such as retail sales of nursery stock, lawn furniture, playground equipment, and garden supplies, provided the total sales and storage area is fenced (chain link shall not be acceptable) or otherwise enclosed in a permanent manner.
 - (5) Parking buildings or lots.
 - (6) Public or private utility buildings or structures, except those with storage yards.
 - (7) Satellite passenger bus terminals.
 - (8) Tattoo and body piercing establishments:
 - a. All operations shall be carried on inside a building and shall not be visible from the street.
 - b. Location a minimum of 500 feet from any residential district, school, church, or child care use.
 - c. Proof that all state, county, and local permitting requirements have been met.
 - (9) Any building or group of buildings with a combined gross floor area of greater than 25,000 square feet and located on a lot.
 - (10) Uses or combinations of uses permitted in the district located in a structure greater than 75,000 square feet in gross floor area. Provisions are established herein for the Township to accommodate the construction and operation of such uses to the extent and in accordance with such standards that result in the optimum future development of the Township.
 - a. Uses permitted. Any use which is permitted by right, by conditional use, or by special use permit in the C-1 or C-2 commercial district.
 - b. Site development requirements.
 1. Types of structures. All permitted activities shall be conducted entirely within a wholly enclosed permanent building, except as noted in the following:
 - i. The parking of customer and employee vehicles.
 - ii. The loading and unloading of commercial vehicles which shall take place directly into or out of a building.
 - iii. Temporary exhibitions, provided they are properly licensed as a temporary outdoor use under the provisions of this Code of Ordinances.
 - iv. Gasoline service stations, provided they comply with all design requirements of this Code of Ordinances.
 2. Minimum lot area: five acres.
 3. Minimum lot frontage: 300 feet.
 - (11) Banks, credit unions, savings and loan establishments with a maximum of five drive-through lanes.

- (12) Restaurants or other eating establishments with drive-through facilities which serve food and may serve alcoholic beverages for consumption on the premises or for carryout.
- (13) Drive-in or drive-through uses.
- a. Standards applying to all drive-in or drive-through uses:
1. Side and rear yards shall be at least 20 feet, except that all buildings shall be located in accordance with the Master Plan for Major Streets and Highways, Meridian Charter Township, Ingham County, Michigan for established setbacks. This subsection does not apply to drive-in uses adjacent to residential districts.
 2. Screening:
 - i. Screening shall be provided to a height acceptable to the Director of Community Planning and Development along all property lines abutting a residential district and sufficient to visibly obscure adjoining uses. Fences and walls shall not exceed six feet.
 - ii. No screening shall be closer than 30 feet to the nearest edge of any street right-of-way.
- b. Standards applying to gasoline and automobile service stations, and oil change establishments.
1. No gasoline service station shall have more than 10 vehicle fueling stations.
 2. Any building, gas island, air compressors, tire filling stations, vacuum cleaners, or similar equipment shall be set back a minimum of 300 feet from an abutting residential district line.
 3. Any building or structure shall be set back a minimum of 100 feet from the property line when adjacent to a child care center.
 4. The site shall accommodate safe internal vehicle circulation.
 5. Setbacks for vehicle fueling stations, and similar equipment, shall be a minimum of 20 feet from any right-of-way lines as specified in the Master Plan for Major Streets and Highways, Meridian Charter Township, Ingham County, Michigan. Gasoline pump islands, and similar equipment shall be a minimum of 25 feet from a side or rear property line.
 6. Off-street vehicle storage. No outdoor storage of wrecked or partially dismantled vehicles shall be permitted unless such vehicles are required to be temporarily stored for a period of time by police or court order. All such storage facilities shall be screened or shielded, in accordance with the special use permit.
 7. All activities, except routine maintenance performed at the fuel pump shall be carried on entirely within a building.
 8. There shall be no outdoor displays of items for sale, such as tires, tractors, lawnmowers, or other materials, except that supplies intended to be provided to customers directly, such as oil or windshield washer fluid, may be displayed on the pump islands.
 9. The extensive physical modification of vehicles shall not be permitted in a gasoline service station.
 10. Storage of flammable products. Outside aboveground tanks for the storage of gasoline, oil or other inflammable liquids or gases for sale, other than liquefied petroleum gas, shall be prohibited at any gasoline service station.

- c. Standards applying only to drive-in car washes, automatic and self-service:
 - 1. In self-service car washes, no equipment, such as a vacuum cleaner, shall be located in the front yard.
 - 2. Buildings shall be set back a minimum of 500 feet from an abutting residential district.
 - 3. Storage of flammable products. Outside aboveground tanks for the storage of gasoline, oil or other flammable liquids or gases, other than liquid petroleum gas, for sale shall be prohibited.
 - 4. Car washes, including self-service types, shall not be allowed to operate so as to adversely affect the adjacent residential properties and surrounding area.
- d. All other drive-in or drive-through facilities. For all other drive-in or drive-through facilities, excluding drive-in theaters, service may be in automobiles, but all other activities must be totally within a building. Such facilities shall receive review under the provisions of Article II, Division 5, of this chapter and the approval of the Planning Commission. All standards applicable to the district in which the use is located shall also be met.

(14) Hotels or motels.

- a. Standards applying to hotels and motels in the C-2 district:
 - 1. Access to the site containing the hotel or motel shall be from a street designated as a minor or principal arterial in § **86-367** of the Code of Ordinances or by means of a street designed for the purpose of serving a commercial development.
 - 2. Ancillary guest services such as, but not limited to maid and linen service, telephone/fax/e-mail, continental breakfast, meeting rooms, banquet room/hall, gift shop, restaurant and lounge, and recreation and fitness facilities shall be allowed in conjunction with an approved hotel or motel.
 - 3. None of the guest rooms or suites shall be occupied as an apartment or primary residence with an exception for one resident manager/owner, who may reside in a dwelling located within the hotel or motel.
 - 4. The hotel or motel shall be setback a minimum of 150 feet from any adjacent residential zoning district, except a one-hundred-foot setback shall be required if the screening that incorporates a double row of interlocking trees, primarily evergreens, or the equivalent is provided in addition to the general screening standards.
 - 5. The minimum parcel size shall be 2.5 acres.

(15) Enclosed climate controlled storage facilities.

- a. Standards applying to enclosed climate controlled storage facilities in the C-2 district:
 - 1. No trucks shall be allowed to park overnight or idle their engines on the site.
 - 2. There shall be no outside storage. All items warehoused or stored on the property shall be within an enclosed building that is climate controlled. The building shall have a maximum of two loading/unloading doors, plus one additional loading dock and door for oversized vehicles located at the rear of the building's facade, or the facade that is least visible from the public street.
 - 3. All mechanical, heating, ventilation, and air conditioning (HVAC) and like systems shall be screened from street level view on all sides, or property line where streets are not present, by an opaque structure made to match the building.

4. The dumpster enclosure shall be located adjacent to the building and shall be screened on all four sides, with three sides containing similar building materials made to match the building. Unique site circumstances may necessitate the dumpster to be located away from the building, in which the location shall be subject to the review and approval of the Director of Community Planning and Development.
5. The building, equipment, and off-street parking area on the site shall be properly screened from adjoining properties, especially residentially zoned properties, and the use of natural screening materials shall be required.
6. Building materials shall include, but are not limited to, wood, brick, clapboards, beadboard, glass, and stone. Materials such as vinyl, aluminum and other metal sidings shall be avoided.
7. The buildings shall be designed so that exterior materials are consistent with and are sensitive to nearby historical features, blend with facades of adjacent buildings and complement streetscape improvements in the area.
8. Interior doors shall not be visible from outside of the enclosed climate controlled storage facility.
9. When located adjacent to a residential zoning district, enclosed climate controlled storage facilities shall be setback a minimum of 200 feet from all residential zoning district lines and include a double row of evergreens for screening.
10. When the boundary of the C-2 (Commercial) zoned lot or parcel on which the enclosed climate controlled storage facility is located is separated from a residential zoning district by a railroad, river, or public road, the 200 foot setback and double row of evergreens shall not be required.

(16) New automobile dealerships, subject to the following:

[Amended 5-6-2021 by Ord. No. 2021-02]

- a. Minimum lot size: four acres.
- b. Vehicle service and repair and used automobile sales shall be permitted ancillary uses to the principal new automobile sales use.
- c. Body shops shall not be a permitted ancillary use.

(17) Outdoor recreation, such as, but not limited to, batting cages and court games, such as basketball and volleyball, when ancillary to a bowling alley, indoor recreation facility, or health and physical fitness establishment.

[Added 7-24-2018 by Ord. No. 2018-08]

§ 86-405. C-3 Commercial District.

[Code 1974, § 82-11.5; Ord. No. 2002-04, 4-16-2002; Ord. No. 2005-01, 1-30-2005; Ord. No. 2005-04, 3-13-2005; Ord. No. 2009-05, 8-2-2009]

- (a) Purpose. The C-3 district is established for the accommodation of those retail and business service activities that serve the whole community and the metropolitan region. Such activities require land and structure uses that are typically large in scale and densely grouped generating a large volume of primarily vehicular traffic. It is the purpose of these regulations to permit the establishment of a wide variety of business enterprise types in this district. This section applies to the C-3 district.
- (b) Standards applying to all C-3 commercial uses.
 - (1) Minimum lot area: 10,000 square feet, except where otherwise specified.

- (2) Minimum lot width: 100 feet, except where otherwise specified.
 - (3) Side and rear setback adjacent to a residential district. Two hundred fifty feet for all buildings, parking, access drive, or other structures. Screening shall be incorporated into the setback.
- (c) Uses permitted by right.
- (1) Any use or combination of uses permitted by right in the C-1, C-2, or C-3 commercial districts, regardless of size, when located in a building or group of buildings with a maximum combined gross floor area of 25,000 square feet and located on a lot.
 - (2) Accessory structures and uses customarily incidental to the permitted uses in subsection (1) of this section.
 - (3) Athletic clubs and health spas customarily consisting of facilities intended for fitness, recreation, and/or therapeutic purposes including, but not limited to, one or more of court games, swimming pools and whirlpools, exercise and physical therapy equipment, steam and sauna baths, and group exercise and/or dance facilities along with ancillary facilities and services. Athletic clubs and health spas with outdoor athletic and recreation facilities shall require a special use permit when the outdoor athletic and recreation facilities are located less than 500 feet from a residential district.
 - (4) Building supply and equipment and hardware stores.
 - (5) Concert halls and similar places of assembly.
 - (6) Funeral homes and mortuaries, excluding crematoriums.
 - (7) Hospitals, medical clinics, and ambulance services.
 - (8) Indoor recreation establishments, such as bowling alleys, billiard rooms, tennis facilities, and similar uses.
 - (9) ^[1]Museums and art galleries.
[1] Editor's Note: Former Subsection (c)(9), which pertained to motor vehicle sales and service establishments, was repealed 5-6-2021 by Ord. No. 2021-02, which ordinance also redesignated former Subsection (c)(10) through (13) as Subsection (c)(9) through (12), respectively.
 - (10) Parking buildings or lots.
 - (11) Printing, photographic reproduction, blue printing and related trades and arts but excluding book, newspaper, and magazine publishing and similar publishing services.
 - (12) Sales and fabrication of stone monuments.
- (d) Permitted conditional uses.
- (1) All conditional uses permitted in the C-2 commercial district.
 - (2) Manufacturing and processing establishments selling their entire output at retail on the premises.
 - (3) Open air business, uses such as retail sales of nursery stock, lawn furniture, playground equipment, and garden supplies, provided the total sales and storage area is fenced (chain link shall not be acceptable) or otherwise enclosed in a permanent manner.
 - (4) Public and private utility structures, except those with storage yards, provided an obscuring wall or fence or landscaped buffer shall be installed to serve as a buffer between the utility and adjacent uses.
- (e) Uses permitted by special use permit.

- (1) Boat, recreational vehicle, and mobile home sales, rental, repair, and display outdoors, provided the outdoor area is paved and properly drained. Dismantled or inoperative vehicles, if stored on-site, shall be within a wholly enclosed building or outside provided the area is enclosed by a solid fence.
- (2) Equipment or other rental type business that displays items for rent outside a building.
- (3) Hotels or motels.
 - a. Standards applying to hotels and motels in the C-3 district:
 1. Access to the site containing the hotel or motel shall be from a street designated as a minor or principal arterial in § **86-367** of the Code of Ordinances or by means of a street designed for the purpose of serving a commercial development.
 2. Ancillary guest services such as, but not limited to maid and linen service, telephone/fax/e-mail, continental breakfast, meeting rooms, banquet room/hall, gift shop, restaurant and lounge, and recreation and fitness facilities shall be allowed in conjunction with an approved hotel or motel.
 3. None of the guest rooms or suites shall be occupied as an apartment or primary residence with an exception for one resident manager/owner, who may reside in a dwelling located within the hotel or motel.
- (4) Enclosed climate controlled storage facilities.
 - a. Standards applying to enclosed climate controlled storage facilities in the C-3 district:
 1. No trucks shall be allowed to park overnight or idle their engines on the site.
 2. There shall be no outside storage. All items warehoused or stored on the property shall be within an enclosed building that is climate controlled. The building shall have a maximum of two loading/unloading doors, plus one additional loading dock and door for oversized vehicles located at the rear of the building's facade, or the facade that is least visible from the public street.
 3. All mechanical, heating, ventilation, and air conditioning (HVAC) and like systems shall be screened from street level view on all sides, or property line where streets are not present, by an opaque structure made to match the building.
 4. The dumpster enclosure shall be located adjacent to the building and shall be screened on all four sides, with three sides containing similar building materials made to match the building. Unique site circumstances may necessitate the dumpster to be located away from the building, in which the location shall be subject to the review and approval of the Director of Community Planning and Development.
 5. The building, equipment, and off-street parking area on the site shall be properly screened from adjoining properties, especially residentially zoned properties, and the use of natural screening materials shall be required.
 6. Building materials shall include, but are not limited to, wood, brick, clapboards, beadboard, glass, and stone. Materials such as vinyl, aluminum and other metal sidings shall be avoided.
 7. The buildings shall be designed so that exterior materials are consistent with and are sensitive to nearby historical features, blend with facades of adjacent buildings and complement streetscape improvements in the area.
 8. Interior doors shall not be visible from outside of the enclosed climate controlled storage facility.

9. When located adjacent to a residential zoning district, enclosed climate controlled storage facilities shall be constructed as part of an existing or proposed multiple-tenant retail center, shall be setback a minimum of 200 feet from all residential zoning district lines and include a double row of evergreens for screening.
 10. When the boundary of the C-3 (Commercial) zoned lot or parcel on which the enclosed climate controlled storage facility is located is separated from a residential zoning district by a railroad, river, or public road, the 200 foot setback and double row of evergreens shall not be required.
- (5) Ministorage establishments, such as the warehousing and storage of personal property, motor vehicles, boats, motor homes, furniture, and similar noncommercial property, provided:
 - a. The use would not be objectionable because of sights, sounds, odors or traffic congestion.
 - b. The ministorage facility is either located behind other commercial buildings that are adjacent to the street or shall meet screening and landscaping requirements. In order to assure continued adequate access to the ministorage facility, the Planning Commission may require dedication of a permanent easement or right-of-way or vehicular access.
 - (6) Outdoor recreation and physical fitness areas when associated with indoor athletic clubs and health facilities.
 - (7) Passenger terminals for bus or other public transit except airports.
 - (8) Any building or group of buildings with a combined gross floor area of greater than 25,000 square feet and located on a lot.
 - (9) Any use or combination of uses located in a structure larger than 100,000 square feet in gross floor area. Provisions are established in this section for the Township to accommodate the construction and operation of such uses to the extent and in accordance with such standards that result in the optimum future development of the Township.
 - a. Site development uses permitted. Any use permitted by right or by special use permit in the C-1 or C-2 commercial district.
 - b. Site development requirements:
 1. Types of structures. All permitted activities shall be conducted entirely within a wholly enclosed permanent building, except as noted in the following:
 - i. The parking of customers and employees' vehicles.
 - ii. The loading and unloading of commercial vehicles which shall take place directly into or out of a building.
 - iii. Temporary exhibitions, provided they are properly licensed as a temporary outdoor use under the provisions of this chapter.
 - iv. Gasoline service stations, provided they comply with all design requirements of this Code of Ordinances.
 2. Minimum lot area: five acres.
 3. Minimum lot frontage: 300 feet.
 - (10) Adult bookstores, adult motion picture theaters, adult mini-motion-picture theaters, except that no building or land, and no building hereafter erected, converted, or structurally altered, shall be used as an adult bookstore, adult motion picture theater, or adult mini-motion-picture theater if that building or land is located within 400 feet of the property line of any residentially zoned district as defined in this chapter or within 2,640 feet of any public school building or

facility, and except that no adult bookstore, adult motion picture theater, or adult mini-motion-picture theater shall be located within 800 feet of any other establishment that is an adult bookstore, adult motion picture theater, or adult mini-motion-picture theater.

a. Definitions. As used in this subsection:

1. Adult bookstore means an establishment that has, as a substantial or significant portion of its stock in trade, sexual paraphernalia, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films, and/or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity, sadomasochistic abuse or sexual conduct.
2. Adult motion picture theater means an establishment, whether in a completely enclosed building or not, that offers, for an admission fee, membership fee, or other valuable consideration, the viewing during more than 25% of its operating hours of motion picture films, pictures or photographs which are distinguished or characterized by their emphasis on nudity, sadomasochistic abuse, or sexual conduct.
3. Adult theater means an enclosed building or any portion of a building which is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct, nudity, or sadomasochistic abuse by any means of display, including, without limitation, by motion picture, mechanical amusement devices, television, including videotape or closed circuit, or live performance for observation by patrons therein.
4. Nudity means uncovered or less than opaquely covered postpubertal human male or female genitals, pubic areas or buttocks.
5. Sadomasochistic abuse means flagellation or torture by or upon a human.
6. Sexual conduct means any of the following actual or simulated acts of:
 - i. Human sexual intercourse, homosexual or heterosexual;
 - ii. Human or animal masturbation;
 - iii. Bestiality;
 - iv. Fellatio;
 - v. Cunnilingus; or
 - vi. Human excretory functions.

b. Purpose. In addition to the purpose expressed as the purpose of this chapter, the purpose of the locational requirements of this section is to prevent crime, protect and preserve the quality of life in the Township's retail trade; to maintain property values; to protect and preserve the quality of life in the Township; to preserve areas frequented by children from increased criminal activity and increased blight or other neighborhood deterioration; and to prevent the blighting, downgrading, and deterioration of residential neighborhood and commercial districts.

(11) Banks, credit unions, savings and loan establishments with drive-through facilities.

(12) Restaurants or other eating establishments with drive-through facilities which serve food and may serve alcoholic beverages for consumption on the premises or for carryout.

(13) Drive-in or drive-through uses.

a. Standards applying to all drive-in or drive-through uses.

1. Side and rear yards shall be at least 20 feet, except that all buildings shall be located in accordance with the Master Plan for Major Streets and Highways, Meridian Charter Township, Ingham County, Michigan for established setbacks. This subsection does not apply to drive-in uses adjacent to residential districts.
2. Screening.
 - i. Screening shall be provided to a height acceptable to the Director of Community Planning and Development along all property lines abutting a residential district and sufficient to visibly obscure adjoining uses. Fences and walls shall not exceed six feet.
 - ii. No screening shall be closer than 30 feet to the nearest edge of any street right-of-way.
- b. Standards applying to gasoline and automobile service stations, and oil change establishments.
 1. No gasoline service station shall have more than 10 vehicle fueling stations.
 2. Any building, gas island, air compressors, tire filling stations, vacuum cleaners, or similar equipment shall be set back a minimum of 300 feet from an abutting residential district line.
 3. Any building or structure shall be set back a minimum of 100 feet from the property line when adjacent to a child care center.
 4. The site shall accommodate safe internal vehicle circulation.
 5. Setbacks for vehicle fueling stations, and similar equipment, shall be a minimum of 20 feet from any right-of-way lines as specified in the Master Plan for Major Streets and Highways, Meridian Charter Township, Ingham County, Michigan. Gasoline pump islands, and similar equipment shall be a minimum of 25 feet from a side or rear property line.
 6. Off-street vehicle storage. No outdoor storage of wrecked or partially dismantled vehicles shall be permitted unless such vehicles are required to be temporarily stored for a period of time by police or court order. All such storage facilities shall be screened or shielded, in accordance with the special use permit.
 7. All activities, except routine maintenance performed at the fuel pump shall be carried on entirely within a building.
 8. There shall be no outdoor displays of items for sale, such as tires, tractors, lawnmowers, or other materials, except that supplies intended to be provided to customers directly, such as oil or windshield washer fluid, may be displayed on the pump islands.
 9. The extensive physical modification of vehicles shall not be permitted in a gasoline service station.
 10. Storage of flammable products. Outside aboveground tanks for the storage of gasoline, oil or other inflammable liquids or gases for sale, other than liquefied petroleum gas, shall be prohibited at any gasoline service station.
- c. Standards applying only to drive-in car washes, automatic and self-service.
 1. In self-service car washes, no equipment, such as a vacuum cleaner, shall be located in the front yard.
 2. Buildings shall be set back a minimum of 500 feet from an abutting residential district.

3. Storage of flammable products. Outside aboveground tanks for the storage of gasoline, oil or other flammable liquids or gases, other than liquid petroleum gas, for sale shall be prohibited.
 4. Car washes, including self-service types, shall not be allowed to operate so as to adversely affect the adjacent residential properties and surrounding area.
- d. All other drive-in or drive-through facilities. For all other drive-in or drive-through facilities, excluding drive-in theaters, service may be in automobiles, but all other activities must be totally within a building. Such facilities shall receive review under the provisions of Article II, Division 5, of this chapter and the approval of the Planning Commission. All standards applicable to the district in which the use is located shall also be met.
- (14) Outdoor recreation, such as, but not limited to, batting cages and court games, such as basketball and volleyball, when ancillary to a bowling alley, indoor recreation facility, or health and physical fitness establishment.
[Added 7-24-2018 by Ord. No. 2018-08]
- (15) Motor vehicle sales and service establishments, provided the outdoor area is paved and properly drained. Dismantled or inoperative vehicles, if stored on-site, shall be within a wholly enclosed building or outside, provided the area is enclosed by a solid fence. In addition to the requirements of Subsection 86-402(1)b, uses in this category shall be set back a minimum of 50 feet along side and rear property lines adjacent to other nonresidential uses.
[Added 5-6-2021 by Ord. No. 2021-02]
- (16) New automobile dealerships, and used automobile dealerships, subject to the following:
[Added 5-6-2021 by Ord. No. 2021-02]
- a. Minimum lot size: four acres.
 - b. Vehicle service and repair and used automobile sales shall be permitted ancillary uses to the principal new automobile sales use.
 - c. Body shops shall not be a permitted ancillary use.

§ 86-406. through § 86-430. (Reserved)

DIVISION 4. Other Districts

§ 86-431. MP District: Mobile Home Park District.

[Code 1974, § 82-9]

- (a) Purpose. In recognition of the growing trend towards mobile homes and the need for well-located, properly developed sites to accommodate them, the MP district is established for the purpose of authorizing the establishment and construction of facilities for a group of mobile homes, such a facility to be referred to in this section as a mobile home park. This section applies to such district.
- (b) Uses permitted by special use permit. Any mobile home park may include any or all of the following uses:
 - (1) Mobile homes, as defined in this chapter.
 - (2) One office building, exclusively for conducting the business operations of the mobile home park.
 - (3) Utility buildings for laundry facilities and auxiliary storage space for mobile home tenants.

- (4) Recreation area, playgrounds and open space for use by tenants.
 - (5) Such accessory buildings and uses as are customarily incidental to the permitted principal uses; provided, that this shall not be construed to imply the sale of mobile home units, except by the individual owner, or the servicing of mobile homes units, except as is required for normal maintenance by the individual owners.
 - (6) Signs pertaining exclusively to the mobile home park are permitted in accordance with the provisions of Subsection **86-685(d)**.
 - (7) A minimum of two parking spaces, at least 10 feet wide and 20 feet deep, shall be provided for every mobile home unit. No parking shall be permitted on any street or access land. Refer to Article **VIII** of this chapter.
- (c) Site development requirements. In addition to the following requirements, all mobile home parks must comply with the regulations as stated in Chapter **42**, Article **II**, and any other applicable state and Township ordinances.
- (1) Site size. Minimum size for a mobile home park shall be 20 acres. Maximum size shall not exceed 300 mobile home sites for each special use permit.
 - (2) Site location. Mobile home parks shall be permitted only in those portions of the Township zoned MP mobile home park which are located on or near a street with a functional classification of principal or minor arterial as designated in § **86-367**. The location of a mobile home park must be reasonably near the existing community utilities and facilities services. The location of a mobile home park shall not have an adverse affect on the proper functioning of community facilities and utilities systems, which shall include consideration of, but not limited to, the following: roads, sanitary sewer, water, storm drainage, police protection, fire protection, and the educational system. In general, the location of a mobile home park shall have no adverse affect on the health, safety, or welfare of the Township which is deemed to include the efficient, aesthetic, economic, and orderly growth of the community.
- (d) Miscellaneous. No structure erected for the purpose of acting as a residential dwelling or apartment shall be used for commercial or office purposes unless it can meet all commercial structure standards of the state building code and unless a special use permit is obtained from the Planning Commission. These restrictions are not applicable to legitimate home occupations as defined by this chapter. The intent of this section is to protect the safety of Township residents while allowing reasonable use of historic or otherwise sound residential structures.

Cross reference: Mobile home parks, § **42-26** et seq.

§ 86-432. PO District: Professional and Office District.

[Code 1974, § 82-10; Ord. No. 2007-14, 11-25-2007; Ord. No. 2009-07, 8-30-2009; Ord. No. 2010-02, 2-28-2010]

- (a) Purpose. The PO District is intended to accommodate those nonresidential uses of an administrative or professional nature which are necessary to the normal conduct of a community's activities. It is specifically designed, however, to prohibit the introduction of commercial establishments of a retail nature, or other activities which require the constant visits of the general public. This section applies to such district.
- (b) Uses permitted. The following types of commercial activities may be permitted, provided that only public sanitary sewerage will be utilized. All of the following uses permitted must be conducted wholly in a permanent, fully enclosed building:
 - (1) Offices of professionals licensed by the State of Michigan to treat human patients such as, but not limited to, chiropractors, dentists, dietitians/nutritionists, massage therapists, occupational therapists, optometrists, osteopaths, physical therapists, physicians, podiatrists and

- psychologists. This shall not include facilities accommodating overnight patients or providing secondary services not specifically listed as permitted.
- (2) Hospitals, medical clinics, and veterinary clinics, provided that all activities are carried out within a building and that no objectionable sights, sounds, or odors are produced which may be discernable at the property lines.
 - (3) Offices of architects, engineers, urban planners, and artists and others employed in the graphic arts.
 - (4) 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.
 - (5) Research laboratories, provided that no heavy mechanical equipment is used in the normal operation of the laboratories and provided that the character of its research would not make it objectionable because of sights, sounds, odors, and traffic congestion produced.
 - (6) Religious institutions, except when located adjacent to a one-family or two-family residential zoning district (RRR, RR, RRA, RAAA, RAA, RA, RB, and RX).
- (c) Uses permitted by special use permit.
- (1) Child care centers.
 - (2) Funeral homes and mortuaries, subject to the following:
 - a. Adequate assembly area shall be provided on the site for vehicles to be used in funeral processions. Automobile assembly areas may be counted toward the parking requirement provided the standards of Article **VI** of this chapter governing parking lot design, construction, and landscaping are met.
 - b. A caretaker's residence may be provided within the main building of mortuary establishments as an accessory use.
 - (3) The following uses may be permitted by special use permit when deemed appropriate to the primary use of the land or structure:
 - a. Drug store.
 - b. Barber or beauty shop.
 - c. Restaurant, provided there are no drive-in or drive-through type facilities associated with it.
 - d. Public utility structures, publicly owned and operated buildings and uses.
 - (4) Religious institutions, when located adjacent to a one-family or two-family residential zoning district (RRR, RR, RRA, RAAA, RAA, RA, RB, AND RX), subject to the following site location and development standards:
 - a. Minimum lot area: two acres.
 - b. Minimum yard dimensions.
 1. Front yards. In accordance with § **86-367** for the type of street upon which the building faces but no closer than 50 feet to any street right-of-way line.
 2. Side and rear yards. No building shall be closer than 50 feet to any side or rear property line.
 - c. Maximum lot coverage. No more than 25% of the lot shall be covered by buildings.

- d. Maximum building height. As permitted in the adjacent residential district unless the building setback is one additional foot for each foot of additional height above the height limitation.
 - e. Access. Motor vehicle ingress and egress should be from a street designated in § **86-367** as an arterial or collector street.
 - f. Site locations. Sites should be preferred that offer natural or manmade barriers that would lessen the effect of the intrusion of the nonresidential use into a residential area.
- (d) Professional/office site development requirements.
- (1) Minimum lot area: 5,000 square feet.
 - (2) Minimum lot width: 50 feet.
 - (3) Minimum yard dimensions.
 - a. Front yards. In accordance with the setback requirements of § **86-367** for the type of street upon which the lot fronts.
 - b. Side and rear yards. The principal building may be constructed on the property line if constructed with the adjacent property owner's approval at the same time as, and in conjunction, with construction of an abutting building, but if side yards or rear yards are provided, they shall be at least 15 feet.
 - c. Side and rear yards adjacent to a residential district. No structure shall be less than 50 feet from any residential district boundary line.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § **86-367** for the type of street or streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - (4) Maximum building heights: 35 feet, unless each required yard is increased one foot for every foot of height above 35 feet.
 - (5) Signs. Signs identifying any of the permitted uses in this district shall be in accordance with those requirements specified in the schedule outline in Article **VII** of this chapter.
 - (6) Off-street parking and loading requirements. Motor vehicle parking and loading, and bicycle parking requirements for this district are specified in Article **VIII** of this chapter.
 - (7) Design review. All uses in this district are subject to design review as prescribed in Article **II**, Division 5 of this chapter.
 - (8) Landscaping. Landscaping shall be maintained in all required front and side yards, in accordance with plans approved by the planning director. A landscape plan showing locations and varieties of plant materials shall be submitted for site plan review. All landscaped areas shall be planted with suitable living plant materials and replaced as necessary. Landscaped areas shall be watered, weeded, and generally maintained.
 - (9) Other requirements.
 - a. Lighting shall be accomplished in a manner such that no illumination source is visible beyond the property lines of the lot upon which the use is located, and such that no illumination shall adversely affect the welfare of an adjacent property.
 - b. Side or rear yards may not be used for storage.
 - c. All refuse containers, including trash and recycling containers, shall be enclosed on at least three sides by a screening device approved by the planning director, subject to the following provisions:

1. For existing uses receiving a certificate of occupancy prior to the effective date of this section, recycling containers shall be placed adjacent to other refuse containers on-site. If the planning director determines that it is not practical to place the container adjacent to other refuse containers on the site, such containers may be placed in parking areas, provided that the space used for the container shall not occupy required parking spaces and further provided that recycling containers shall be enclosed on three sides by a screening device approved by the planning director.
 2. For uses receiving a certificate of occupancy after the effective date of this section, recycling containers shall meet the requirements of this section and the requirements for site plan review under Article II, Division 5 of this chapter.
- d. Air conditioning units, heating oil storage tanks, or similar appurtenances shall be properly screened as approved by the Planning Commission.
- (10) Maximum impervious surface. The maximum percentage of impervious surface permitted on a site shall be 75%. Impervious surfaces shall include all land covered with paving, buildings, and other nonporous surfaces. The impervious surface ratio is calculated by dividing the total impervious surface by the gross area of the site. The following shall be counted as pervious surfaces:
- a. Required perimeter landscaped buffers.
 - b. Fifty percent of on-site stormwater detention and retention basins, if designed as an integral part of the site landscaping, provided that the side slope of such basins shall not be steeper than 4:1 (horizontal:vertical).
 - c. Parking lot islands and medians that are 20 feet or greater in each dimension.
- (e) Miscellaneous. No structure erected for the purposes of acting as a residential dwelling or apartment shall be used for commercial or office purposes unless it can meet all commercial structure standards of the state building code and unless a special use permit is obtained from the Planning Commission. These restrictions are not applicable to legitimate home occupations as defined by this chapter. The intent of this section is to protect the safety of Township residents while allowing reasonable use of historic or otherwise sound residential structures.

Cross reference: Licenses, permits, and miscellaneous regulations, ch. 38.

§ 86-433. CR District: Commercial Recreation District.

[Code 1974, § 82-12; Ord. No. 2010-02, 2-28-2010]

- (a) Purpose. The CR district is established for the accommodation of those commercial recreation uses in the Township, which are presently existing in an appropriate location and those which may be established in the future but cannot because of their particular commercial characteristics or locational requirements, be included in the other commercial districts of the Township. This section applies to such district.
- (b) Uses permitted by right.
 - (1) Commercial beach developments, marinas, boat liveries, and similar uses, including the sale of gasoline for boats only and repair of boats inside a building.
 - (2) Miniature golf, trampoline, or similar public amusement.
 - (3) Golf driving ranges not a part of a golf course.
- (c) Uses permitted by special use permit.
 - (1) Amusement parks.

- (2) Drive-in theaters, including customary concessions.
 - (3) Public utility structures, publicly owned, and operated buildings and uses.
 - (4) Bowling alleys, billiard rooms, pinball arcades, and electronic arcades.
- (d) Site development requirements.
- (1) Minimum lot area: 10,000 square feet.
 - (2) Minimum lot width: 100 feet.
 - (3) Minimum yard dimension.
 - a. Front yard. In accordance with the setback requirements of § **86-367** for the type of street upon which the lot fronts.
 - b. Side and rear yards. The principal building may be constructed on the property line if constructed with the adjacent property owner's approval at the same time as, and in conjunction with, construction of an abutting building, but if side yards or rear yards are provided, they shall be at least 15 feet.
 - c. Side and rear yard adjacent to a residential district. No structure shall be less than 100 feet from a residential district line.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § **86-367** for the type of streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - (4) Maximum building height: 35 feet, unless each required yard is increased one foot for every 35 feet. This shall be deemed to include all structures such as theater screens and mechanical amusements.
 - (5) Signs. Signs identifying any of the permitted uses in this district shall be in accordance with those requirements specified in Article **VIII** of this chapter. No banners, flags, streamers, or similar devices for advertising or promotional purposes shall be permitted.
 - (6) Site plan review. All uses in this district are subject to site plan review as prescribed in Article **II**, Division 5 of this chapter.
 - (7) Motor vehicle and bicycle parking requirements. Motor vehicle parking and loading, and bicycle parking requirements for this district are specified in Article **VIII** of this chapter.
 - (8) Landscaping. Landscaping shall be maintained in all required front and side yards, in accordance with plans approved by the planning director. A landscape plan showing locations and varieties of plant materials shall be submitted for site plan review. All landscaped areas shall be planted with suitable living plant materials and replaced as necessary. Landscaped areas shall be watered, weeded and generally maintained.
 - (9) Other requirements.
 - a. Lighting shall be accomplished in a manner such that no illumination source is visible beyond the property lines of the lot upon which the use is located, and such that no illumination shall affect the welfare of an adjacent property.
 - b. Side or rear yards may not be used for storage.
 - c. All refuse containers, including trash and recycling containers, shall be enclosed on at least three sides by a screening device approved by the planning director, subject to the following provisions:
 1. For existing uses receiving a certificate of occupancy prior to the effective date of this section, recycling containers shall be placed adjacent to other refuse containers

on-site. If the planning director determines that it is not practical to place the container adjacent to other refuse containers on the site, such containers may be placed in parking areas, provided that the space used for the container shall not occupy required parking spaces and further provided that recycling containers shall be enclosed on three sides by a screening device approved by the planning director.

2. For uses receiving a certificate of occupancy after the effective date of this section, recycling containers shall meet the requirements of this section and the requirements for site plan review under Article II, Division 5 of this chapter.
 - d. Air conditioning units, heating oil storage tanks, or similar appurtenances shall be properly screened as approved by the Planning Commission.
- (10) Maximum impervious surface. The maximum percentage of impervious surface permitted on a site shall be 75%. Impervious surfaces shall include all land covered with paving, buildings, and other nonporous surfaces. The impervious surface ratio is calculated by dividing the total impervious surface by the gross area of the site. The following shall be counted as pervious surfaces:
- a. Required perimeter landscaped buffers.
 - b. Fifty percent of on-site stormwater detention and retention basins, if designed as an integral part of the site landscaping, provided that the side slope of such basins shall not be steeper than 4:1 (horizontal:vertical).
 - c. Parking lot islands and medians that are 20 feet or greater in each dimension.
- (e) Miscellaneous. No structure erected for the purpose of acting as a residential dwelling or apartment shall be used for commercial or office purposes unless it can meet all commercial structure standards of the state building code and unless a special use permit is obtained from the Planning Commission. These restrictions are not applicable to legitimate home occupations as defined by this chapter. The intent of this section is to protect the safety of Township residents while allowing reasonable use of historic or otherwise sound residential structures.

Cross reference: Licenses, permits, and miscellaneous regulations, ch. 38.

§ 86-434. RP District: Research and Office Park District.

[Code 1974, § 82-13; Ord. No. 2005-04, 3-13-2005; Ord. No. 2009-09, 11-22-2009; Ord. No. 2010-02, 2-28-2010]

- (a) Purpose. The RP district is established for the purpose of encouraging the development of park-like office centers, laboratories or pilot production research facilities, and similar activities compatible with adjacent residential or educational areas. To this end, suitable open spaces and landscaping are required. This section applies to the RP district.
- (b) Uses permitted by right. In this district no building, structure, or land shall be used and no building or structure shall be hereafter erected, structurally altered, or enlarged except for the following uses:
 - (1) Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any individual, organization, or concern.
 - (2) Production or prototype products when limited to the scale necessary for full investigation of merits of the product.
 - (3) Production, processing, storage, and distribution of materials, goods, and products not involving a retail activity on the lot or parcel when the primary use of each building on each lot or parcel is laboratory, office, pilot production or other facility for research.

- (4) Accessory uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use such as restaurant, cafeteria, child day care, or caretaker's facilities.
 - (5) Business and professional offices.
 - (6) Public utility structures, publicly owned and operator buildings and uses.
 - (7) Offices of professionals licensed by the State of Michigan to treat human patients such as, but not limited to, chiropractors, dentists, dietitians/nutritionists, massage therapists, occupational therapists, optometrists, osteopaths, physical therapists, physicians, podiatrists and psychologists. This shall not include facilities accommodating overnight patients or providing secondary services not specifically listed as permitted.
 - (8) Medical clinics. This shall not include facilities accommodating overnight patients or providing secondary services not specifically listed as permitted.
- (c) Uses permitted by special use permit.
- (1) Health and physical fitness facilities.
 - (2) Child day care center.
 - (3) Assembly of instruments and devices as the primary use of a building.
 - (4) Restaurants, without drive-in facilities, open to the general public, provided that the following requirements are met:
 - a. Restaurants may be located in buildings permitted by right in this district or permitted by a special use permit, provided that the building contains a minimum of 75,000 square feet of gross floor area.
 - b. Restaurants under this provision shall be limited to one per building, not to exceed 10% of the building's gross floor area.
 - c. Restaurants under this provision shall only be accessible from within the principal use or building; direct outside entrances to restaurants shall not be allowed.
 - d. There shall be no exterior wall signs or freestanding signs indicating a restaurant use within a building located in the research park district.
 - e. Restaurants shall provide off-street parking for a restaurant use in addition to the off-street parking required for the principal use.
 - (5) Hotels or motels. In addition to the standards in Article II, Division 4 of this chapter, the following shall be required:
 - a. The hotel or motel shall be located in a designated research and/or office park containing a minimum of 20 acres.
 - b. A transition strip 100 feet wide shall be maintained between the use and any abutting residential zoning district. Landscape screening shall be provided within the transition strip. No accessory uses, including parking and access drives shall be permitted within the transition strip.
 - c. Access to the site shall be from a street designed as a major arterial in the master plan for major streets and highways or via a street designated for the sole purpose of serving the research or office park.
 - d. Ancillary guest services such as maid and linen service, telephone/fax/e-mail, continental breakfast, meeting rooms, banquet room/hall, gift shop, restaurant and lounge, and recreation and fitness facilities would be allowed in conjunction with an approved hotel or motel.

- e. None of the guest rooms or suites shall be occupied as an apartment or primary residence with an exception for one resident manager/owner, who may reside in a dwelling located within the hotel or motel.
- (d) Site plan review. All uses in this district are subject to site plan review as prescribed in Article II, Division 5 of this chapter. Applications for site plan review for projects in this district shall, in addition to the requirements of articles I and II of this chapter also include the following:
- (1) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire hazards or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
 - (2) Engineering and architectural plans for the treatment and disposal of sewerage and industrial waste tailings, or unusable by-products.
 - (3) Engineering and architectural plans for the handling of any excessive traffic congestion, noise, glare, air pollution, or the emission of any potentially harmful or obnoxious matter or radiation.
- (e) Use requirements.
- (1) Uses in this district may be carried on either inside a building or outdoors provided they:
 - a. Emit no noise exceeding 70 dBA as measured from a property line. No outdoor music or sound amplification shall be permitted, except when associated with water aerobics classes at health and physical fitness facilities, between the hours of 10:00 a.m. and 7:00 p.m.
 - b. Emit no obnoxious, toxic, or corrosive fumes or gases.
 - c. Emit no noxious or odorous matter in such quantities as to be readily detectable at any point along lot lines or to produce a public nuisance or hazard beyond the lot lines.
 - d. Emit no smoke greater than that produced by normally operating heating equipment.
 - e. Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior to or subsequent to processing.
 - f. Produce no detrimental heat at or beyond the lot boundaries.
 - g. Produce no physical vibrations humanly perceptible at or beyond the lot boundaries.
 - h. Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation or to any intensity that interferes with the lawful use of any other property.
 - i. Do not engage in the production or storage of any material designed for use as an explosive, nor in the use of such material in production.
 - (2) All outdoor storage is prohibited, except for temporarily parked licensed motor vehicles which are under 1 1/2-ton-rated capacity.
 - (3) Outdoor food service is to be prohibited, except at health and physical fitness facilities where limited snack bar service, along with associated picnic areas and sanitary facilities, shall be permitted, provided the following requirements are met:
 - a. Limited snack bar services shall be subject to Article II, Division 5 of this chapter.
 - b. All required Township, county, and state permits and licenses shall be secured prior to occupancy or use.

- c. Screening shall be required when the use is within 100 feet of a residential zoning district line. In all other circumstances, the need for screening shall be evaluated during site plan review. When required, the type, size, and design of screening shall be determined by the Director of Community Planning and Development.
 - d. The limited snack bar facility shall meet the required setbacks for the principal use.
 - e. Lighting shall be permitted, subject to site plan review and approval and shall be shielded so as to prevent glare onto adjacent properties.
 - f. Sufficient off-street parking shall be provided to accommodate the limited snack bar service with such parking calculated on the same basis as restaurants in § **86-755**. If required, the applicant shall prepare an off-street parking sufficiency analysis.
- (f) Site development requirements.
- (1) Minimum project area. No research park district development shall be initiated on less than 20 acres of land.
 - (2) Minimum lot area. No lot shall be subdivided to provide less than two acres of lot area.
 - (3) Minimum lot width: 200 feet.
 - (4) Maximum lot coverage. All buildings, including accessory buildings shall not cover more than 30% of the lot area.
 - (5) Minimum setback dimensions.
 - a. Front yards. Twenty percent of the depth of the lot, which need not, however, exceed 40 feet, provided all buildings shall be located in accordance with the setback requirements of § **86-366**.
 - b. Side and rear yards. Ten percent of the width and depth respectively of the lot, but need not exceed 40 feet each nor shall they be less than 10 feet.
 - c. Side and rear setbacks adjacent to residential district zone lines. No structure shall be less than 100 feet from any residential district zone line. Side and rear yards may be used for passenger vehicle parking except for a strip 60 feet in width along the side and rear boundaries of the development. This sixty-foot transition strip shall be used for screening purposes and shall be composed of interlocking trees and/or foliage and other appropriate ground cover. The maintenance of this transition area shall be a continuing obligation of the owner of such area.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot in accordance with § **86-435**.
 - (6) Maximum building height. Three stories but not exceeding 40 feet.
 - (7) Signs. Signs shall be in accordance with the requirements specified in Article **VII** of this chapter. No banners, flags, streamers, or similar devices for advertising or promotional purposes shall be permitted.
 - (8) Off-street parking and loading requirements. Except for the following, motor vehicle parking and loading, and bicycle parking requirements for this district are specified in Article **VIII** of this chapter.
 - a. Off-street parking or loading shall be prohibited in any front setback or yard area.
 - b. Access from the street shall be permitted through the front yard setback or yard area.
 - c. Shared access agreements and easements between adjacent parcels with interconnected parking lots shall be required, where practical.

- d. Shared parking facilities and deferred parking (see § 86-759) shall be encouraged, where possible.
 - e. Loading docks, solid waste facilities, recycling facilities, and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.
- (9) Maximum impervious surface. The maximum percentage of impervious surface permitted on a site shall be 60%. Impervious surfaces shall include all land covered with paving, buildings, and other nonporous surfaces. The impervious surface ratio is calculated by dividing the total impervious surface by the gross area of the site. The following shall be counted as pervious surfaces:
- a. Required perimeter landscaped buffers.
 - b. Fifty percent of on-site stormwater detention or retention basins, if designed as an integral part of the site landscaping, provided that the side slope of such basins shall not be steeper than 4:1 (horizontal:vertical).
 - c. Parking lot islands and medians that are 20 feet or greater in each dimension.
- (10) Other requirements.
- a. Lighting shall be accomplished in a manner that all lighting shall be directed downward and that no illumination is visible beyond the property lines.
 - b. All refuse containers, including trash and recycling containers, shall be enclosed on all four sides by a screening device approved by the Director of Community Planning and Development, subject to the following provisions:
 - 1. For existing uses receiving a certificate of occupancy prior to the effective date of this section, recycling containers shall be placed adjacent to other refuse containers on-site. If the Director of Community Planning and Development determines that it is not practical to place the container adjacent to other refuse containers on the site, such containers may be placed in parking areas, provided that the space used for the container shall not occupy required parking spaces and further provided that recycling containers shall be enclosed on four sides by a screening device approved by the Director of Community Planning and Development.
 - 2. For uses receiving a certificate of occupancy after the effective date of this section, recycling containers shall meet the requirements of this section and the requirements for site plan review under Article II, Division 5 of this chapter.
 - c. Air conditioning units, storage tanks, or similar appurtenances shall be properly screened as approved by the Director of Community Planning and Development.

Cross reference: Licenses, permits, and miscellaneous regulations, ch. 38.

§ 86-435. I District: Industrial District.

[Code 1974, § 82-14; Ord. No. 2010-02, 2-28-2010; Ord. No. 2010-11, 8-22-2010]

- (a) Purpose. The I district is established for the purpose of encouraging within it the development of light manufacturing, processing, storage, and office establishments wholly compatible with adjacent residential areas. It is established as one in which the principal use of the land is for industrial activities wholly compatible with all other uses permitted in this district and commercial establishments not engaging in retail sales as a principal use. The specific intent of this section is to prohibit, for the benefit of the types of uses for which this district is designed, any and all other uses, such as residential, retail commercial, and industrial, not compatible with all other uses in this district. This section applies to the I district.

(b) Uses permitted by right. In this district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, structurally altered, or enlarged except for the following uses:

- (1) Any production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, or foodstuffs.
- (2) Contractor's establishment.
- (3) Instructional centers for business, trade, music, art, dance, craft, martial arts, or other places of instruction.

[Added by Ord. No. 2017-01,^[1] 1-17-2017]

[1] *Editor's Note: This ordinance also redesignated former Subsection (b)(3) as Subsection (b)(4).*

- (4) Accessory uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use such as:
 - a. Restaurant or cafeteria facilities for employees.
 - b. Caretakers residence if situated upon a portion of the lot complying with all of the requirements of residential districts.
 - c. Office facility.
 - d. Wholesale or retail sales related to the principal use.
 - e. Outdoor seating. An outdoor seating area is permitted, subject to site plan approval. The outdoor seating area shall be either attached or immediately adjacent to the principal building to which the outdoor seating is accessory.
- [Added by Ord. No. 2017-01, 1-17-2017]

(c) Uses permitted by special use permit.

- (1) Public garage, motor vehicle repair shop, or automobile paint and bump shop.
- (2) Child care centers.
- (3) Public utility structures, publicly owned, and operated buildings and uses.

(d) Site plan review. All uses in this district are subject to site plan review as prescribed in Article II, Division 5 of this chapter. Applications for site plan review for projects in this district shall, in addition to the requirements of Article II, Division 5 of this chapter, also include the following:

- (1) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire hazards or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
- (2) Engineering and architectural plans for the treatment and disposal of sewerage and industrial waste tailings or unusable by-products.
- (3) Engineering and architectural plans for the handling of any excessive traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
- (4) The proposed number of shifts to be worked and the maximum number of employees on each shift.

(e) Use requirements:

- (1) Activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors but shall be effectively screened by a solid, uniformly finished wall or

- fence with solid entrance and exit gates, which wall or fence shall in no case be lower than the enclosed storage. Such storage shall not be deemed to include the parking of licensed motor vehicles under 1 1/2-ton-rated capacity.
- (2) Noise emanating from a use in this district shall not exceed the level of ordinary conversation at the boundaries of the lot. Short intermittent noise peaks may be expected if they do not exceed normal traffic noise peaks at any point on the lot boundaries.
 - (3) Uses in this district shall be such that they:
 - a. Emit no obnoxious, toxic, or corrosive fumes or gases, except for those produced by internal combustion engines under design operating conditions.
 - b. Emit no odorous gases or other odorous matter in such quantities as to be humanly perceptible at or beyond any point on the boundary of the use parcel; provided, that any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.
 - c. Emit no smoke, other than that produced by normally operating heating equipment.
 - d. Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior to or subsequent to processing.
 - e. Produce no heat humanly perceptible at or beyond the lot boundaries.
 - f. Utilize all lighting in a manner which produces no glare on public streets or on any other parcel.
 - g. Produce no physical vibrations humanly perceptible at or beyond the lot boundaries.
 - h. Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals, or vegetation or of any intensity that interferes with the lawful use of any other property.
 - i. Do not engage in the production or storage of any material designed for use as an explosive, nor in the use of such materials in production.
 - (f) Site development requirements.
 - (1) Minimum lot area: one acre.
 - (2) Minimum lot width: 100 feet.
 - (3) Maximum lot coverage. All buildings, including accessory buildings, shall not cover more than 40% of the lot area.
 - (4) Minimum yard dimensions.
 - a. Front yards. In accordance with the setback requirements of § **86-367** for the type of street upon which the lot fronts.
 - b. Side and rear yards. Ten percent of the width and depth, respectively, of the lot, but need not exceed 40 feet each nor shall they be less than 10 feet.
 - c. Side and rear yards adjacent to residential district zone lines. No structure shall be less than 100 feet from any residential district zone line. Side and rear yards may be used for passenger vehicle parking except for a strip 40 feet in width along the side and rear boundaries of the development. This forty-foot transition strip shall be used for screening purposes and shall be composed of interlocking trees and/or foliage and other appropriate ground cover. The maintenance of this transition area shall be a continuing obligation of the owner of such area.

- d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § 86-367 for the type of street or streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
- (5) Maximum building height. Forty feet unless each yard is increased one foot for each foot of height above 40 feet.
- (6) Signs. In accordance with the requirements specified in Article VII of this chapter. No banners, flags, streamers, or similar devices for advertising or promotion purposes shall be permitted.
- (7) Off-street parking and loading requirement. Motor vehicle parking and loading, and bicycle parking requirements for this district are specified in Article VIII of this chapter.
- (8) Landscaping. Landscaping shall be maintained in all required front and side yards, in accordance with plans approved by the Planning Commission. A landscape plan showing locations and varieties of plant materials shall be submitted for site plan review as prescribed in Article II, Division 5 of this chapter. All landscaped areas shall be planted with suitable living plant materials and replaced as necessary. Landscaped areas shall be watered, weeded, and generally maintained.
- (9) Other requirements.
- a. Lighting shall be accomplished in a manner such that no illumination source is visible beyond the property lines of the lot upon which the use is located and such that no illumination shall adversely affect the welfare of an adjacent property.
 - b. Side or rear yards may not be used for storage.
 - c. Trash containers shall be enclosed by a covered structure on at least three sides. The property shall be maintained free from litter.
 - d. Air conditioning units, heating oil, storage tanks, or similar appurtenances shall be properly screened as approved by the Planning Commission.

Cross reference: Licenses, permits, and miscellaneous regulations, ch. 38.

§ 86-436. CV District: Conservancy District.

[Code 1974, § 82-15; Ord. No. 2010-11, 8-22-2010; Ord. No. 2011-10, 7-19-2011]

- (a) Purpose. It is the purpose of the CV conservancy district to protect the natural, human, and economic resources of the Township and to promote the public health, safety, and general welfare by application of special regulations for the use of land which may be subject to periodic inundation at predictable intervals, or which may be particularly suited to provide for the impoundment of waters for the purpose of stormwater control or groundwater recharge. Such regulations, while permitting reasonable economic use and considering the physical limitations of such land, will help to protect the public health, public safety, and general welfare and will reduce the financial burdens imposed upon the community which may result from the improper use of land. All lands included in such district shall be subject to the terms imposed in this section in addition to the terms imposed by any other district in which such lands may be located.
- (b) Definitions. The following words, terms, and phrases when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BASE FLOOD ELEVATION (BFE)

The elevation of surface water resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

BULKHEADING

The protection of fill material from erosion through the use of a retaining wall.

CUT

A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface.

DEBRIS BASIN

A barrier or dam built across a waterway or other suitable locations to retain rock, sand, gravel, or silt or other materials.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

FLOOD INSURANCE RATE MAP

That map or maps prepared by the Federal Emergency Management Agency which classify the floodplain into various zones for purposes of determining flood insurance rates within the Township, a copy of which is available for examination at the Department of Community Planning and Development of the Township.

FLOOD INSURANCE STUDY

A study prepared by the Federal Emergency Management Agency which examines, evaluates, and determines flood hazards, and if appropriate, corresponding water surface elevations for the Township.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY

The channel of the watercourse and those portions of the adjoining floodplains which carry and discharge the base flood, as determined by the Federal Emergency Management Agency and as indicated on the flood insurance rate map.

FLOODWAY FRINGE

The portion of the base flood area located outside of the floodway which may generally be considered as the backwater area of the base flood.

GRADING

Any stripping, cutting, filling, stockpiling, or any combination thereof and shall include the land in its cut or filled condition.

MULCHING

The application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

OBSTRUCTION

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regional flood hazard area which may impede, retard, or change the direction of the flow of water or that is placed where the flow of water might carry the same downstream to damage of life or property.

PERSON

A firm, association, organization, partnership, trust, estate, company, corporation, joint venture, political subdivision, or body of individuals, as well as an individual.

SEDIMENT

Solid material, both mineral and organic, that is in suspension, if being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

SEDIMENT POOL

The reservoir space allotted to the accumulation of submerged sediment during the life of the debris basin.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. Substantial improvement includes buildings that have incurred "substantial damage," regardless of the actual repair work performed. For substantial improvement, the term "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building. The term "substantial improvement" does not include any project for improvement of a structure to comply with existing state or Township health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the state register of historic places.

WATERCOURSE

Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently and which has a definite channel, bed and banks and shall include any area adjacent thereto subject to inundation by reason of overflow or floodwater.

- (c) Warning and disclaimer of liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and for promotion of the public health, safety, and welfare and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land or premises under this section shall not be considered approval, guarantee, or warranty of safety or suitability. This section does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This section shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.
- (d) Conservancy district areas. The conservancy district shall be considered to overlay existing zoning districts and shall constitute additional terms over and above those imposed by the underlying zoning districts. The conservancy district within the jurisdiction of this section is hereby divided into three areas: groundwater recharge areas, floodway areas, and floodway fringe areas. The location and boundaries of the floodway and floodway fringe areas shall coincide with those locations and boundaries for floodways and floodway fringe areas as shown on the Flood Insurance Rate Map (Map Number 26065C, Community Number 260093, Panels 0040D, 0043D, 0044D, 0075D, 0152D, 0153D, 0154D, 0156D, 0157D, 0158D, 0159D, 0161D, 0162D, 0170D, 0176D, 0178D, and 0190D dated August 16, 2011), and by the corresponding Flood Insurance Study, entitled Ingham County, Michigan (all jurisdictions) and dated August 16, 2011, as published by the Federal Emergency Management Agency (FEMA).

(e) General provisions of the floodway and floodway fringe areas of the conservancy district. The restrictions listed in this subsection constitute those general provisions which shall govern development, construction, improvement, and relocation within the floodway and floodway fringe areas of the conservancy district.

- (1) All persons proposing development within the floodway and floodway fringe areas shall obtain approved permits from those government agencies having jurisdiction over floodplain development. No building permit or occupancy permit shall be issued until all such aforementioned permits have been obtained and have been reviewed by the Department of Community Planning and Development.
- (2) Developers of new, substantially improved, or relocated structures within the floodway and floodway fringe areas shall submit to the Department of Community Planning and Development a written document indicating:
 - a. The elevation of the lowest floor including basement(s) in the structure.
 - b. The elevation to which a structure has been floodproofed, if floodproofing methods have been employed.

Details of specifications proposed and as-built drawings shall be kept on record and will be available for public inspection and for use in determining flood insurance risk premium rates.

- (3) Persons wishing to develop in areas designated as "A" zones on the flood insurance rate map (that "A" having no number or other letter affixed to the designation) shall obtain base flood elevations from federal, state, or other sources. Such elevations shall be subject to review by the Township.
- (4) When floodproofing measures are employed, a registered engineer or architect shall certify that the methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and any other factors associated with the base flood elevation.
- (5) All new construction and substantial improvements made to existing structures, including mobile homes, shall be firmly anchored to prevent flotation and lateral movement and shall be constructed with flood-resistant materials and methods.
- (6) If new and replaced utility and sanitary facilities must be located below elevation of the base flood elevation, they shall be constructed so as to be watertight, to resist hydrostatic and hydrodynamic loads, and to be resistant to the effects of buoyancy. All measures to floodproof utility and sanitary facilities are subject to the approval of the Director of Public Works and Engineering.
- (7) On-site waste disposal systems such as septic tanks and leach fields shall be located to avoid impairment by floodwaters associated with the base flood elevation.
- (8) The application or discharge of persistent toxic compounds whose direct or indirect effects through residuals have a half-life greater than six months onto or within those areas defined as floodway or floodway fringe areas is strictly forbidden.
- (9) Service facilities such as electrical and heating equipment shall be constructed at or above the base flood elevation for the particular area or floodproofed.
- (10) Fill material shall be inert with the exception of clean topsoil and shall be protected against erosion by riprap, vegetative cover, or bulkheading.
- (11) Should any watercourse relocation or alteration be proposed, notification of such change in the watercourse shall be sent by the applicant to all adjacent communities, to the state department of environmental quality, and to the Federal Emergency Management Agency. Within the altered or relocated portion of any watercourse the carrying capacity shall be maintained.

- (12) Additional regulations pertaining to activities and construction within 50 feet of the Red Cedar River and county drains are specified in § **86-471**.
- (13) All subdivision proposals and proposals for new development shall be designed and located to be consistent with the need to minimize flood damage. In addition, all subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (f) Permitted uses by right in the floodway area of the conservancy district. The following uses having a low flood damage potential and presenting no or minimal obstruction to flood flows shall be permitted within the floodway district to the extent that they are not prohibited by any other ordinance and provided they do not require structures, storage of materials or equipment, fill, or alteration of the preexisting grade. No use shall in any manner adversely affect or reduce the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system. Approval from the state department of environmental quality is needed for construction activity taking place in the floodway.
- (1) Recreation uses. Parks, playgrounds, playfields, bridle paths, nature trails, natural wildlife preserves, outdoor tennis courts, archery ranges, boat launching ramps, target ranges, trap and skeet ranges, game farms, fish hatcheries, and similar uses.
 - (2) Golf courses and driving ranges. In accordance with the requirements of § **86-368** of this chapter.
 - (3) Agricultural uses. Customary agricultural uses, including, but not limited to, general and organic farming, pasturing and grazing, outdoor plant nurseries, horticulture, viticulture, and truck farming.
 - (4) Incidental uses. Such as, but not limited to, lawns, gardens, play areas, sidewalks and pedestrian/bicycle pathways.
 - (5) Parking areas Provided such parking areas are incidental to those uses permitted in § **86-436(f)**.
- (g) Uses permitted by special use permit in the floodway area of the conservancy district. Provided such uses shall not be adverse to the purpose of this section or damaging to the public health, safety, or welfare, or impose a financial burden upon the community, or shall in any manner adversely affect or reduce the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system, the following uses may be permitted by issuance of a special use permit in accordance with Article II, Division 4 of this chapter and any other requirements stipulated in this section:
- (1) Railroads, streets, sidewalks, pedestrian/bicycle pathways, and bridges.
 - (2) Marinas, boat rentals, docks, piers, wharves.
 - (3) Extraction of sand, gravel, and other materials.
 - (4) Structures for recreational uses such as shelter houses, outbuildings or pavilions.
 - (5) Parking areas provided such parking areas are incidental to those uses permitted in § **86-436(g)**.
 - (6) Uses described in § **86-436(f)** which incorporate fill and are to be constructed above the preexisting grade.
- (h) Application requirements for special use permit in the floodway. In addition to the requirements of Article II, Division 4 of this chapter, the following information shall be submitted with the application for a special use permit:
- (1) A location map including existing topographic data with contours at two-foot intervals at a maximum scale of one inch representing 100 feet.

- (2) A scaleable drawing showing proposed grading and drainage plans including the location of all public drainage easements, proposed and existing structures, and the limits, extent, elevations of the proposed fill, excavation, and areas of compensating excavation.
 - (3) Calculations depicting the amount of fill and compensating excavation which are being proposed.
 - (4) A written statement from the Director of Public Works and Engineering concerning feasibility of the proposal and a recommendation.
 - (5) Copies of any correspondence, documents, comments, or permits received from the Federal Emergency Management Agency, state department of environmental quality and the county drain commissioner's office related to the proposed work in the floodway.
 - (6) Any other information necessary to enable the Planning Commission or the Director of Community Planning and Development to determine whether the proposed use will conform to the provisions of this section.
- (i) Standards for special use permits within the floodway. The following standards as well as the review criteria listed in Article II, Division 4 of this chapter shall be used to review the particular circumstances and facts of each proposed use in terms of the following standards:
- (1) Structures shall not be designed for human habitation and shall have a low flood damage potential.
 - (2) Structures, if permitted, shall be constructed and placed on the site so as to offer the minimum obstruction to the flow of floodwaters and whenever possible shall be constructed with the longitudinal axis parallel to the direction of flood flow.
 - (3) No special use permit shall be issued for the development of new structures, the substantial improvement or relocation of old structures, or development of any kind within the floodway area when such development, construction, improvement, or relocation would cause any increase in flood level associated with the base flood elevation.
 - (4) Excavation and shaping of the floodway shall be conducted in such a manner as to maintain or improve the flow of the base flood elevation. In no case shall the flow or impoundment capacity of the floodway be reduced. Excavation of soil, sand, gravel, and other materials for the sole purpose of providing a compensating excavation in the floodway for the placement of fill in the floodway fringe is prohibited.
- (j) Requirements for all special use permits for uses in the floodway area of the conservancy district. In addition to the requirements of Article IV, Division 4 of this chapter, an applicant for a special use permit in the floodway area of the conservancy district shall submit the following prior to any work taking place on site:
- (1) A letter of map amendment or a conditional letter of map revision based on fill from the Federal Emergency Management Agency (FEMA).
 - (2) A letter of approval from the state department of environmental quality.
- (k) Permitted uses by right in the floodway fringe area of the conservancy district. The following uses having a low flood damage potential and presenting no or minimal obstruction to flood flows shall be permitted within the floodway fringe district to the extent that they are not prohibited by any other ordinance and provided they do not require structures, storage of materials or equipment, fill, or alteration of the preexisting grade. Approval from the state department of environmental quality is needed for construction activity taking place in the floodway fringe.
- (1) Recreation uses. Parks, playgrounds, playfields, bridle paths, nature trails, natural wildlife preserves, outdoor tennis courts, archery ranges, boat launching ramps, target ranges, trap and skeet ranges, game farms, fish hatcheries, and similar uses.

- (2) Golf courses and driving ranges. In accordance with the requirements of § **86-368** of this chapter.
 - (3) Agricultural uses. Customary agricultural uses, including, but not limited to, general and organic farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, and truck farming.
 - (4) Incidental uses. Such as, but not limited to, lawns, gardens, play areas, sidewalks and pedestrian/bicycle pathways.
 - (5) Parking areas. Provided such parking areas are incidental to those uses permitted in § **86-436(k)**.
- (l) Uses permitted by special use permit in the floodway fringe area of the conservancy district. Provided such uses shall not be adverse to the purpose of this section or damaging to the public health, safety, or welfare or impose a financial burden upon the community, the following uses may be permitted by issuance of a special use permit in accordance with Article II, Division 4 of this chapter and any other requirements stipulated in this section:
- (1) Railroads, streets, sidewalks and pedestrian/bicycle pathways, bridges.
 - (2) Marinas, boat rentals, docks, piers, wharves.
 - (3) Extraction of sand, gravel, and other materials.
 - (4) Structures for recreational uses such as shelter houses, outbuildings, or pavilions which incorporate fill and are to be constructed above the preexisting grade.
 - (5) Those uses indicated as being permitted by right or as being permissible with a special use permit in those zoning districts which underlie the conservancy district.
 - (6) Parking areas. Provided such parking areas are incidental to those uses permitted in § **86-436(l)**.
 - (7) Dumping or backfilling with any material in any manner. In cases where floodway fringe areas have impoundment potential, such dumping or backfilling may be permitted when an equal or greater compensating excavation is provided which maintains or improves the flow or natural impoundment capacity of the floodway fringe. In no case shall the flow or impoundment capacity of the floodway fringe be reduced.
 - (8) Uses described in § **86-436(k)** which incorporate fill and are to be constructed above the preexisting grade.
- (m) Application requirements for a special use permit in the floodway fringe. In addition to the requirements of Article II, Division 4 of this chapter, the following information shall be submitted with the application for a special use permit:
- (1) A location map including existing topographic data with contours at two-foot intervals at a maximum scale of one inch representing 100 feet.
 - (2) A scaleable drawing showing proposed grading and drainage plans including the location of all public drainage easements, proposed and existing structures, and the limits, extent, elevations of the proposed fill, excavation, and areas of compensating excavation.
 - (3) Calculations depicting the amount of fill and compensating excavation which are being proposed.
 - (4) A written statement from the Director of Public Works and Engineering concerning feasibility of the proposal and a recommendation.
 - (5) Copies of any correspondence, documents, comments, or permits received from the Federal Emergency Management Agency, state department of environmental quality and the county

- drain commissioner's office related to the proposed work in the floodway fringe.
- (6) Any other information necessary to enable the Planning Commission or the Director of Community Planning and Development to determine whether the proposed use will conform to the provisions of this section.
- (n) Standards for special use permits within the floodway fringe. The following standards as well as the review criteria listed in Article II, Division 4 of this chapter shall be used to review the particular circumstances and facts of each proposed use:
- (1) All new residential structures and residential structures requiring substantial improvement shall have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation.
 - (2) All new nonresidential structures and nonresidential structures requiring substantial improvements shall have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation or shall be floodproofed to one foot above the level of the base flood elevation.
 - (3) Excavation and shaping of the floodway fringe shall be conducted in such a manner as to maintain or improve the natural impoundment capacity of the base flood elevation. In no case shall the impoundment capacity of the floodway fringe be reduced.
- (o) Requirements for all special use permits for uses in the floodway fringe area of the conservancy district. In addition to the requirements of Article IV, Division 4 of this chapter, an applicant for a special use permit in the floodway [fringe] area of the conservancy district shall submit the following prior to any work taking place on site:
- (1) A letter of map amendment or a conditional letter of map revision based on fill from the Federal Emergency Management Agency (FEMA).
 - (2) A letter of approval from the state department of environmental quality.
- (p) Minor fill to correct erosion problems. A maximum of 10 cubic yards of fill material may be placed behind a seawall or similar bulkhead structure for the purpose of replacing earth lost to erosion, subject to the review and approval of the Director of Community Planning and Development.
- (q) Mobile homes and mobile home parks and subdivisions located in floodplain areas. When a mobile home, mobile home park, or mobile home subdivision is to be developed or substantially redeveloped or reconstructed and is located either totally or partially within the floodway fringe areas of the conservancy district, the following regulations shall apply in addition to those listed in § 86-431 and Chapter 42, Article II:
- (1) No mobile homes shall be placed in the floodway fringe area of the conservancy district except within mobile home parks or mobile home subdivisions which were existing prior to February 1977. In no case shall a mobile home be placed in the floodway.
 - (2) Mobile homes placed within the floodway fringe area shall be anchored to resist flotation, collapse, or lateral movement in the following manner:
 - a. Over-the-top ties to ground anchors shall be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations; however, mobile homes of less than 50 feet long shall be required to have only one additional tie per side.
 - b. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points along the mobile home; however, mobile homes of less than 50 feet long shall be required to have only four additional ties per side.
 - c. All equipment used to tie down the mobile home shall be capable of carrying a force of 4,800 pounds.

- d. Any additions to the mobile homes located within the floodway fringe shall be anchored in a similar manner.
- (3) For new mobile home parks and mobile home subdivisions, and for expansions to existing mobile home parks and mobile home subdivisions, and for repair, reconstruction, or improvement of the streets, utilities and pads in such mobile home parks and mobile home subdivisions, any of which take place in the floodway fringe area, the following restrictions shall apply:
 - a. Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home shall be elevated to at least one foot above the base flood elevation.
 - b. Adequate surface drainage shall be provided along with ample access for a hauler.
 - c. If the stands are elevated on pilings, lots shall be large enough to permit steps. Pilings shall be placed in stable soil and shall be no more than 10 feet apart. Any pilings which are located more than six feet above the ground level shall be reinforced.
 - (4) Any mobile home which is to be located, reconstructed, or repaired on an individual lot not associated with a mobile home park or mobile home subdivision and which is located either totally or in part in the floodway fringe area shall meet those requirements for elevation, drainage, and piling design set forth in § **86-377**.
 - (5) All mobile home parks and mobile home subdivisions located within the floodway area shall develop an evacuation plan indicating alternate vehicular access and escape routes and shall submit copies of such plan to the emergency response teams for both Lansing and Ingham County and to any other disaster relief agency deemed appropriate.
- (r) Standards for variance by the Zoning Board of Appeals from the strict interpretation of the regulations set forth in § **86-436**.
- (1) No variance shall be granted for the development of new structures, the substantial improvement or relocation of old structures, or development of any kind within the floodway area when such development, construction, improvement, or relocation would cause any increase in flood levels associated with the base flood elevation.
 - (2) The following four criteria must be met in addition to those stipulated in § **86-221** before a variance can be granted:
 - a. A sufficient cause for granting the variance must be shown.
 - b. A determination that failure to grant the variance would result in a practical difficulty to the applicant.
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense or will not create nuisances, cause fraud on or victimization of the public or conflict with this chapter.
 - d. A determination that the variance is the minimum necessary to afford relief.
 - (3) Upon application for a variance for construction below the elevation of the base flood elevation, the Township shall notify the applicant for variance in writing that issuance of a variance to construct a structure below the elevation of the base flood elevation will result in increased premium rates for flood insurance commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction below the elevation of the base flood elevation increases risk to life and property. Record of such notification shall be maintained along with records of all variance actions dealing with floodplain development.
- (s) Uses permitted by special use permit in the groundwater recharge area of the conservancy district. Provided such cases shall not, in the opinion of the Planning Commission, be adverse to the purpose of this section or damaging to the public health, safety, or welfare or impose a financial burden upon the community, the following uses may be permitted by issuance of a

special use permit in accordance with Article II, Division 4 of this chapter and any other requirements stipulated in this section:

- (1) Railroads, streets, bridges, utility transmission lines, and pipelines.
 - (2) Marinas, boat rentals, docks, piers, wharves.
 - (3) Extraction of sand, gravel, and other materials.
 - (4) Structures for recreational uses such as shelter houses, outbuildings or wildlife sanctuaries.
 - (5) Those uses indicated as being permitted uses or as being permissible with a special use permit in those zoning districts which underlie the conservancy district.
 - (6) Other uses similar in nature to uses described in § **86-377** which are consistent with the provisions of this chapter.
- (t) Requirements for special use permits for uses in the groundwater recharge area of the conservancy district. In addition to the requirements of § **86-377** of this chapter, the applicant for a special use permit in the conservancy district shall submit the following:
- (1) A location map including existing topographic data at two-foot interval contours.
 - (2) A map showing proposed grading and drainage plans including the location of all public drainage easements, the limits and extent of the proposed fill, excavation, and occupation.
 - (3) A statement from the county drain commissioner indicating that he has reviewed and approved plans.
 - (4) A statement from the county Health Department indicating that they have reviewed and approved plans.
 - (5) A statement from the Township Engineer concerning feasibility of the plans and his approval.
 - (6) Any other information requested by the Planning Commission.
- (u) Standards for special use permits within the groundwater recharge area. The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in § **86-126**.
- (1) Any fill proposed to be deposited in a groundwater recharge area must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose.
 - (2) Fill or other material shall be protected against erosion by riprap, vegetative cover, or bulkheading.
 - (3) Reduction of surface water infiltration shall be kept to a minimum.
- (v) Conflict between this section and the remainder of this chapter. In the event of conflict between those regulations stipulated in § **86-436** and the remainder of this chapter, those regulations found in § **86-436** shall take precedence over the remainder of this chapter.
- (w) Relationship of this section to state and federal law. Nothing in this section shall be deemed to exempt a person from the requirements of any state or federal statute or regulation applicable to the proposed activity nor shall any permit or approval issued to a person from a state or federal agency be deemed to exempt the person from the requirements of the section.

§ 86-437. AG District: Agriculture District.

[Code 1974, § 82-17]

- (a) Purpose. The purpose of the AG agriculture district is to conserve and protect agricultural lands as an ecologically and economically valued resource. This section applies to the AG district.
- (b) Uses permitted by right. The following uses are permitted by right in the agriculture district:
- (1) General and specialized commercial agriculture, including, but not limited to, the following:
 - a. Grain, grass, and seed crops.
 - b. Fruit, nut, and vegetable crops.
 - c. Dairy farms.
 - d. Raising of farm animals and production of farm animal products, except feedlots. The term "feedlot" is defined as a concentrated, confined animal or poultry operation, wherein animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained within the place of confinement, for the purpose of fattening livestock or poultry in preparation for consumption.
 1. Stabling or confining animals or poultry in barns, pens, stables, or corrals for the production of milk or egg products or for temporary holding of livestock for normal tending shall not be construed as a feedlot and shall be permitted by right, provided no such barn, pen, stable, or corral is located within 200 feet from any other zoning district boundary.
 2. Pasture land shall not be construed as a feedlot and shall be permitted by right. Pasture land shall not be subject to any setbacks. Pasture land shall be identified by a predominance of vegetation consisting of desirable forage species upon which livestock graze.
 - e. Fisheries.
 - f. Tree farms, not selling at retail on the premises.
 - g. Sod farms.
 - h. Beekeeping.
 - i. Soil conservation.
 - j. Commercial forestry.
 - (2) One farm dwelling per farm which serves as the principal residence for the owner or operator of the farm.
 - (3) Farm drainage and irrigation systems.
 - (4) Nurseries or greenhouses, not selling at retail on the premises.
 - (5) Transmission and distribution lines and pipelines of public utility companies.
 - (6) Railroad rights-of-way, including all necessary trackage, switches, and operating devices, but excluding storage, marshalling yards, freight yards, or sidings.
 - (7) Private kennels, provided that no outside exercise or training areas are located within 200 feet from any other zoning district boundary.
- (c) Uses permitted by special use permit. The Planning Commission may permit the following special uses in the agriculture district, subject to any conditions of approval and the review criteria set forth in Article II of this chapter, in addition to the standards of the agriculture district and specific standards applicable to such special use as indicated below:
- (1) Riding or boarding stables:

- a. One single-family dwelling may be permitted on the lot, provided it is for occupancy by the owner or employee of the riding or boarding stable operation.
 - b. Paddocks, corrals, or similar holding areas shall not be located within 200 feet from any other zoning district boundary.
- (2) Nurseries or greenhouses selling at retail on the premises.
 - (3) Tree farms selling at retail on the premises.
 - (4) Public service installations, including, but not limited to, public utility buildings and structures, telephone exchanges, transformer stations, substations, and gas regulator stations.
 - a. Minimum lot area:40,000 square feet.
 - b. The standards set forth in § **86-654** shall apply.
 - c. No structures shall be located within 50 feet of any other zoning district boundary.
 - d. The installation shall be enclosed by a fence at least six feet in height, but not exceeding eight feet in height.
 - (5) Telecommunication transmission and receiving towers.
 - a. Minimum lot area: 40,000 square feet.
 - b. No towers shall be located within 50 feet of any other zoning district boundary.
 - c. The tower shall be enclosed by a fence at least six feet in height, but not exceeding eight feet in height.
 - (6) Temporary or seasonal sales of items produced on the farm which require manufacturing or mechanical processing.
- (d) Permitted accessory uses and structures. The following accessory uses and structures shall be permitted by right in the agriculture district:
- (1) Temporary or seasonal sales of items produced on the farm, not including products requiring manufacturing or mechanical processing.
 - (2) Temporary or seasonal roadside sales of items produced on the farm, subject to the following provisions:
 - a. A farm sales stand shall be setback 25 feet from a road pavement edge.
 - b. Only one farm sales stand shall be permitted for every 600 feet of frontage.
 - c. Such farm sales stand shall not be located within 100 feet of the intersection of the right-of-way lines of any two public streets.
 - d. One sign per farm sales stand shall be permitted. The surface display area shall not exceed six square feet.
 - e. No sign advertising a farm sales stand shall be located within 100 feet of the intersection of the right-of-way lines of any two public streets.
 - (3) Home occupations, subject to the provisions of Subsection 86-368(b)(2).
 - (4) Temporary buildings associated with construction of permanent buildings. Such buildings shall be removed upon the completion or abandonment of the construction work and before issuance of an occupancy permit.
 - (5) Barns, silos, equipment storage, and similar structures customarily incidental to the permitted principal use and structures.

- (6) Manure storage incidental to the raising of farm animals, provided no such storage area shall be permitted within 200 feet of any other zoning district boundary.
- (e) Dimensional requirements. The following minimum or maximum dimensions for lot area and width, front, side, and rear yards, lot coverage, and building heights shall be required for every structure and land use in the agriculture district, except as specifically provided otherwise in this section:
- (1) Minimum lot area. The minimum lot area for the agriculture district shall be 35 acres, or any land classified as farmland, unless otherwise specified in this section.
 - (2) Minimum lot width. The minimum lot width shall be 600 feet, except that the minimum lot width for public service installations and telecommunication towers shall be 200 feet.
 - (3) Maximum lot coverage. All buildings, including accessory buildings, shall not cover more than 20% of the total lot area, except that the lot coverage of public service installations and telecommunication transmission and receiving towers shall be determined by the Planning Commission on an individual basis, upon application for a special use permit in accordance with Article II, Division 4 of this chapter.
 - (4) Maximum height. The maximum height for all structures shall be 35 feet, except that the maximum height of farm structures other than farm dwellings shall be 100 feet.
 - (5) Minimum yard dimensions for principal structures.
 - a. Front yards. In accordance with the setback requirements of § **86-367** for the type of street upon which the lot principally fronts.
 - b. Side yards: 25 feet.
 - c. Rear yards: 25 feet.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § **86-367** for the type of streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - e. Through and reverse frontage lots. Principal buildings shall be located in accordance with the front yard setback requirements of § **86-367** for the type of streets upon which the through or reverse frontage lots abuts. Access to residential sites shall be located on the street with the lowest functional classification as illustrated in § **86-367**. All regulations applicable to front yards shall apply, except freestanding accessory buildings or structures, such as decks, garages, sheds, swimming pools, and tennis courts, proposed for reverse frontage lots shall be located no closer than 30 feet from the right-of-way of the designated rear yard.
 - (6) Setback for farm structures exceeding 35 feet in height.
 - a. Front yard. The greater of the following setbacks from the front lot line shall apply to all farm structures exceeding 35 feet in height:
 1. The setback requirements of § **86-367** for the type of street upon which the lot fronts;
or
 2. A distance at least equal to the height of the structure.
 - b. Side and rear yards. All farm structures exceeding 35 feet in height shall be set back from the side and rear lot lines a distance at least equal to the height of the structure.
 - c. Corner lots. A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in § **86-367** for the type of streets upon which the lot has frontage or a distance at least equal to the height of the structure, whichever is greater.
- (f) Signs.

- (1) The following signs shall be permitted for all uses in the agriculture district, in accordance with Article **VII** of this chapter:
 - a. Sale or lease of property signs.
 - b. Home occupations.
 - c. Temporary political signs.
- (2) Commercial uses permitted in the agriculture district may, in addition to the above signs, have one sign placed flat against the main building. The surface display area of such sign shall not exceed 25 square feet and the sign shall not project above the cornice or roof line.

§ 86-438. Wireless Communications Facilities Overlay District.

[Code 1974, § 82-19; amended by Ord. No. 2016-03, 1-5-2016]

(a) Purpose.

- (1) The purpose of the wireless communications facilities overlay district is to:
 - a. Provide standards and regulations pertaining to the location, construction, design, and maintenance of wireless communications facilities within the Township;
 - b. Minimize adverse effects of wireless communications facilities through careful design, siting, and screening;
 - c. Protect residential areas, agricultural or natural areas, and protect future land uses from potential adverse impacts of towers and antennas;
 - d. Avoid potential damage to adjacent properties from structural failure of a wireless communications support structure through proper engineering and careful siting of structures; and
 - e. Minimize the total number of towers throughout the Township by encouraging the joint use of any new or existing wireless communications facility or other suitable structure.

(b) Applicability.

- (1) The regulations and standards of this overlay district shall apply to any wireless communications facility permitted by right or by special use permit in the Township and which is utilized to send or receive communications, including, but not limited to, cellular towers, paging towers, radio and television broadcasting transmission towers, microwave towers, and antennas, satellite antenna, towers, digital communications towers, whip antennas, panel antennas, dish antennas, mounted antennas, personal communication services (PCS), or other similar wireless communications towers, antennas, and facilities.
 - a. Police, fire, and emergency communications, citizens band radio, shortwave, ham and amateur radio, or personal receive-only antennas are exempt from this section.
 - b. In no case shall any portion of a wireless communications facility be permitted within the required natural vegetation strip per § **86-471**, a floodway, a heritage neighborhood, a property or structure listed on the National Register of Historic Places or eligible property or structure, Native American burial sites, or within 300 feet of a designated natural beauty road.

(c) Uses permitted by right:

- (1) Wireless communications support structures which incorporate stealth design.
- (2) Wireless communications equipment if all of the following requirements are met:

- a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or the existing equipment compound is in compliance with the Township Zoning Ordinance or has been previously approved by the Township.
 - c. The proposed collocation will not result in any of the following:
 1. An increase in the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 2. An increase in the width of the wireless communications support structure by more than the minimum required to permit collocation.
 3. An increase in the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township.
- (3) Roof-mounted antennas:
- a. Not exceeding 20 feet in height above the average height of the roofline, located on nonresidential buildings at least two stories in height.
 - b. Not exceeding 10 feet in height above the average height of the roofline, located on nonresidential buildings at least four stories in height.
- (4) Mounted antennas not located on a roof which have a total height of three feet or less. With the exception of one whip antenna, mounted antennas shall not be permitted on business signs without a special use permit.
- (5) Collocation of a wireless communications antenna on a public water tower, athletic field light standard, electrical utility transmission tower or distribution pole, or on an existing tower or pole within the right-of-way or easement of an electrical utility corridor.
- Where freestanding wireless communications facilities are permitted to locate by an electric utility within an electrical utility easement, the wireless communications tower shall meet the minimum setback requirements in this section.
- (d) Uses permitted by special use permit: any proposed wireless communications facility not described under "uses permitted by right."
- (e) Special use permit review process.
- (1) A completed special use permit application shall be submitted to the Director of Community Planning and Development pursuant to the requirements of § **86-124**.
 - (2) After the special use permit application is filed, the Planning Commission or the Planning Commission's authorized designee shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Planning Commission or the Planning Commission's authorized designee makes that determination or 14 business days after the Planning Commission or the Planning Commission's authorized designee receives the application, whichever is first.
 - (3) Before the expiration of the 14 business days, the Planning Commission or the Planning Commission's authorized designee shall notify the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notify the applicant that a fee required to accompany the application has not been paid, specifying the amount due. The running of the 14 business

days is tolled until the applicant submits to the Planning Commission or the Planning Commission's authorized designee the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

- (4) After the application is determined to be administratively complete, the Planning Commission shall hold a public hearing. Notice of the public hearing shall comply with the provisions of § 86-65(b) of the Code of Ordinances.
 - (5) The Planning Commission shall approve or deny a special use permit not more than 60 days after the application is considered to be administratively complete, except a special use permit for a new wireless communications facility shall be approved or denied not more than 90 days after the application is considered to be administratively complete. If the Planning Commission fails to approve or deny the special use permit within the time period, the special use permit shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
 - (6) Conditions placed on a special use permit approval shall be limited to meeting the requirements of this section, other Township ordinances, and state and federal laws.
- (f) Standards applying to wireless communications facilities.
- (1) General requirements.
 - a. The applicant shall demonstrate to the Township by means of an architect's or engineer's report that the proposed wireless communications facility is no more than the minimum height necessary. This report shall be certified and sealed and shall at a minimum include details on the support structure's design and safety, location and topography constraints, expected usage or cell range, potential interference sources, collocation needs, safety, and siting need and requirements.
 - b. Applicants for a wireless communications facility shall disclose any potential impact on the environment in an environmental assessment for the following categories:
 1. Wetlands.
 2. Floodplains, including floodway and floodway fringe.
 3. Wildlife preserves and corridors.
 4. Endangered species.
 5. Historical sites.
 6. Native American religious sites.
 7. Groundwater recharge areas.
 8. Woodlands.
 - c. At wireless communications facilities with a freestanding wireless communications support structure, a minimum of two off-street parking spaces shall be provided on the site. An additional off-street parking space for each two employees required as on-site personnel shall be provided at the facilities.
 - d. All wireless communications facilities with a freestanding wireless communications support structure located in a residential zoning district shall be located on a separate parcel of land which meets the lot area and width requirements of the residential zoning district where it is located or the minimum setbacks in this section, whichever is greater.
 - e. All wiring connecting a freestanding wireless communications support structure with buildings and equipment within the equipment compound shall be placed underground or fully enclosed.

- f. All applicants proposing a wireless communications facility are recommended to schedule a pre-site-selection conference with the Department of Community Planning and Development.
 - g. The applicant shall provide the Department of Community Planning and Development with copies of all Federal Communications Commission (FCC) and other regulatory approvals.
 - h. Accessory mechanical buildings associated with a wireless communications facility shall be designed in a manner which is architecturally compatible with the surrounding neighborhood.
- (2) Collocation.
- a. In order to maximize the efficiency of wireless communications services, while also minimizing the impact of such facilities on the Township, all applicants for wireless communications facilities shall be required to provide information regarding the feasibility of collocation at all proposed or existing sites in the Township. Furthermore, all applicants shall be required to provide a notarized letter of intent to commit itself to:
 1. Respond to any requests for information from another potential shared use applicant;
 2. Negotiate in good faith and allow for leased shared use if an applicant, or the Township as a user, demonstrates that it is technically feasible; and
 3. Make no more than a reasonable charge for a shared use lease.
 - b. Should collocation be proposed at a wireless communications facility, accessory mechanical buildings shall either be situated directly adjacent to or abutting each other and separated by a firewall, shall be placed underground, or shall be designed in a manner which limits the number and size of the buildings on the site. On-site constraints, such as existing topographical and other natural features, may be considered when reviewing a proposed collocation design. Accessory mechanical buildings shall be designed to be consistent in design, style, and exterior appearance. Review and approval of accessory mechanical buildings at a collocation site shall be made by the Director of Community Planning and Development.
- (3) Site development requirements.
- a. All wireless communications facilities shall be subject to site plan review.
 - b. Height. Unless otherwise provided for in this section, the antenna and towers associated with wireless communications facilities shall be exempt from the maximum height requirements of the zoning district where they are located.
 - c. Setbacks. Freestanding wireless communications facilities shall be subject to the following minimum setback requirements:
 1. Freestanding wireless communications support structures employing guy anchors shall be sited so that the guy anchors for the structure meet the minimum setback requirements of the zoning district where they are located and do not cross into another zoning district.
 2. When a monopole, self-supporting lattice tower, or guyed tower is used as the wireless communications support structure, it shall be set back from all property lines a distance equal to the height of the monopole, self-supporting lattice tower, or guyed tower or the minimum setback required by the zoning district, whichever is greater.
 3. Mounted wireless communications equipment shall meet the required setbacks for the structure upon which they are located and shall be situated to provide for

maximum safety on the site.

d. Safety and security requirements.

1. The applicant shall, in conjunction with the application, submit a statement that is certified and sealed by a licensed architect or engineer indicating that the proposed wireless communications facility is in compliance with all Federal Communications Commission (FCC) regulations and all building and code requirements.
2. All wireless communications facilities shall be fitted with anticlimbing devices.
3. Proof of adequate insurance coverage, sufficient to cover any potential damages done by or to the facility, shall be provided.
4. Security fencing, compatible with the Township's fence regulations of § **86-506**, shall be installed completely around freestanding wireless communications facilities, including guy anchors. Access shall be provided only by a locked gate. Security fencing shall not be required for mounted facilities.
5. When a monopole, self-supporting lattice tower, or guyed tower is used as the wireless communications support structure, a statement verifying that the tower, including any and all attachments, shall comply with all building code and Electronics Industry Association (ETA) (222-E) requirements and shall be certified and sealed by a licensed architect or engineer and furnished with the application.
6. The wireless communications facility shall not block areas which will hamper firefighting or emergency equipment or maintenance of other utilities.
7. All wireless communications facilities shall receive regular and routine care and maintenance.

e. Landscaping and visual impact requirements.

1. Landscaping consisting of native species approved by the Township shall be provided in sufficient quantity around the perimeter of the required security fencing, as well as adjacent to any buildings and anchors. Site access entrances shall also be landscaped with native materials. This information shall be presented on a landscape plan and subject to the approval of the Director of Community Planning and Development.
2. When located on an otherwise undeveloped site, the existing natural vegetation of the property shall be maintained to the greatest extent possible. The applicant shall provide information on a landscape plan regarding existing vegetation which is proposed to be removed and methods for replacement. In no case shall an entire site be graded and/or cleared for installation of a wireless communications facility.
3. Where a wireless communications facility is proposed, the applicant shall demonstrate how the accessory building's design will limit adverse visual impacts to neighboring property owners. Appropriate landscaping shall also be provided.
4. Lighting at the wireless communications facility shall be designed so as not to adversely affect adjacent property owners and shall be in compliance with FAA standards and Chapter **38**, Article **VII**, as applicable.
5. When a monopole, self-supporting lattice tower, or guyed tower of 200 feet or less in height is used as the wireless communications support structure, a design utilizing light sky-blue, sky-mist gray, or a similar unobtrusive color shall be required, unless otherwise directed by the FAA.

(g) Abandonment.

- (1) Wireless communications facilities which have been abandoned or are unused or disconnected from the network for a period of six months shall be immediately removed from the site at the cost of the facility applicant or their successor.
- (2) Upon removal of the wireless communications facility from the site, all foundations shall also be removed to a depth of at least six feet in residentially zoned districts. In all other zoning districts, the foundation shall be removed to a depth of at least three feet. Additionally, the fencing and accessory structures shall be demolished and removed from the site at the cost of the applicant, or their successor.
- (3) The siting of any antenna or tower shall require the applicant to deposit with the Township Clerk security of a performance guarantee (in a time duration and with a financial institution deemed acceptable to the Township) in the form of cash, a certified check, or irrevocable bank letter of credit, which will ensure full compliance with this article and any conditions of approval. The security shall cover removal of the facility when it has been abandoned, or unused or disconnected from the network as provided herein. The amount of security shall be sufficient to remove the entire facility, equipment, equipment compound and related improvements and satisfactory to the Township.

The security shall be kept in full force and effect and irrevocable and noncancelable (except by the written consent of both the Township and the then-owner of the antenna, tower or related facility) during the entire time while the antenna or tower exists or is in place. The applicant and owner shall further agree as a condition of the security that the applicant and owner are responsible for the payment of any costs and attorneys' fees incurred by the Township in securing removal.

§ 86-439. Planned unit development.

[Code 1974, § 86-2; Ord. No. 2002-11, 10-15-2002; Ord. No. 2003-05, 4-1-2003; Ord. No. 2005-08, 10-30-2005; Ord. No. 2007-12, 10-28-2007; Ord. No. 2009-04, 6-28-2009; Ord. No. 2010-02, 2-28-2010]

- (a) Purpose. The intent of this district is to permit greater flexibility and consequently more creative design of residential areas than is possible under conventional zoning regulations. It is the intention of this section to allow flexibility without sacrificing established values and rights to adequate light, air, noise, and privacy. It is further intended to promote open space and more cost efficient housing, circulation systems, utilities, and use of land. A premise basic to this section is to consider only developments that will result in lasting value and make a contribution to both social and economic stability in the Township. Finally, because flexibility is inherent in the concept of a PUD, a higher degree of public direction and scrutiny is an essential part of this section. These provisions are set forth in the following subsections of this section. In addition, prospective PUD developers should be aware that final decision of approval or denial of a planned unit development, even though the planned unit development appears to meet the written and outlined criteria as listed in this section, remains with the Township Planning Commission and, in turn, the Township Board at the time and manner as in described in this section.
- (b) Minimum PUD performance objectives.
 - (1) All applications shall provide for buffering between any conflicting feature of the design and adjacent residential land use.
 - (2) All applications shall ensure good internal and external pedestrian accessibility with a minimum of conflicting points with the vehicular circulation system. Special provisions for safety such as pedestrian overpasses may be required.
 - (3) All applications shall minimize the cost of street construction and associated maintenance costs while adhering to official Township construction standards.
 - (4) All applications shall consider convenient access to public transportation.

- (5) All applications shall minimize the cost of utility construction and associated maintenance costs while adhering to construction standards.
 - (6) All applications shall take advantage of natural vegetation and topographic characteristics to promote natural air conditioning and enhancement of air quality. This same consideration, in conjunction with the direction and angle of the sun, shall be considered to assist with minimizing energy consumption.
 - (7) All applications should enhance and preserve wildlife habitat, with special attention to wetlands and other unique habitats. The creation of ponds and habitats that enhance wildlife possibilities is encouraged so long as it is not detrimental to existing quality wetlands and wildlife habitats. Wildlife habitat does not refer to croplands, grassy fields, or other areas of usual abundance, but to special land features such as orchards, small woodlots, swales, ponds, and areas where cover type is abundant enough so as to stand out from the rest of the landscape and where it is common to find wild birds and animals.
 - (8) Except in unusual circumstances, stormwater runoff induced by the proposed development shall be detained for storage and infiltration on the site.
 - (9) All applications shall provide for active and/or passive recreation on the site in harmony with the character of the open space.
 - (10) A minimum of 50% of the project area allowed for density determination, excluding wetlands and floodplains, shall be provided as open space. Deliberate efforts must be made to preserve important landscape features and amenities of longterm value and use these features as key components of design. Open space shall consist of large blocks of land, wherever possible.
 - (11) All applications shall contain a housing type or types sufficient in number to maintain a harmonious relationship with important site features, structures and adjacent land uses and represent quality in design. Setback requirements for multiple dwellings should conform to setback regulations, set forth in Subsection 86-376(g), except where variations can be justified and are approved by the Planning Commission and Board of Trustees.
 - (12) All applications shall demonstrate that there is adequate capacity of public streets, sewer and water facilities to serve the development. All applications shall demonstrate the suitability of ground water for on-site water supply in areas not served by public water and the suitability for on-site sewage disposal in areas not served by public sewers. If existing facilities are found by the Planning Commission to be inadequate, the applicant shall correct the deficiencies prior to final PUD approval.
- (c) General restrictions and standards.
- (1) Minimum project area. Subject to the conditions set forth in this section and elsewhere in this chapter, planned unit developments are permitted on sites of any size. No commercial uses of any nature shall be permitted in any planned unit development of less than 15 contiguous acres or in any planned unit development located in the RRR single-family rural residential low density or RR rural residential districts. For planned unit development consisting of 15 contiguous acres or more and located in any district except RRR and RR, the commercial uses shall be allowed as provided for by the chapter but in no event shall such use occupy more than 3% of the total buildable land area of the planned unit development. Prior to issuance of a building permit for construction of any approved commercial use, occupancy permits shall have been issued for a minimum of 75% of the planned unit development's residential component. Land used for commercial purposes in a planned unit development shall not be used to determine allowable residential densities.
 - (2) Location. Planned unit developments of allowable size may be located in any residential district upon approval of the Planning Commission.

- (3) Uses permitted. Subject to the provisions of this chapter all uses permitted in all residential districts and C-1 district shall be permitted in planned unit developments, except as limited in subsection (c)(1) above.
- (4) Requirements.
- a. Yard, setback, lot size, type of dwelling unit, height, frontage requirements, and use restrictions are generally waived for the planned unit development, except as noted, provided that the spirit and intent of this section, as defined in the purpose clause above, are incorporated with the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the site and shall determine the suitability of the total development plan in accordance with the purpose and performance section.
 - b. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
- (5) Privacy. Each development shall provide visual and acoustical privacy for dwelling units. Features such as fences, screening walls, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants. High-rise buildings shall be located within a planned unit development in such a way as to minimize any adverse impact on adjoining low-rise buildings either within the development or adjacent area and to avoid an invasion of the privacy of the occupants of such low-rise buildings.
- (6) Off-street parking. Parking space shall be provided in accordance with the following standards:
- a. Minimum parking space size shall be 200 square feet.
 - b. A minimum of two parking spaces shall be provided for each dwelling unit, except as noted in subsection c.
 - c. Uses other than one- and two-family residential, such as housing for the elderly, commercial uses, institutional uses, or similar uses, shall meet the motor vehicle parking and loading, and bicycle parking requirements set forth in Article **VIII** of this chapter.
 - d. Common driveways, parking areas, walks, and steps may be required, together with appropriate lighting, in order to ensure the safety of the occupants and the general public.
 - e. Screening of parking and service areas may be required through use of trees, shrubs, hedges, or screening walls.
- (7) Density. The total number of dwelling units permitted shall be determined in accordance with the following stipulations:
- a. Preparation of a site plan based on a preliminary lot layout (yield plan) developed in conformance with the underlying zoning district, the subdivision regulations (as applicable), and the Township Code of Ordinances to determine the number of residential dwelling units the site will yield, the site plan and preliminary lot layout shall be submitted with the PUD application and other materials required in subsection (e)(3)a.2.
 - b. Those sites which contain wetlands and/or floodplains shall be permitted a maximum number of units based on the following formula:

$$N = D \times C$$

Where:

N = Maximum number units permitted

D = Allowable density from the yield plan [Subsection (c)(7)a]

C = 1.0+ percent of the site in floodplain and wetland expressed as decimal.

For purposes of this chapter wetland areas are those lands which meet the definition of a wetland set forth in the Meridian Township Code of Ordinances § **22-116**. For purposes of this section floodplain areas are those lands which meet the definition for "intermediate regional floodplain" contained in § **86-436** of the zoning ordinance.

- c. In the RRA, RAAA, RAA, RA, and RB districts, the maximum density as computed by subsection (c)(7) may be increased no more than 25% of the net allowable density of the buildable land when a planned unit development is designed with unique and extraordinary amenities, such as preservation of woodlots, provisions of lakes, provision of recreational facilities, provision of affordable housing, etc.
 - d. When more than one zoning district is involved in a PUD application, the density of the project will be based on the average of the zoning districts involved, weighted in direct proportion to the size of the property within the project in each zone.
 - e. In certain instances the density permitted in a PUD based on subsections (c)(7)a—d of this section may exceed the maximum density shown on the comprehensive development plan map for the development site. In these instances, the density computed by subsection (c)(7)a and b of this section supercedes the comprehensive development plan map as well as other requirements set forth in this title for compliance with the comprehensive development plan.
- (8) Open spaces. "Common open space" is defined as a parcel or parcels of land or an area of water or a combination of land and water designed and intended for the use or enjoyment of the residents of the PUD or of the general public. Preservation of attractive site features and diversity of features is encouraged. Common open space does not include proposed streets, rights-of-way, open parking areas, and commercial areas. Common open space may include a recreational trail, picnic area, children's play area, greenway, linear park, or golf course. As used in this section, a golf course does not include any structures, appurtenances, or parking areas.
- [Amended 2-6-2018 by Ord. No. 2018-02]
- a. Conveyance and maintenance of common open space. All common open space shown on the final development plan and recorded in the office of the county register of deeds must be reserved or dedicated by lease or conveyance of title, including beneficial ownership, to a corporation, association, or other legal entity or by reservation by means of a restrictive covenant. The terms of such lease or other instrument must include provisions guaranteeing:
 - 1. The continued use of such land for the intended purposes;
 - 2. Continuity of proper maintenance of those portions of the open space land requiring maintenance. The developer shall file with the county register of deeds and the Township Planning Commission legal documents embodying the aforesaid guarantees ensuring the use of the common open spaces for the designated purposes. If the development is to be subdivided, such aforementioned restrictions shall be recorded at the time of final plat approval.
 - b. All common open space proposed for dedication to the Township must be acceptable to it, and may not be so dedicated without approval of the Board of Trustees.
- (9) Circulation facilities. Public streets shall be encouraged. However, private streets may be permitted by approval of the Township Board and the Planning Commission, provided they are designed to allow sufficient access for emergency vehicles (police, fire, ambulance) to the dwelling units they will serve. If private streets are permitted, easements of sufficient width acceptable to the county road commission shall be granted to the Township in order to

accommodate possible future dedication. Width of easements and design of private drives shall be subject to the approval of the Township Engineer.

- (10) Utilities. Planned unit developments shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for construction of storm sewer facilities including grading, gutters, piping, and treatment of turf to handle stormwaters, prevent erosion and the formation of dust. This could include the establishment of retention basins in order to minimize stormwater runoff. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of Meridian Charter Township.
- (11) Planting. The appeal and character of the site shall be preserved by retaining and protecting existing trees and other site features whenever this is practicable. New landscaping shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.
- (d) Subdivision review. If a subdivision plat is proposed, planned unit developments shall be reviewed in accordance with the procedures detailed in the subdivision regulations of the Township for review of a proposed subdivision with the supplements set forth in this section for planned unit developments.
- (e) Procedures.
- (1) Preapplication conference. Each applicant shall confer with the Department of Community Planning and Development regarding the preparation of the planned unit development application. The general proposal in the form of a conceptualized site plan shall be reviewed by the Director of Community Planning and Development in a preapplication conference prior to submission of the preliminary planned unit development application. The Director of Community Planning and Development shall furnish the applicant with requirements to the components of the planned unit development application. It is not required that any person requesting a preapplication conference be an owner of or holder of an equitable interest in the subject property.
- (2) Preapplication sketch plan review (optional). A prospective applicant may submit a sketch plan and other required data and information to the Director of Community Planning and Development for review by the Planning Commission after the preapplication conference with staff.
- a. Required data and information.
1. A minimum of two sketch plans drawn to a readable scale each depicting an alternate layout in conceptual form and including existing features (both natural and constructed) on the site and on surrounding properties that may affect the project's design.
 2. The yield plan used to determine density per subsection (c)(7)a.
 3. The name, mailing address, and telephone of the applicant, proprietor(s) if different than the applicant, and the person and/or firm responsible for the design.
 4. Location of the property by section, town and range, or by other legal description along with a vicinity map showing the general relationship of the proposed project to the surrounding area.
 5. Existing conditions and characteristics of the site and adjacent land, including:
 - i. Approximate boundaries of woodlands, wetlands, floodplain, and watercourses.
 - ii. The approximate location and intended future use of existing structures on the site.
 - iii. Existing land use on surrounding properties.

- iv. Location of existing easements on the site.
 - v. For each sketch plan, the proposed approximate layout of streets and buildings within building envelopes or lots.
 - vi. For each sketch plan, the proposed approximate location, dimension, and area of all parcels of land proposed to be set aside for open space.
- b. Review procedures.
1. The Planning Commission shall review sketch plans with property owners, prospective applicants, and/or their representative(s) at a regular and/or work session meeting of the Planning Commission.
 2. The Planning Commission shall offer comments and suggestions concerning the proposed development in the interest of achieving the purposes of the planned unit development ordinance, the goals of the comprehensive development plan, and the general goals of the Township.
 3. The Planning Commission shall take no formal action to approve or deny a sketch plan but may offer suggestions as to which sketch plan best meets the intent and requirements of this section.
 4. Comments and suggestions made during sketch plan review about the proposed development shall not be binding on the Township or the applicant.
- (3) Application submitted to Township Planning Commission. Applications shall be submitted through the Department of Community Planning and Development on a special form for that purpose. Each application shall be accompanied by the payment of a fee, in accordance with the duly adopted schedule of fees, to cover costs of processing the application. No part of any fee shall be refundable.
- a. Required data and information. Every application shall be accompanied by the following information and data:
1. A map drawn to an engineer's scale, of the total property involved, showing its location in the Township and its relation to adjacent property.
 2. A reproducible two-foot contour topographic map (i.e., sepia, mylar, etc.) drawn at the same scale as the site plan and showing the existing relief features on the site.
 3. A preliminary lot layout (yield plan) developed in conformance with the underlying zoning district, the subdivision regulations (if applicable), and the Township Code of Ordinances to determine the number of residential dwelling units the site will yield.
 4. A site plan of the proposed planned unit development design.
 5. A site analysis, indicating the principal factors which influenced the design decisions regarding the plan. The analysis shall include, but need not be limited to, soil conditions, topography, surrounding land uses, and surrounding pedestrian and vehicular circulation systems.
 6. A schematic layout of the proposed storm sewer system.
 7. A document generally describing the proposed phasing program for the planned unit development of all dwelling units, nondwelling structures, recreational and other facilities, and open space improvements.
 8. A natural features study.
 9. A traffic study where the project will exceed 100 vehicle trips during the peak hours of the adjacent roadway.

10. Building elevations drawn to scale (in color).
 11. Proof of property ownership or a letter from the property owner authorizing the request submitted with proof of property ownership from the author of the letter.
- b. Local agency review. The developer shall provide the Township with copies of comments from the following reviewing agencies:
1. Ingham County Road Commission.
 2. Ingham County Drain Commissioner.
 3. The appropriate school board, if applicable.
 4. Michigan Department of Environmental Quality, if applicable.
 5. Michigan Department of Transportation, if applicable.
 6. Township Department of Public Works and Engineering.
 7. Township Fire Department.
 8. Township Park Commission.
- (4) Review for planned unit development permit.
- a. Hearing. Upon submittal of a complete application, the Planning Commission shall hold a public hearing.
1. Notice of public hearing. Notices shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances.
- b. Planning Commission decision. Following the public hearing, and after adequate review and study of an application, the Planning Commission shall make a decision to recommend approval of the request, recommend approval with conditions of the request, or recommend denial of the request, to the Township Board. The Planning Commission shall report its action to the Township Board stating its conclusions and the basis for its conclusions.
- c. Township Board hearing and decision. After receiving a recommendation from the Planning Commission, the Township Board shall conduct a public hearing which shall be preceded by notice as specified in subsection (e)(4)a of this section. After the hearing, the Township Board may render its decision to approve, approve with conditions, or deny the request.
- d. Conditions to remain unaltered. Any condition imposed upon planned unit development shall be part of the record and remain unchanged, unaltered, and not expanded upon except with the mutual consent of the Township and the landowner. The Township shall maintain a record of conditions which are changed.
- (5) Site plan review. Upon approval by the Township Board of the planned unit development, the developer shall submit a complete application to the Department of Community Planning and Development for site plan review, as outlined in the Code of Ordinances. The site plan review process shall be subject to the standards outlined in Chapter **86** of the Code of Ordinances.
- (6) Commencement of construction. No construction shall commence prior to site plan review approval and issuance of all necessary permits. The applicant shall commence construction of approved planned unit development within two years following granting of a final site plan approval or recording of an approved final plat, if such a plat is necessary. Failure to do so will invalidate the approval. The Planning Commission may grant one extension for not more than one year; provided, that a request therefore is received by the Department of Community Planning and Development prior to the expiration of the original two-year approval.

- (f) Summary of procedures. A summary of the steps for consideration of planned unit development permits is as follows:
- (1) Preapplication conference or conferences are held with the Director of Community Planning and Development in order to obtain information and guidance in preparing the application.
 - (2) Optional sketch plan review with the Planning Commission at a regular and/or work session meeting.
 - (3) Application for planned unit development permit is submitted with site plans and descriptive statement, for preliminary approval. Public hearing is scheduled and held.
 - (4) Planning Commission recommends either approval or denial of the planned unit development application to the Township Board.
 - (5) A public hearing is scheduled and held at the Township Board. The Township Board either approves or denies the application for planned unit development.
 - (6) If necessary, a preliminary plat application should be filed with the Planning Commission, as provided in the Township subdivision regulations. The Township Board certifies if necessary that the preliminary plat is either approved or denied by the Planning Commission and the Township Board.
 - (7) Application for site plan review is submitted.
 - (8) If necessary, final plat is filed and approved by the Planning Commission and Township Board.
 - (9) If within two years after final approval construction does not begin on the planned unit development, the permit shall be deemed to have expired and terminated. A nonrenewable, one-year extension of the planned unit development approval may be granted by the Planning Commission.
- (g) Phasing. The establishment of common open space and construction of public or common recreational facilities shown on the recorded planned unit development plan, together with the construction of other nonresidential structures, shall proceed in accordance with the phasing program as set forth in the planned unit development permit. To ensure compliance with the approved phasing program and to ensure the establishment of common open space and construction of public or common recreational facilities shown on the approved plan, the Planning Commission or the Township Board may require the applicant to file with the Township Clerk a surety bond acceptable to the Township covering up to 25% of the estimated cost of construction and improvements associated with the entire planned unit development, conditioned upon faithful completion of the improvements and construction in accordance with the phasing program. After general construction commences, the Director of Community Planning and Development shall review, at least once every six months, all building permits and compare them to the overall development phasing program. If he determines that the rate of construction of residential units or nonresidential structures substantially differs from the phasing program, he shall notify the applicant and the Planning Commission in writing. Thereafter, the Planning Commission may issue such orders to the applicant as will bring the phasing program into proper sequence. Upon continued violation of the phasing program, the Planning Commission may suspend the applicant from further construction of dwelling units or nonresidential structures until compliance is achieved or a new planned unit development permit is obtained. In addition to the foregoing, upon continued violation of the phasing program for longer than 90 days after an order of the Planning Commission, the Township shall be entitled to recover a judgment against the applicant or the surety in the amount of the surety bond.
- (h) Amendments.
- (1) Generally. Any person who has a property interest in the planned unit development may apply for an amendment in writing to the Director of Community Planning and Development. The

- director shall make a determination as to whether a proposed amendment constitutes a major or minor amendment to the original planned unit development.
- (2) Major amendments. A major amendment shall be evidenced by having a significant impact on the permit and the conditions of its approval, which shall include, but not be limited to:
 - a. Building additions located outside a building envelope as shown on the approved planned unit development site plan.
 - b. For approved planned unit developments without building envelopes, any addition that reduces the setback between buildings to a dimension less than the standard imposed in the approved planned unit development site plan.
 - c. The addition of land to the planned unit development for the purpose of increasing the number of residential units.
 - d. The addition or expansion of a nonresidential use in the planned unit development.
 - e. Expansion of a use that anticipates a 10% or greater increase in required off-street parking.
 - f. Any addition to a legal nonconforming site.
 - (3) Minor amendments. All projects not deemed to be a major amendment by the Director of Community Planning and Development shall be considered a minor amendment.
 - (4) Procedure for processing amendments to existing planned unit developments determined to be major amendments by the Director of Community Planning and Development. Major amendments to approved planned unit developments shall follow the same procedure set forth in this section for new planned unit development applications.
 - (5) Procedures for processing amendments to existing planned unit developments determined to be minor amendments by the Director of Community Planning and Development. Upon determination that the request is a minor amendment, the Director of Community Planning and Development shall initiate the following review process:
 - a. Application. An application for an amendment to a planned unit development shall be submitted to the Director of Community Planning and Development.
 - b. Fee. A fee shall be paid at the time of filing the application in the amount established in the schedule of fees adopted by the Township Board.
 - c. Public hearing. The application of an amended planned unit development shall be subject to the same notices and hearings and all other procedures required for the initial application as set forth in subsection (e)(4)a above; however, the term "Director of Community Planning and Development" shall be substituted for the term "Planning Commission."
 - d. Appeal. An aggrieved person may appeal the decision of the Director of Community Planning and Development to the Township Board, in accordance with § 86-188.

State law reference: Planned unit developments, MCL 125.286c, 125.286d.

§ 86-440. Mixed Use Planned Unit Development (MUPUD).

[Ord. No. 2004-08, 10-31-2004; Ord. No. 2005-11, 11-27-2005; Ord. No. 2006-08, 12-31-2006; Ord. No. 2007-12, 10-28-2007; Ord. No. 2008-04, 4-13-2008; Ord. No. 2010-02, 2-28-2010; Ord. No. 2011-08, 7-5-2011; amended 5-15-2018 by Ord. No. 2018-06; 12-7-2021 by Ord. No. 2021-07]

- (a) The purpose of the Mixed Use Planned Unit Development (MUPUD) section is to create more walkable pedestrian-oriented developments by promoting and accommodating developments in rational mixed patterns that respect Meridian Township's transitional land use concept to protect, enhance and preserve natural resources. The second purpose is to encourage rehabilitation of existing structures to include those originally built or partially built before zoning ordinances were adopted, and in such a manner that will maintain traditional urban design to preserve and enhance community resources.

The intent of this section is two-fold.

- (1) Meet Township goals through well-planned, integrated, high-quality mixed use development and redevelopment projects:
 - a. Enhance health and safety goals through requirements for walkability, pedestrian orientation and high-quality, durable, building materials.
 - b. Increase Township prosperity goals and citizen welfare through appreciated property values which will support necessary public services.
 - c. Actualize our cultural heritage through citizen pride in creative, new places to walk to, shop at and work in that retain a flavor of Meridian Township's rich history.
 - d. Enhance diversity goals with new types of residential uses in close-knit community design.
 - e. Improve our natural environment goal through mixed use redevelopment with incentives for more intensely landscaped buffers and open spaces designed to complement Township parks and green space plans.
 - (2) Improve the potential for financially attractive and high-quality mixed use projects in the Township while meeting Township goals of a safe, healthy and sustainable community.
 - a. Enhance incentives for investment through the ability to mix residential with nonresidential uses within the same development.
 - b. Allow flexibility in setback and parking requirements.
 - c. Encourage redevelopment by allowing increases in density in exchange for providing specified community amenities.
 - d. Achieve attractive and commercially successful core areas through cooperative development projects with one or more landowners.
- (b) Definitions.

AFFORDABLE HOUSING

Housing in which a household making not more than 80% of the Area Median Income is paying not more than 30% of their gross income for housing costs, including utilities.

AMENITY

Extraordinary project feature that provides usable benefit to both the occupants of the development and to the general public and reflects the scale of the facility, building, or place.

AWNING

A roof-like cover, often fabric, metal, or glass designed and intended for protection from weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

BALCONY

A platform that projects from the wall of a building and is surrounded by a railing or balustrade, for the private use of tenants.

CLOSE-KNIT COMMUNITY

A style of land development advocating smaller, narrower lots, shallower yards and setbacks, smaller and more intensely used spaces, etc., that is less land consumptive than traditional suburban development.

GREEN ROOF

A flat or slightly sloped roof with a layer of vegetation planted over a waterproofing system that is installed on the top of the roof.

MONUMENT SIGN

A freestanding sign, in which the entire bottom (base) is in contact with the ground and is independent of any other structure.

NONRESIDENTIAL USE

A use that does not contain or provide facilities for people to live on the premises.

ORNAMENTAL

Something that is either decorative or something that provides aesthetic quality to an object required for another purpose.

PEDESTRIAN-ORIENTED DEVELOPMENT

Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas with design bearing a definite relationship to the human dimension. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. A pedestrian-oriented neighborhood offers variety in housing clustered around well-defined neighborhood centers which support jobs, nonresidential activity, and a range of amenities to sustain lively streets and gathering places. It offers a gradient density from open space to high-intensity nonresidential cores. The layout of pathways, streets and transportation corridors minimizes conflict between walking, biking, and driving.

REDEVELOPMENT

The process by which an existing developed area is rehabilitated, restored, renovated, expanded and/or reused. Redevelopment may also mean a site that contains an existing building(s) to be removed.

SIGN PROGRAM

A plan of all signs proposed to be installed in an MUPUD project submitted for approval to create a coordinated project theme of uniform design elements such as color, lettering style, size, and placement consistent with the context of the project and its surroundings and the purpose and intent of this section.

WAIVER

Permission to depart from the requirements or standards of the underlying zoning district in return for the provision of amenities.

(c) Permitted locations and uses.

(1) Locations.

- a. MUPUD projects shall be permitted in the C-2, C-3, and CR zoning districts, where public water and sewer are available.
- b. MUPUD projects shall be permitted in the PO and C-1 districts where public water and sewer are available, provided that when adjacent to land zoned and developed in a single-family residential district, the height of buildings in the MUPUD shall be no taller than the abutting residential district would allow.

(2) Uses.

- a. In the C-1, C-2, C-3, and CR zoning districts, all uses permitted by right and by special use permit in the underlying zoning district or districts where a project includes more than one zoning district, provided that the purpose and intent of this section is incorporated within the total development plan.
- b. In the PO zoning district, all uses in the C-1 and PO zoning district permitted by right and by special use permit are permitted in a PO zoning MUPUD project.
- c. Single- and multiple-family residential uses up to a density of 14 dwelling units per acre when developed in conjunction with the redevelopment of an existing building(s) for a use permitted by right or by special use permit in the underlying zoning district and on the same parcel of land. The density may be increased to 18 dwelling units per acre by offering four additional amenities.
- d. Single- and multiple-family residential uses up to a density of 10 dwelling units per acre when developed in conjunction with the development of an undeveloped site for a use permitted by right or by special use permit in the underlying district and on the same parcel of land.
- e. For an MUPUD project within the Okemos Downtown shown on Map 1, the Haslett Downtown shown on Map 2, and the Meridian Mall property shown on Map 3,^[1] the Township Board may, in its sole discretion, approve a higher density per acre of residential dwelling units and/or an increase in the height of a building based upon the proposed MUPUD complying with the following performance criteria:
 1. Architectural design and placement of building(s) on the parcel(s) will be consistent with the architectural standards set forth in the Master Plan and shall include sustainability and environmental considerations, including, but not limited to, energy usage from renewable energy resources or achieving LEED certification for the buildings proposed.
 2. The building height is no more than four stories above the finished grade. A fifth story may be allowed where there is a minimum of a ten-foot setback for such fifth story from the predominant first-floor facade elevation. Overall height from the finished grade to the top of the wall may not exceed 60 feet. Floor-to-ceiling height shall be a minimum of 14 feet for first floor nonresidential uses and a minimum of nine feet for all upper floors, regardless of use.
 3. A parking plan that provides a design for any parking structures that is unified with the main building through the use of similar building materials, color, and architectural style. The parking plan shall provide opportunities for shared parking, accessways, and driveways with adjoining properties or provide additional parking spaces that may be used by the public.
 4. An innovative design that includes a number of different dwelling unit types, sizes, and floor plans available within the MUPUD.
 5. Common areas and/or amenities for residents and the general public, including, but not limited to, gathering spaces, gardens, courtyards, pavilions, pocket parks, swimming pools, exercise rooms, storage rooms, lockers, and covered parking.
 6. The overall project promotes nonmotorized and shared transportation by providing convenient access to the public pedestrian/bicycle pathway system and public transportation systems as outlined in the Master Plan.
 7. The buildings generally provide for nonresidential uses on the ground floor(s), and the development demonstrates a financially viable plan for long-term sustainable nonresidential space usage.

8. The higher density of any project will not negatively impact the character, aesthetics, safety, or welfare of surrounding businesses and neighborhoods.
9. Any potential for increased traffic is addressed by the project and solutions are provided.
10. Where feasible, the project makes an effort to preserve and use existing structures or provides explanations to justify why such preservation and use is not possible.
11. A minimum of two amenities from Subsection (e)(4)a shall be required for all projects under this subsection.

[1] *Editor's Note: Maps 1 and 2 are included as an attachment to this chapter. Map 3 is on file in the Township offices.*

- f. Uses may be mixed vertically and/or horizontally.
- (d) MUPUD projects may be phased, provided each phase incorporates a use permitted in the underlying zoning district and includes one or more amenities, based on the number of waivers required in each phase. Phasing plans shall be evaluated for the proportionality of permitted use(s) to residential use(s). Phasing plans shall be submitted with the original MUPUD application.

(e) Amenities.

(1) General guidelines.

- a. Every MUPUD shall incorporate one or more amenities.
- b. Every request for a density bonus shall incorporate four or more amenities in addition to those required by Subsection (e)(1)a.
- c. Waivers from zoning ordinance standards may only be granted by the Township Board in exchange for amenities. For every one waiver requested at least one amenity must be provided.
- d. Amenities shall not be combined or counted more than once or counted toward any other requirement of the ordinance.
- e. To the greatest extent feasible, amenities shall be visible and/or accessible to the public from a fully improved street, and/or a benefit to the general public.

(2) Amenities acceptable for consideration by the Township shall meet one or more of the following criteria:

- a. Type, value and number of amenities shall be proportionate to the size and/or cost of the project, and the number of waivers requested.
- b. Support of goals expressed in this section, the adopted Township Master Plan, or other applicable adopted plans.
- c. Consistency and compatibility with the intended use of the site.
- d. Continuity of design elements.
- e. Appropriate and harmonious with the surrounding area.
- f. Potential to act as a catalyst for improvements to surrounding sites.

(3) Timing of project amenities.

- a. One or more amenities must be provided in each project phase if a phased development is proposed.
- b. For single-phase projects, all amenities shall be constructed prior to final certificate of occupancy for any building.

- c. For multi-phase projects, amenities shall be constructed prior to final certificate of occupancy for any building in the phases in which the amenities are approved.
 - d. When affordable housing is included as an amenity, as near as possible to an equal amount of affordable housing units shall be provided in each building.
- (4) The following list of possible amenities is weighted to recognize more substantial project features may fulfill the requirement for multiple amenities. Other amenities not listed below may be considered, provided they meet the criteria established in Section 86-440(e)(4) and subject to the sole approval and discretion of the Township Board.
- a. Project features counting as three amenities are those amenities that have the largest potential environmental and/or social impact on the Township as a whole and are generally not found in a non-MUPUD project. At least one amenity from this section shall be required for any MUPUD project that requires four or more total amenities for approval.
 1. Leadership in Energy and Environmental Design (LEED) certification by the United States Green Building Council at the Silver level or higher for the project or individual buildings in the project. Alternative rating systems may be considered.
 2. Multilevel parking decks or underground parking.
 3. A minimum of 20% of the total units within the development identified as affordable housing units.
 4. The overall project includes at least 25% of the total gross floor area of all buildings identified for nonresidential uses, such as retail stores, restaurants, offices, or similar land uses.
 5. Vertical mixing of land uses for the entire project and in each building.
 6. Alternative energy generation systems on-site producing at least 50% of the energy consumed by the development.
 7. Dedicated outdoor gathering space in the form of a central green, plaza, or square which is to function as a focal point for the project and serve as an area where social, civic, or passive activities can take place. This area shall be at least 20% of the total building footprint or 5,000 contiguous square feet (whichever is greater) and designed to serve as a visual and functional civic amenity for sitting, viewing, or other similar outdoor activity.
 8. Public art, either on-site or at an approved off-site location, at 1% of the project cost designed to withstand natural elements and reasonable public contact.
 - b. Project features counting as two amenities are those amenities that have an environmental and/or social impact on the Township as a whole, but are more focused on benefits to the development and may or may not be found in a non-MUPUD project.
 1. 75% of all building facades are covered with natural materials such as brick or stone.
 2. Interior, individual bicycle lockers or locker banks equal to the amount of bike parking required for the site.
 3. Green roofs incorporated into the building design.
 4. New enhanced public transit stops, when located on or adjacent to property proposed for an MUPUD project. New stops for locations not currently served by the public transit system shall be determined in coordination and with approval from local transit providers. The public transit stop shall include seating, shelter, and other elements approved by a local transit provider.

5. Electric car charging stations installed on the project site. A minimum of four charging stations shall be required to qualify.
 6. A mix of dwelling unit types (such as one-, two-, or three-bedroom units) with no more than 50% of one type of dwelling unit provided in the development.
 7. Public outdoor seating plazas adjacent to or visible and accessible from the street, including, but not limited to, benches or other outdoor seating not associated with an outdoor café.
 8. Public recreation resources for active recreation or informal spontaneous recreation, such as ball fields, tennis courts, swimming pools, pickleball courts, or other similar activities. Resources shall be open and accessible to the general public.
 9. Ornamental paving treatments for all sidewalks and parking areas on the site, such as pavers, brick, or pervious concrete or asphalt. A maintenance plan shall be required for the use of such paving treatments.
- c. Project features counting as one amenity are those amenities that generally benefit only the development and may be found in a non-MUPUD project. Only one amenity from this section shall be counted toward the total number of required amenities for an MUPUD.
1. Green space exceeding the underlying permeable surface regulation by at least 10%.
 2. Dedicated parking for e-scooters or other alternative mobility options, separate from bicycle parking areas.
 3. Installation of waterless urinals or other low-flow plumbing fixtures throughout the project.
 4. Wireless access points available to the general public.
 5. Sidewalk planters intermittently placed along all public streets and internal private streets and drives at a spacing of 25 feet.
 6. Decorative lighting along all public streets and internal private streets, drives, and in all parking lots.
 7. Grey water recycling systems.
 8. Privately maintained courtyards, plazas, project parks, and rooftop gardens and similar features with seating for the public.
 9. Enhancement of an existing public transit stop, when located on or adjacent to the property proposed for an MUPUD. The public transit stop shall include seating, shelter, and other elements approved by a local transit provider.
- (f) Design standards.
- (1) General restrictions.
 - a. Except as noted elsewhere in this section, the yard, setback, lot size, type and size of dwelling unit, frontage requirements, and impervious surface regulations and restrictions are generally waived for the MUPUD, provided that the spirit and intent of this section, as defined in Subsection **86-440(a)** above, are incorporated with the total development plan. The Planning Commission may recommend, and the Township Board shall establish, all requirements by means of the approval of the planned unit development.
 - b. Maximum height in an MUPUD shall be no higher than 45 feet, except for those MUPUD projects within the Okemos Downtown as shown on Map 1, the Haslett Downtown shown

on Map 2, and the Meridian Mall property, shown on Map 3^[2] as outlined in Subsection (c)(2)e previously. Exceptions provided in Section **86-591** shall continue to apply.

[2] *Editor's Note: Maps 1 and 2 are included as an attachment to this chapter. Map 3 is on file in the Township offices.*

- c. Except as stated above, all requirements regarding floodways, floodplains and wetlands in the conservancy district shall apply to the MUPUD.
 - d. Metal and portable buildings shall be prohibited.
- (2) Structure.
- a. Building materials shall include, but are not limited to, wood, brick, clapboards, beadboard, glass, and stone. Other materials, such as vinyl, aluminum, and other metal sidings should be avoided. All buildings shall be completed on all sides with acceptable finishing materials. Any element not specifically mentioned in this section shall otherwise conform to other provisions of the Code of Ordinances.
 - b. Diversity and variety in architectural design is encouraged.
 - 1. Architectural design shall be consistent with pedestrian-oriented development.
 - 2. Property owners shall be encouraged to design and construct their building facades so that improvements relate to and are sensitive to nearby historical features, blend with the facades of adjacent buildings and complement streetscape improvements in the area.
 - 3. Buildings greater than 50 feet in width shall be divided into increments of no more than 50 feet through articulation of the facade.
 - 4. Windows shall cover no less than 50% of nonresidential street level facades, and awnings shall be provided over all street level windows.
 - 5. All mechanical, heating, ventilation, and air conditioning (HVAC) and like systems shall be screened from street level view on all sides by an opaque structure or landscape material selected to complement the building.
 - 6. Railings, benches, trash receptacles and/or bicycle racks, if provided, shall be of commercial quality, and complement the building design and style, subject to the approval of the Director of Community Planning and Development.
 - 7. Upper floor balconies are required adjacent to any street for any residential unit.
- (3) Parking.
- a. Setbacks for parking areas from the public street, adjoining properties, and when adjacent to residentially zoned properties shall be established during the review process. Consideration should be given to preservation of existing residential neighborhoods and heritage trees.
 - b. The number of required off-street parking spaces shall comply with Section 86-755 of the Code of Ordinances, which outlines the schedule of requirements for parking spaces. The Township Board may reduce the number of off-street parking spaces required for a development. In doing so, the Township Board shall establish a reasonable number of required off-street parking spaces based on the characteristics associated with the property and availability of other sources of parking or the provision of amenities in lieu of parking.
 - c. Parking lots shall only be permitted in a side or rear yard. In no case shall a parking lot extend beyond the front façade of a building.

- d. Bicycle parking shall be separated from automobile parking and meet the provisions of Section **86-760**.
- (4) Landscaping shall generally comply with the applicable provisions of the Code of Ordinances.
 - a. Project landscaping shall be designed to preserve existing significant natural features and to buffer service areas, parking, or dumpsters. Additional landscaping may be required in order to protect adjacent properties.
 - b. A mix of evergreen and deciduous plants and trees are preferred with seasonal accent plantings to add to the visual appeal of the area.
 - c. Native plant species are encouraged.
 - d. Maintenance of landscaped areas shall be subject to Subsection **86-758(3)** of the Code of Ordinances.
 - (5) All outdoor lighting associated with nonresidential and multiple-family residential projects in an MUPUD project area shall conform to Article **VII** in Chapter **38** of the Code of Ordinances and is subject to the approval of the Director of Community Planning and Development. Streetlighting intended to provide illumination for pedestrians on the sidewalk shall not exceed 15 feet in height.
 - (6) Each applicant shall submit a sign program illustrating each proposed sign type, its size and location as part of the MUPUD project's application materials. The Director of Community Planning and Development may be authorized to approve the entire sign program, or any part of the sign program, as part of the site plan review process.
 - a. General guidelines.
 1. Signs shall be designed to enhance the pedestrian experience, reflect and complement the character of the building, and respect the overall character of the area in an attractive and functional manner.
 2. Signs shall not cover or obscure architectural features of buildings.
 3. Signs shall be properly maintained.
 4. Signs or sign faces shall not be changed or installed without a new building permit and in accordance with an approved sign program.
 - b. The following sign types are permitted in an MUPUD project. Except as indicated below, the number and size of signs shall be approved as part of the project's application for the MUPUD project approval.
 1. Wall signs, defined as a sign mounted flat against, or painted on, the wall of a building (not in a window) with the exposed face of the sign in the plane parallel to the face of the wall.
 - i. One wall sign for each business with direct access to a public street shall be permitted. The size of the sign is based on the underlying zoning district in which the MUPUD project is located.
 - ii. One additional wall sign, no larger than two square feet, shall be permitted for each tenant with direct access to a public street and shall be located on the wall surface adjacent to a tenant's main entry. Restaurants may add an additional two square feet to this sign.
 - iii. Multi-tenant buildings with a shared entrance shall be permitted six square feet of wall signage, to be located adjacent to the shared entrance.

2. Up to 30% of the area of an awning or canopy may be used for signage, separate from the wall sign. Such signs shall not be internally lit.
 3. One projecting sign per business with direct access to a public street shall be permitted, up to a maximum size of six square feet. The lowest edge of a projecting sign shall be no lower than eight feet above the sidewalk elevation.
 4. No more than 40% of a window's area shall be used for signage. Up to 10% of that area may consist of completely opaque signs. Etched glass and similar artistic designs shall not be considered opaque.
 5. Freestanding signs are generally not permitted in an MUPUD project. Exceptions for freestanding signs of the monument type may be permitted when a building is set back a minimum of 15 feet from the right-of-way line with the resulting yard set aside for permanent public open space. In such case, the size, location and design of the sign shall be reviewed and approved as part of the overall sign program.
- (7) Sidewalks shall be a minimum of five feet in width, except in two specific scenarios:
- a. When the sidewalk(s) is immediately adjacent to an outdoor seating cafe, the sidewalk shall be a minimum of seven feet in width to provide additional maneuverability; and
 - b. When the sidewalk(s) is immediately adjacent to an off-street parking area, where vehicles may overhang on the sidewalk, the sidewalk shall be a minimum of seven feet in width to provide additional maneuverability.
- (8) Where a site submitted for mixed use PUD approval is located on a route of the Township's pedestrian/bicycle pathway master plan, construction or reconstruction of the route shall conform to Township standards for pedestrian/bicycle pathways.
- (g) Procedure.
- (1) Each applicant shall meet with the Director of Community Planning and Development regarding the preparation of the MUPUD application prior to submittal. It is not required that any person requesting such a meeting be an owner of or holder of an equitable interest in the subject property.
 - (2) An applicant is urged to meet with owners and occupants of surrounding properties to apprise them of a proposed development, share the physical design, receive comments, and revise the proposal accordingly prior to submitting an official application. The Township will assist by providing property owner and occupant contact information and attend meetings as deemed necessary.
 - (3) A property owner, prospective applicant or their representative may submit an optional concept plan for review and comment by the Planning Commission and/or Township Board.
 - a. Purpose.
 1. To acquaint the Planning Commission and/or Township Board with the proposed project.
 2. To receive guidance regarding the proposed design's compatibility with the purpose, intent and standards of the MUPUD ordinance.
 3. To reduce the applicant's time and cost.
 - b. Submittal requirements.
 1. A written request to initiate a concept plan review submitted to the Director of Community Planning and Development.

2. A written summary of the project (amount and type of uses, basis for the design concept).
 3. A concept plan drawn to scale containing the following information:
 - i. Boundaries and acreage of the site.
 - ii. Zoning.
 - iii. Adjacent road network.
 - iv. General layout of buildings, interior access roads and unique design elements.
 - v. General location of known features affecting the site layout such as, but not limited to, floodplain, wetlands, woodlands, railroads, drains, rivers or rivers and streams, parkland, etc.
 4. A list of the amenities proposed for the project, along with descriptions and locations of each.
- c. Review procedure.
1. Upon receipt of a written request and other required data and information, the Director of Community Planning and Development shall review the concept plan.
 2. Within 30 days of the date of receiving a complete request, the Director shall forward to the Planning Commission and/or Township Board the concept plan and accompanying data along with any written comments from the Director. The Planning Commission and/or Township Board shall concurrently review the concept plan and may offer comments or suggestions on the design. Comments or suggestions made during the review of the concept plan shall not be binding on the Township or the applicant.
- (4) Required data and information for an MUPUD.
- a. A complete application accompanied by the appropriate fee.
 - b. A site plan drawn to an engineer's scale of the total property involved, showing its location in the Township and its relation to adjacent property.
 - c. A schematic layout of the proposed storm sewer system.
 - d. A document generally describing the proposed phasing program for the MUPUD, including all dwelling units, nonresidential units, recreation and other facilities, and open space improvements.
 - e. A two-foot contour topographic map drawn at the same scale as the site plan and showing the existing relief features on the site.
 - f. A sign program.
 - g. Natural features study for previously undeveloped properties. The natural features study shall include a written description of the features to be retained, removed, or modified, and the proposed measures to mitigate any negative impacts on the site and adjacent properties. Natural features to be addressed include, but are not limited to, wetlands, significant stands of trees or individual trees greater than 12 inches dbh, floodways, floodplains, water features, identified groundwater vulnerable areas, slopes greater than 20%, ravines, and wildlife habitats and vegetative cover types with potential to sustain significant or endangered wildlife.
 - h. Traffic study where the project will exceed 250 vehicle trips during the peak hour of the adjacent roadway.

- i. Building elevations drawn to scale and in color.
 - j. The developer shall provide the Township with copies of any comments from other reviewing agencies, such as:
 1. The Ingham County Road Department.
 2. The Ingham County Drain Commissioner.
 3. Michigan Department of Transportation (if applicable).
 4. Michigan Department of Environment, Great Lakes, and Energy (if applicable).
 5. Township Environmental Commission (if applicable).
 6. Township Engineering Department.
 7. Township Fire Department.
 - k. The developer shall provide proof of property ownership, or a letter from the owner authorizing the request and proof of property ownership from the author of the letter.
 - l. A list of the amenities proposed for the project, along with descriptions and locations of each.
 - m. A list of waivers requested for the project, along with descriptions, dimensions, and locations of each, as well as justification or reasons why each waiver is being requested.
- (5) Upon submittal of a complete application, the Planning Commission shall hold a public hearing. Notices for public hearings shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances.
- (6) Following the public hearing, the Planning Commission will make a decision on whether to recommend approval of the request, recommend approval with conditions of the request, or recommend denial of the request, to the Township Board. The Planning Commission shall make such a recommendation to the Township Board, within 30 days of the date the planned unit development was placed on the Commission's agenda. The thirty-day period may be extended if the applicant consents.
- (7) After receiving a recommendation from the Planning Commission, the Township Board shall conduct a public hearing which shall be preceded by notice as specified in Subsection **86-65(b)** of the Code of Ordinances. Following the public hearing, the Township Board shall make a determination to approve, modify, or deny the request. The Township Board shall make such a determination within 30 days of the date the planned unit development was placed on the Board's agenda. The thirty-day period may be extended if the applicant consents.

The Township Board may place conditions on the development in order to guarantee consistency with the purpose and intent of the MUPUD ordinance, which includes, but is not limited to, providing walkable, pedestrian-friendly communities and ensuring compatibility with surrounding residential neighborhoods on adjacent sites. Conditions may include, but are not limited to, the following subjects:

- a. Hours of operation.
- b. Total square footage allotted/required for the nonresidential uses.
- c. Location, design, and orientation of specific nonresidential uses which may locate within the development and their placement in relationship to neighboring uses.
- d. Proportion of the development which may be occupied by individual nonresidential uses or by all nonresidential uses.

- e. Maximum noise levels emitted.
 - f. Lighting levels, direction, and timing.
 - g. Sufficiency of parking.
 - h. Enhancement of walkability within the development and connectivity to surrounding uses.
 - i. Landscaping and screening.
- (8) The MUPUD review and approval shall serve as the special use permit review and approval for any use, requirement, or other activity requiring special use permit approval in the underlying zoning district, including a special use permit required under Section **86-658** of the Code of Ordinances, provided the use or other activity requiring special use permit approval is identified before the Township Board approves the Mixed Use Planned Unit Development.
- a. Any use subject to special use permit review that is proposed after an MUPUD project is approved must be processed pursuant to the special use permit requirements set forth in Chapter **86**, Article **II**, Division 4, of the Code of Ordinances.
 - b. An MUPUD application to redevelop an existing use or property previously approved by special use permit shall be considered a new application for MUPUD review under this section.
- (9) Upon approval by the Township Board of the MUPUD, the developer shall submit a complete application to the Department of Community Planning and Development for site plan review, as outlined in the Code of Ordinances. The site plan review process shall be subject to the standards outlined in Chapter **86** of the Code of Ordinances.
- (10) Any condition imposed upon an MUPUD shall be part of the record and remain unchanged, unaltered, and not expanded upon, except with the mutual consent of the Township and the landowner. The Township and developer shall enter into a formal, written MUPUD agreement outlining the project, waivers approved, amenities, conditions of approval, and any other relevant items related to the project.
- (h) Effect of issuance.
- (1) The effective date of an approved MUPUD shall be the date of the Township Board decision.
 - (2) If construction related to the MUPUD has not commenced within two years after the effective date, approval shall be void, except a one-year extension may be considered if a written request is submitted to the Department of Community Planning and Development prior to the expiration date and subsequently approved by the Township Board.
 - (3) Once a phase in a multi-phased MUPUD is under construction, the next phase must commence construction within one year of the certificate of occupancy being issued for the first building in the previous phase. The Township Board may grant a one-year extension for commencement of construction on any future phase if a written request is submitted to the Department of Community Planning and Development prior to one year elapsing from the certificate of occupancy on the previous phase.
- (i) Amendments.
- (1) The property owner may apply for an amendment in writing to the Director of Community Planning and Development. The Director shall make a determination as to whether a proposed amendment constitutes a major or minor amendment to the original planned unit development.
 - (2) A major amendment shall have a significant impact on the MUPUD and the conditions of its approval, which shall include, but not be limited to:

- a. Building additions located outside a building envelope as shown on the approved MUPUD site plan.
 - b. Building additions in excess of 2,000 square feet in gross floor area.
 - c. Addition of land to the mixed use PUD.
 - d. Expansion of a use that increases the required off-street parking.
 - e. Any addition of 50 or more residential dwelling units to the MUPUD project.
 - f. Any reduction in nonresidential space in a building(s) by 25% or more of the usable floor area.
- (3) All amendments not deemed to be major amendments by the Director of Community Planning and Development shall be considered a minor amendment.
- (4) Process to amend an MUPUD.
- a. Major amendments shall follow the same procedure set forth in this section for new applications, including, but not limited to, submitting an application and fee, but review and a decision on the amendment shall be limited only to the Township Board.
 - b. The Director of Community Planning and Development shall initiate the following review process for minor amendments:
 1. An application for an amendment to an MUPUD shall be submitted to the Director of Community Planning and Development.
 2. A fee shall be paid at the time of filing the application in the amount established in the schedule of fees adopted by the Township Board.
 3. Upon submittal of a complete application, the Director of Community Planning and Development shall hold a public hearing. Notice of said public hearing shall comply with the provisions outlined in Subsection **86-65** of the Code of Ordinances.
 4. Following the public hearing and after adequate review and study of the application, the Director of Community Planning and Development shall make a decision to approve, approve with conditions, or deny the minor amendment request within 60 days of the public hearing date. The sixty-day period may be extended if the applicant consents.
 5. Upon approval of a minor amendment by the Director of Community Planning and Development, the applicant shall submit a complete site plan review application to the Department of Community Planning and Development, as outlined in Chapter **86** of the Code of Ordinances.
 6. Any condition imposed upon a minor amendment to an MUPUD by the Director of Community Planning and Development shall remain unchanged, unaltered, and not expanded upon, unless the change is reviewed and authorized by the Director of Community Planning and Development.
 - c. All amendments and/or new or changed conditions of approval shall be formalized in a written amendment to the MUPUD agreement between the Township and the developer.
 - d. An aggrieved person may appeal the decision of the Director of Community Planning and Development to the Township Board in accordance with Section 86-188.
- (j) The provisions of this section shall be enforced in the manner provided elsewhere in this Code of Ordinances. Any development that is not otherwise in conformance with these regulations shall not be approved.

§ 86-441. Grand River Avenue (M-43) Corridor Access Management Overlay District.

[Ord. No. 2004-06, 9-5-2004]

- (a) Findings. A primary function of Grand River Avenue (M-43) is to move traffic through Meridian Township and to points beyond. As the primary arterial road for Meridian Township and many of the communities along the corridor, a high percentage of the traffic has an origin and or destination in the local communities. Thus, Grand River Avenue (M-43) also has a secondary, but important, function to provide access to adjacent and nearby land uses.

Continued development along the Grand River Avenue M-43 corridor will increase traffic volumes and introduce additional conflict points which will further erode traffic operations and increase potential for crashes. Numerous published studies and reports document the relationship between systems and traffic operations and safety. Those reports and experiences of other communities demonstrate standards on the number and placement of access points (driveways and side street intersections) that can preserve the capacity of the roadway and reduce the potential for crashes. The standards herein are based on recommendations published by various national and Michigan agencies that were refined during preparation of the M-43/52 Corridor Access Management Plan, dated July 2003.

The Charter Township of Meridian finds that special comprehensive zoning standards are needed along the Grand River Avenue (M-43) corridor based upon the following findings:

- (1) The combination of roadway design, traffic speeds, current and projected traffic volumes, traffic crashes and other characteristics necessitate special access standards.
 - (2) Studies by transportation organizations in Michigan and nationally have found a direct correlation between the number of access points and the number of crashes.
 - (3) The standards are based upon considerable research and recommendations contained within the Michigan Department of Transportation (MDOT) Access Management Handbook.
 - (4) Preservation of roadway capacity through access management protects the substantial public investment in the roadway system and helps avoid the need for costly reconstruction, which disrupts businesses.
- (b) Purpose. The Michigan Department of Transportation (MDOT) has jurisdiction within the highway's right-of-way, while the Charter Township of Meridian has authority for land use and site plan decisions within individual lots or parcels along the highway. The access management standards were created to help ensure a collaborative process between the MDOT and the Charter Township of Meridian on access decisions along Grand River Avenue (M-43) to implement the recommendations of the "M-43/52 Corridor Access Management Plan" dated July 2003 and other adopted Charter Township of Meridian plans.

Among the specific purposes of this corridor access management overlay district are to:

- (1) Preserve the capacity of Grand River Avenue (M-43) by limiting and controlling the number, location and design of access points and requiring alternate means of access through shared driveways, service drives, and access off cross streets in certain locations.
- (2) Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
- (3) Improve safety and reduce the potential for crashes.
- (4) Avoid the proliferation of unnecessary curb cuts and driveways, and eliminate or reconfigure existing access points that do not conform to the standards herein, when the opportunities arise.

- (5) Implement the recommendations of the M-43/52 Corridor Access Management Plan, dated July 2003.
 - (6) Require longer frontages or wider minimum lot widths than required in other zoning districts to help achieve access management spacing standards.
 - (7) Require coordinated access among adjacent lands where possible.
 - (8) Require demonstration that resultant lots or parcels are accessible through compliance with the access standards herein prior to approval of any land divisions to ensure safe accessibility as required by the Land Division Act.
 - (9) Address situations where existing development within the corridor area does not conform to the standards of this overlay district.
 - (10) Identify additional submittal information and review procedures required for lots or parcels that front along Grand River Avenue (M-43).
 - (11) Avoid the need for unnecessary and costly reconstruction, which disrupts business operations and traffic flow.
 - (12) Ensure efficient access by emergency and public transportation vehicles.
 - (13) Improve safety for pedestrians and other nonmotorized travelers through reducing the number of conflict points at access crossings.
 - (14) Establish uniform standards to ensure fair and equal application.
 - (15) Provide landowners with reasonable access, though the access may be restricted to a shared driveway or service drive or via a side street, or the number and location of access may not be the arrangement most desired by the landowner or applicant.
 - (16) Promote a more coordinated development review process for the Charter Township of Meridian with the Michigan Department of Transportation (MDOT) and the Ingham County Road Commission (ICRC).
- (c) Applicability. The standards of this section shall apply to all lots and parcels with frontage along Grand River Avenue (M-43) and along intersecting roads within 350 feet of the Grand River Avenue (M-43) right-of-way (see Figure 86-441.1). The standards herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance. Permitted and special land uses on these lands shall be as regulated in the applicable zoning district (as designated on the Zoning Map), and shall meet the following additional provisions:

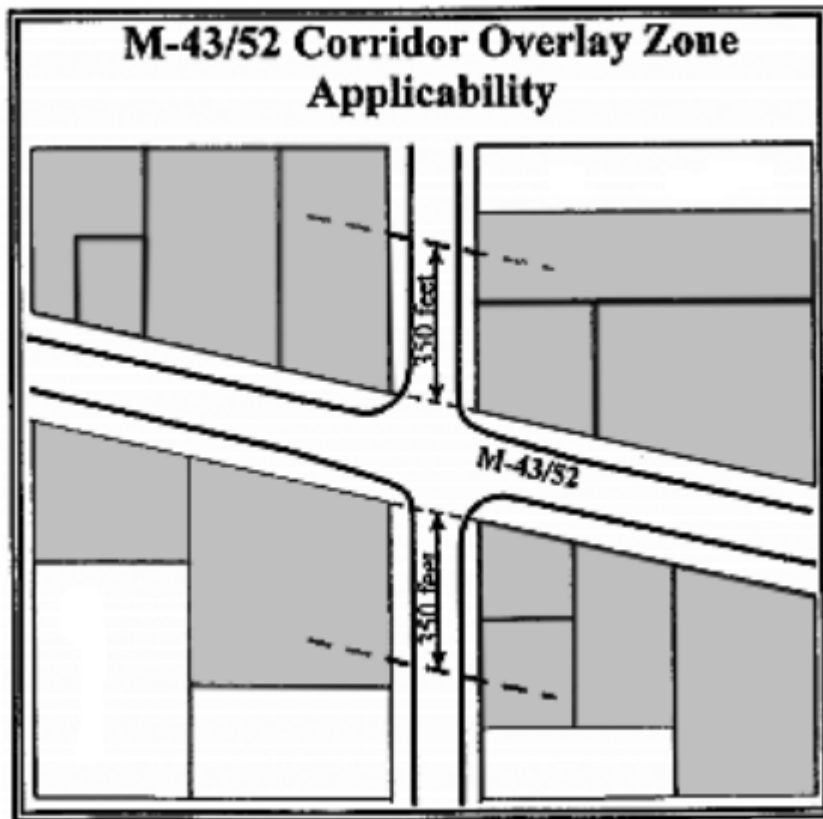


Figure 86-441.1

- (1) The number of access points is the fewest needed to allow motorists reasonable access to the site.
- (2) Access spacing from intersections and other driveways shall meet the Grand River Avenue (M-43) access management standards and MDOT's guidelines.
- (3) Provision has been made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements to be recorded with the county specifying that the Charter Township of Meridian approval is required for any change to the easement.
- (4) No building or structure, nor the enlargement of any building or structure, shall be erected unless the Grand River Avenue (M-43) access management regulations are met and maintained in connection with such building, structure, or enlargement.
- (5) All subdivisions and condominium projects shall comply with the access spacing standards as herein demonstrated. Compliance with this section shall be required to demonstrate that a lot is accessible as required under the Land Division Act (Act 288 of 1967, as amended).
- (6) Any change in use that requires a site plan review per § 86-151, the applicant shall identify the extent of compliance with the standards herein and shall submit information to the MDOT to determine if a new access permit is required.
- (7) For building or parking lot expansions, or changes in use or property, the Director of Community Planning and Development shall determine the extent of upgrades to bring the site into greater compliance with the access standards. In making a decision, the Director of Community Planning and Development shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, and any recommendations from the MDOT. Required improvements may include removal or rearrangement or redesign of site access points.

- (8) The standards herein were developed collaboratively between the Charter Township of Meridian, MDOT and Ingham County Road Commission. Where conflict occurs, the more restrictive standards shall apply.
- (d) Additional submittal information. In addition to the submittal information required for a special use permit in § **86-124** and site plan review in § **86-15(4)**, the following information shall be provided with any application for site plan review or special use permit. The information listed in items (1)—(4) below shall also be required with any request for a land division, subdivision plat or site condominium.
- (1) Existing access points. Existing access points within 500 feet on both sides of the Grand River Avenue (M-43) frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs, plat or survey.
 - (2) The applicant shall submit evidence indicating that the applicable Charter Township of Meridian's, ICRC or MDOT sight distance requirements are met.
 - (3) Dimensions between proposed and existing access points shall be shown on the site plan.
 - (4) Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval by the Charter Township of Meridian. Once approved, this agreement shall be recorded with the Ingham County Register of Deeds.
 - (5) Dimensions shall be provided for driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs) and all curb radii within the site.
 - (6) The site plan shall illustrate the route and layout of turning movements, with dimensions of any expected emergency vehicles, truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
 - (7) Traffic impact study. A traffic impact study is required as specified in Subsection 86-124(c)(6).
 - (8) Review coordination. The applicant shall provide copies of any conceptual or preliminary plans to the Charter Township of Meridian so copies can be sent to the MDOT or ICRC, as applicable, and other necessary review agencies for their information and comment. Any correspondence from the MDOT on the general access design and geometries shall be considered during the special use permit and site plan review processes. The Charter Township of Meridian may request attendance at coordination meetings with representatives of the MDOT or ICRC. Once a final site plan has been approved by the Charter Township of Meridian, the applicant shall request an access permit from MDOT or the ICRC. The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure access permits from the MDOT or ICRC.
- (e) Access management standards. Access points (not including driveways that serve an essential public service or utility substation) shall meet the following standards. The spacing standards specified below shall be required to be measured from all other roads and driveways with the exception of single-family residential driveways. If there is a change in use from residential to a nonresidential use, the Director of Community Planning and Development shall require existing access to be brought into conformance with the requirements of this section. These standards are based on considerable research in Michigan and nationally, and were prepared concurrent with guidelines promoted by the MDOT in their Access Management Guidebook.
- (1) All subdivisions or condominium projects shall provide individual lot access from roads internal to the development and no lot shall have direct driveway access to Grand River Avenue (M-43).
 - (2) Each lot or parcel shall be permitted one access point. This access point may consist of a shared access with an adjacent use or access via a service drive, or frontage road. An individual driveway may be permitted where the standards of this section are met, provided such driveway is located to facilitate shared access by adjacent lots.

- (3) The access point location shall be in accordance with the standards of this section and shall provide the opportunity for shared access with adjoining lots. Each lot or parcel developed under this section shall be required to grant shared access easements to adjoining lots or parcels to allow for future shared access. Where a proposed parking lot is located adjacent to the parking lot of a similar use, there shall be a vehicular connection where feasible, as determined by the Director of Community Planning and Development.
- (4) In order to comply with the accessibility requirements of the Land Division Act (PA 288 of 1967, as amended), land divisions shall not be permitted that may prevent compliance with the access location standards of this section.
- (5) An additional driveway may be permitted by the Director of Community Planning and Development pursuant to the requirements of § 86-756(11). The additional driveway may be required to be along a side street or a shared access with an adjacent site.
- (6) Access points shall provide the spacing from other access points along the same side of the public street (measured from centerline to centerline as shown on the figure) shown in Table 86-441.1, based on the posted speed limit along the public street segment. Required spacing along Grand River Avenue (M-43) is greater than other roadways to acknowledge MDOT access guidelines and that their primary function is to accommodate through traffic while the function of other roads is more balanced with access to properties.

Table 86-441.1		
MINIMUM DRIVEWAY SPACING SAME SIDE OF ROAD		
Posted Speed (mph)	Driveway Spacing (in feet)	
	Grand River Avenue (M-43)	Other Roads
25	130	Refer to current Ingham County Road Commission Standards
30	185	
35	245	
40	300	
45	350	
50+	455	

NOTES:

Unless greater spacing is required by MDOT, ICRC, or required to meet other standards herein.

- (7) Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- (8) Access points shall be aligned with driveways on the opposite side of the street or offset the distance indicated in Table 86-441.2, measured centerline to centerline as shown in Figure 86-441.2. The Director of Community Planning and Development may reduce this to not less than 150 feet where the offsets are aligned to not create left-turn conflicts as shown in Figure 86-441.3.

Table 86-441.2
MINIMUM OPPOSING DRIVEWAY OFFSET

Posted Speed (mph)	Table 86-441.2	Driveway Spacing (feet)
MINIMUM OPPOSING DRIVEWAY OFFSET		

Posted Speed (mph)	Driveway Spacing (feet)
25	255
30	325
35	425
40	525
45	630
50+	750

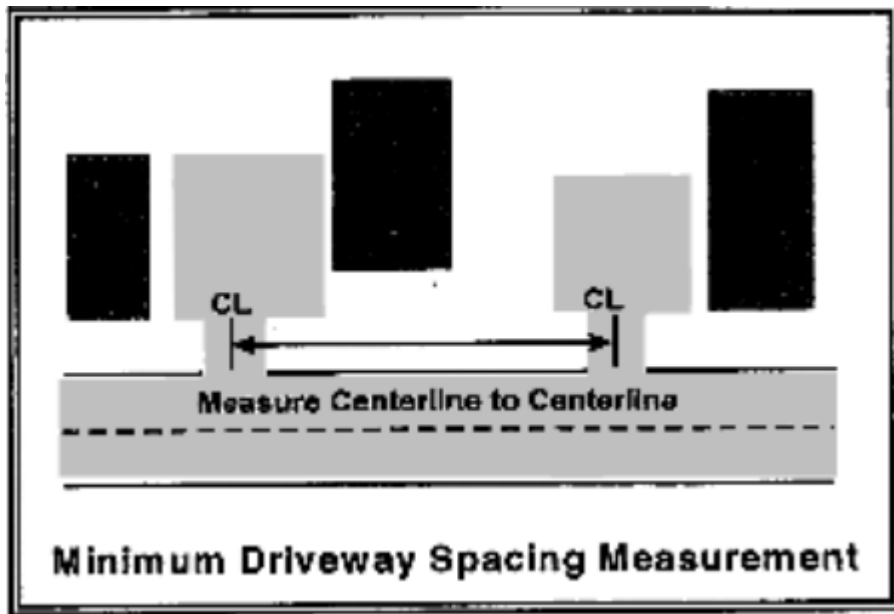


Figure 86-441.2

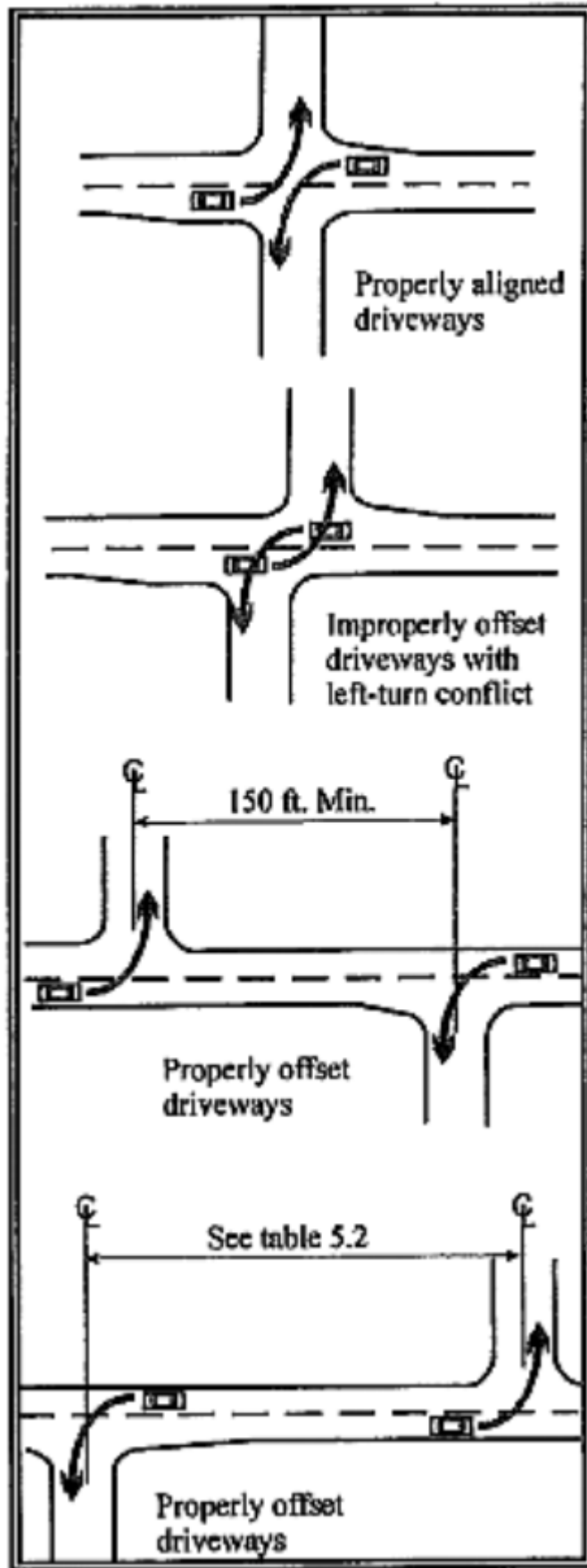


Figure 86-441.3

- (9) Minimum spacing of access points from intersections shall be in accordance with the Figure 86-441.4 and Table 86-441.3 (measured from pavement edge to pavement edge as shown on the adjacent figure):

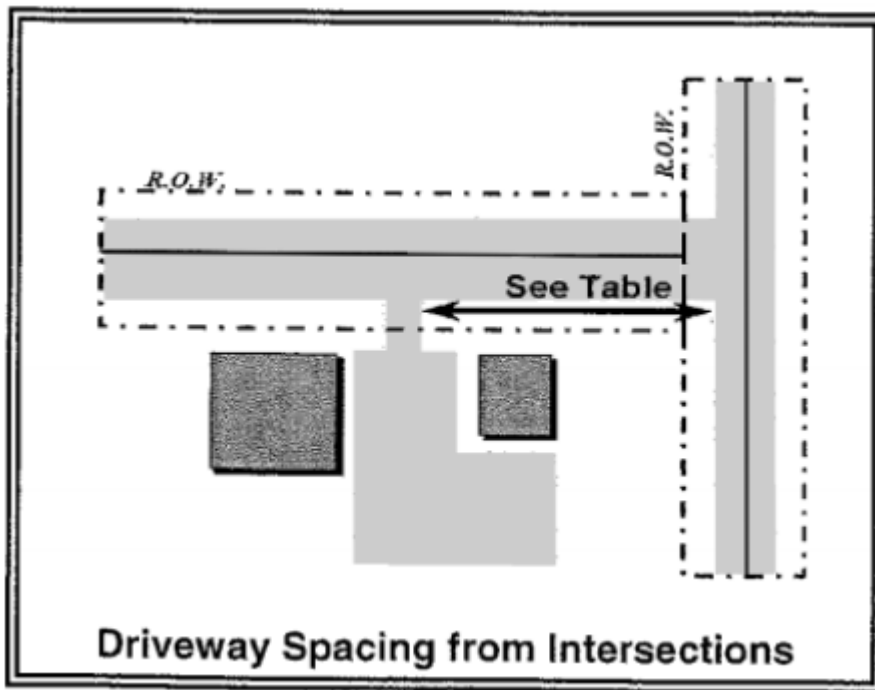


Figure 86-441.4

Table 86-441.3 MINIMUM DRIVEWAY SPACING FROM INTERSECTION*			
Location of Access Point	Type of Intersecting Road	Minimum Spacing for a Full Movement Driveway** (feet)	Minimum Spacing for a Driveway Restricting Left Turns (feet)
Along Grand River (M-43)	Another arterial	300	125
	Collector or local	200	125
Along a county road	Grand River Avenue (M-43)	Refer to current Ingham County Road Commission Standards	

NOTES:

- * Unless greater spacing is required by MDOT, ICRC, or required to meet other standards herein.
- ** Greater spacing may be required based upon the posted speed of the road and the spacing distances required by Table 86-441.1.

(10) Where direct access consistent with the various standards above cannot be achieved, access shall be via a shared driveway or service drive or side street as shown in Figure 86-441.5.

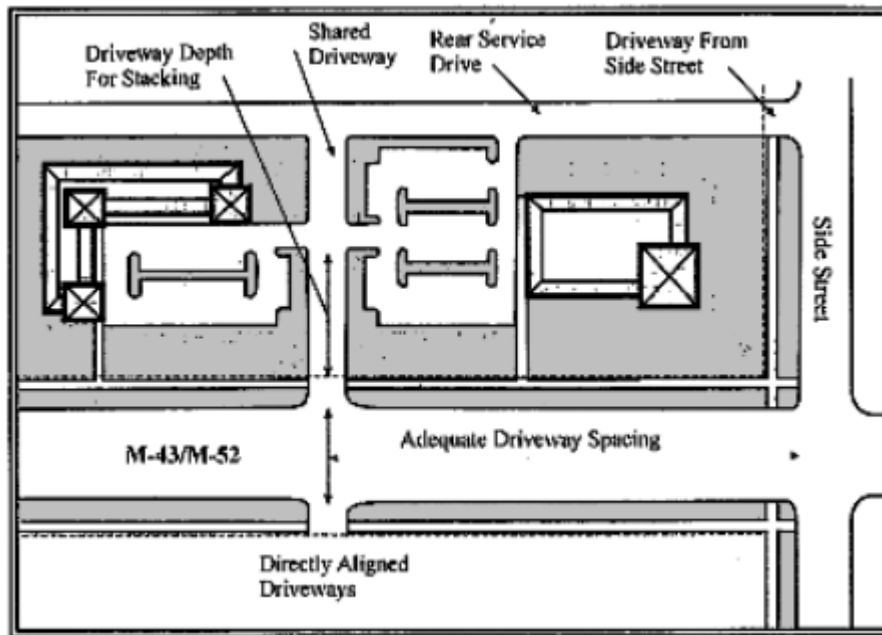


Figure 86-441.5

- (11) Where a new public or private road is proposed along Grand River Avenue (M-43), the road shall be aligned and designed to facilitate shared access with adjacent parcels. Where a private road is proposed running parallel along the side lot line of a parcel, access easements shall be granted to allow the adjoining lot to have driveway access to the private road. The Director of Community Planning and Development may require the construction of stub roads to allow future access to adjoining lots to facilitate future shared access and lateral cross access.
- (12) Shared commercial driveways, frontage roads or rear service drives connecting two or more lots or uses shall be required in instances where the Director of Community Planning and Development determines that reducing the number of access points will have a beneficial impact on traffic operations and safety. In particular, service drives shall be required where recommended in the M-43/52 Corridor Plan or other sub-area master plans; near existing traffic signals or near locations having potential for future signalization; where service drives may minimize the number of driveways; and along segments with a relatively high number of accidents or limited sight distance. Frontage roads or service drives shall be constructed in accordance with the following standards:
- a. Service drives shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service drive, the Director of Community Planning and Development shall consider the setbacks of existing buildings and anticipated traffic flow for the site and the M-43/52 Corridor Plan.
 - b. The service drive shall be within an access easement permitting traffic circulation between properties. This easement shall be approved by the Charter Township of Meridian and recorded with the Ingham County Register of Deeds. The required width shall remain free and clear of obstructions, unless otherwise approved by the Director of Community Planning and Development. Each property owner shall be responsible for maintenance of the easement and service drive.
 - c. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. As shown in Figure 86-441.6, a minimum of 20 feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point, measured between the public street right-of-way and the pavement of the parallel section of the frontage road.

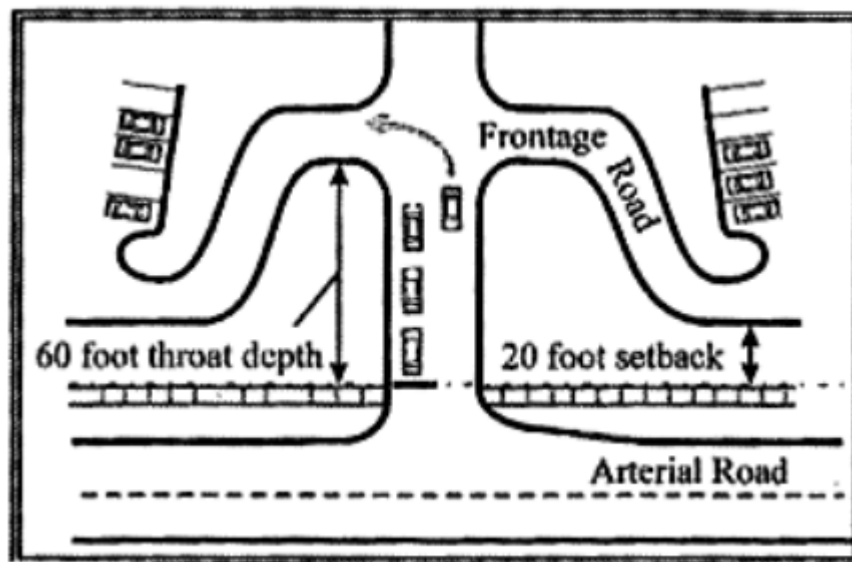


Figure 86-441.6

- d. Service drives shall have a minimum pavement width of 20 feet, depending upon the size and density of the uses it will serve. They shall be constructed of a base, pavement and curb with gutter that is in accordance with public street standards. The Director of Community Planning and Development may modify these standards based upon site conditions, anticipated traffic volumes and types of truck traffic.
 - e. The service drive is intended to be used exclusively for circulation. The Director of Community Planning and Development may require the posting of "no parking" signs along the service drive. One-way service drives or two-way service drives constructed with additional width for parallel parking may be allowed on the side of the road closest to the building if it can be demonstrated through site plan review or, where required, a traffic impact study that parking along the service drive will not significantly affect the capacity, safety or operation of the service drive.
 - f. The site plan shall indicate the proposed elevation of the service drive at the property line and Charter Township of Meridian shall maintain a record of all service drive elevations so that their grades can be coordinated.
 - g. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation.
 - h. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a financial performance guarantee.
 - i. With the redevelopment of existing sites where it is not possible to develop separate service drives, the Director of Community Planning and Development may instead require a drive connecting parking lots.
- (13) Driveways shall be located to provide safe sight distance, as determined by the applicable road agency.
- (14) No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The cost of relocating municipal facilities to

accommodate a driveway, if approved by the Director of Public Works and Engineering, shall be at the expense of the abutting property owner.

(f) Nonmotorized pathways.

- (1) The Director of Community Planning and Development shall require the construction of a nonmotorized pathway along the Grand River Avenue (M-43) frontage of the site. Where a phased development or subdivision is proposed, the pathway along the Grand River Avenue M-43 frontage shall be installed with the initial overall site improvements.
- (2) All nonmotorized pathways shall be constructed in accordance with the specifications of Charter Township of Meridian and the MDOT.
- (3) Site plan design shall incorporate pedestrian connections between any nonmotorized pathway along the site frontage and the entrance to the building, with safe delineation of pedestrian and vehicular circulation areas.

(g) Application to existing sites and modification of standards.

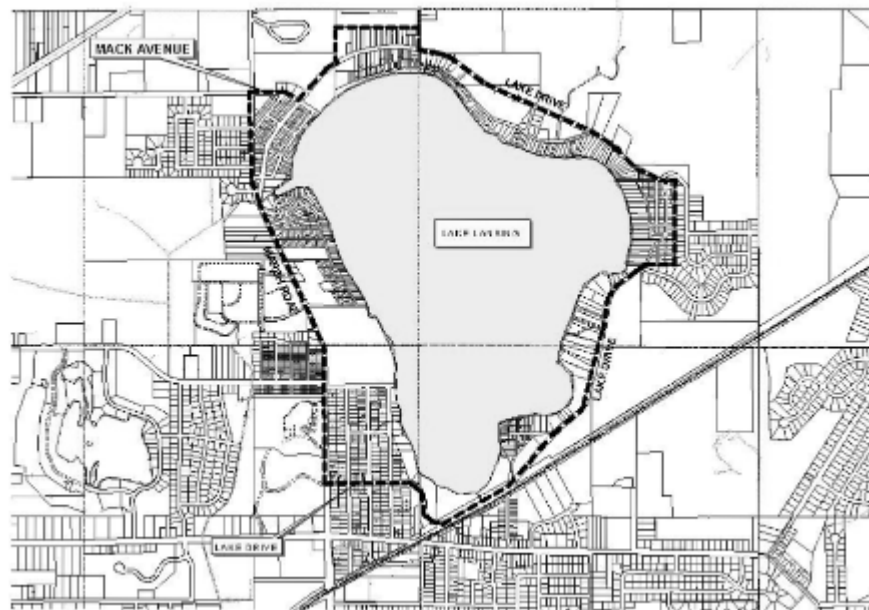
- (1) Modifications by Director of Community Planning and Development. Given the variation in existing physical conditions along the corridor, modifications to the spacing and other standards above may be permitted by the Director of Community Planning and Development as part of the site plan review process upon a finding that the following conditions apply:
 - a. Practical difficulties exist on the site that make compliance unreasonable, including but not limited to sight distance limitations, topography, wetlands, drain or water body, woodlands that will be preserved, existing development, existing nonconforming width, unique site configuration or shape, or existing off-site access points make it impractical to fully comply with the standards.
 - b. The use involves an access improvement to an existing site or a new use that will not generate any more traffic than the previous use or there is only one access point that is not being changed.
 - c. The proposed modification is consistent with the general intent of the preceding standards, the recommendations of the M-43/52 corridor access management plan, dated July 2003, MDOT guidelines, and both Charter Township of Meridian and MDOT staff support the proposed access design.
 - d. If deemed necessary by the Director of Community Planning and Development, a traffic study, prepared in accordance with § 86-441(d)(7) has been provided that certifies the modification will improve traffic operations and safety along Grand River Avenue (M-43), and is not simply for convenience of the development. Roadway or intersection control or driveway design change improvements will be made to improve overall traffic operations prior to the project completion or occupancy of the first building.
 - e. Indirect or shared access has been provided to the extent practical.
- (2) The Director of Community Planning and Development may require that the access provided under this section be a temporary driveway that is issued for a set period of time or until an adjacent site develops allowing for shared access in accordance with this section. The Director of Community Planning and Development may require that a performance guarantee or other legally binding means approved by Charter Township of Meridian be provided to ensure the removal of the driveway upon expiration of the temporary driveway permit.
- (3) The decision by the Director of Community Planning and Development under this section may be appealed to the Zoning Board of Appeals. In consideration of this appeal, the Zoning Board of Appeals shall also apply the standards above in addition to the other appeal criteria.

§ 86-442. Lake Lansing Residential Overlay District.

[Ord. No. 2008-01, 2-3-2008]

- (a) Purpose. The Lake Lansing residential overlay district is designed to provide standards to allow for the development of single-family residential lots, while also preserving the quality and viability of the Lake Lansing watershed. Due to the unique development history of those areas surrounding the lake, the Lake Lansing residential overlay district also addresses development issues arising from existing lots created and recorded prior to adoption of zoning regulations.
- (b) Applicability. The Lake Lansing residential overlay district shall apply to all lots within the area shown on Map 1, which are zoned in a residential category and occupied or intended to be occupied by a single-family residential dwelling. All lots included in the overlay district shall be subject to the terms and conditions imposed in this section, in addition to the terms and conditions imposed by the zoning district where such lots may be located and any other applicable regulations of the zoning ordinance. The regulations of the Lake Lansing residential overlay district shall not apply to multiple-family and nonresidential uses.

Map 1. Boundary of the Lake Lansing Residential Overlay District



- (c) Uses permitted by right. All uses permitted by right in the underlying zoning districts.
- (d) Uses permitted by special use permit. All uses permitted by special use permit in the underlying zoning districts.
- (e) Uses not permitted. Any use not permitted in the underlying zoning district is not permitted in the Lake Lansing residential overlay district.
- (f) Dimensional requirements. The following dimensions for lot area and width, front, side, and rear yards, together with maximum dimensions for lot coverage and building heights shall be required for every structure and land use in this overlay district, except as noted:
- (1) Minimum lot area. Lot area shall be consistent with the requirements of the underlying zoning district, except lots that were created and recorded prior to October 5, 1960, may be used for single-family residential purposes provided the lot is not less than 5,000 square feet in area.
 - (2) Minimum interior lot width. Interior lot width shall be consistent with the requirements of the underlying zoning district, except lots that were created and recorded prior to October 5, 1960, may be used for single-family residential purposes provided the lot is not less than 35 feet in width at the street line and the minimum yard setbacks are maintained for the district where the lot is located.

- (3) Minimum corner lot width. Corner lot width shall be consistent with the requirements of the underlying zoning district, except lots that were created and recorded prior to October 5, 1960, may be used for single-family residential purposes provided the lot is not less than 40 feet in width along the street upon which the lot fronts.
- (4) Maximum lot coverage. All buildings including accessory buildings shall not cover more than 40% of the total lot area.
- (5) Minimum yard dimensions.
 - a. Front yards. The front yard setback shall not be less than 20 feet from the street line, except for lots fronting on Lake Drive, East Lake Drive, West Lake Drive, or Marsh Road where the front yard setback shall be in accordance with the setback requirements of § **86-367**.
 - b. Side yards. The side yard setback shall be consistent with the requirements of the underlying zoning district, except lots that were created and recorded prior to October 5, 1960, the side yard setback shall not be less than five feet for any building, accessory building, deck or porch, provided:
 1. Any portion of a residential dwelling setback less than seven feet from a side lot line shall be built with noncombustible materials or treated with an approved fire retardant with a minimum one-hour fire rating.
 2. A fence or wall constructed in the side yard shall not exceed two feet in height if located less than seven feet from any principle or accessory structure.
 - c. Rear yards. The rear yard setback shall be consistent with requirements of the underlying zoning district, except the rear yard setback for those lots that directly abut Lake Lansing shall be measured from the ordinary high-water mark of Lake Lansing as defined in § **86-2**.
 - d. Corner lots. A front yard shall be maintained on each street side of a corner lot except a yard adjacent to a street right-of-way where the street has not been built shall be deemed a side yard.
 - e. Through and reverse frontage lots. Through and reverse frontage lots shall be consistent with the requirements of the underlying zoning district, except the front yard setback shall be in accordance with Subsection 86-442(5)(a).
- (6) Supplementary yard regulations. For permitted exceptions in yard dimensions and yard encroachments, and for additional requirements for the placement of accessory buildings in the yard area, refer to Article **V**, Division 4 of Chapter **86** of the Code of Ordinances.
- (7) Special structural elements. Special structural elements, such as cornices, sills, belt-courses, chimneys, gutters, eaves, pilasters, and similar structural features may project into any yard area up to a maximum of 2 1/2 feet, except such element or feature shall not be closer than three feet to a side lot line unless the element or feature is built with noncombustible materials or treated with an approved fire retardant with a minimum one-hour fire rating.
- (8) Fire escapes, outside stairways, and balconies. Fire escapes, outside stairways, and balconies, if of open construction, may project into the yard up to a maximum of five feet, except a structure shall not be closer than three feet to a side lot line unless the structure is built with noncombustible materials.
- (9) Maximum driveway coverage.
 - a. A driveway shall not occupy more than 50% of the total area of the front yard for residential lots created and recorded prior to October 5, 1960, and are less than 65 feet in width at the street line.

- b. A driveway shall not occupy more than 35% of the total area of the front yard for residential lots 65 feet or greater in width at the street line.
 - c. A driveway shall not be permitted in the street right-of-way where the street has not been built.
- (10) Stormwater. Stormwater runoff from new construction, which is being directed toward Lake Lansing, shall be filtered through a vegetated area, a minimum of 20 feet in width, before entering the lake. The vegetated area may include a grass lawn.

§ 86-443. Wind Energy Overlay District.

[Ord. No. 2011-05, 5-5-2011]

(a) Purpose.

(1) The purpose of the wind energy overlay section is to:

- a. Provide standards and regulations pertaining to the location, construction, design, maintenance, and abandonment of wind energy systems and anemometer towers; and
- b. Enhance and expand the alternative energy options available to residents and businesses located in the Township; and
- c. Limit potential impacts to adjacent and nearby properties from wind energy systems and anemometer towers through proper design, engineering, and siting.

(b) Applicability. The regulations and standards of the wind energy overlay district shall apply to all lots and properties in the Township.

(c) Uses permitted by right.

(1) A building-mounted wind energy system designed to serve the use on the site.

a. Maximum number.

- 1. A maximum of two wind energy systems per site may be mounted on one- and two-family dwellings or accessory buildings on the same site with a one- or two-family dwelling.
- 2. A maximum of five wind energy systems per site may be mounted on multiple-family, mixed use, or nonresidential buildings. Wind energy systems are not permitted on accessory buildings for multiple-family, mixed use, or nonresidential uses.

b. Maximum height. The maximum height shall be 10 feet measured from the roof or other building surface where the system is mounted to the uppermost part of the system or the tip of the blades when extended to the highest vertical position whichever is greater. The maximum height may be extended to 20 feet, subject to approval by the Director of Community Planning and Development based on documentation provided by the applicant that the proposed height of the building-mounted wind energy system is the height necessary to supply power.

c. Minimum setback. The minimum setback shall be 20 feet from the side or rear property line and 10 feet from any other buildings on the site. The setback shall be measured from the outermost edge of the wind energy system to the applicable property line or other building.

d. Screening exemption. Building-mounted wind energy systems shall be exempt from screening requirements for rooftop mechanical equipment.

(2) A freestanding wind energy system designed to serve the use on the site.

- a. Maximum number: one freestanding wind energy system is permitted per site.
 - b. Maximum height. The maximum height shall be 65 feet measured from the ground to the uppermost part of the system or the tip of the blades when extended to the highest vertical position whichever is greater. The maximum height may be extended to 120 feet, subject to approval by the Director of Community Planning and Development based on documentation provided by the applicant that the proposed height of the wind energy system is the height necessary to supply power to the site.
 - c. Minimum setbacks.
 1. A distance equal to the height of the freestanding wind energy system from any property line. If a self-collapsing tower design is proposed, the Director of Community Planning and Development may reduce or waive the requirements of this section after evaluating safety documentation submitted by the applicant with the application for site plan review.
 2. Ten feet from any building located on the site.
 3. A freestanding wind energy system shall not be located in the front yard.
 - d. Plot plan. For one-family and two-family residential sites, a scaled plot plan shall be submitted with the building permit application to the Department of Community Planning and Development showing the proposed location of the wind energy system.
 - e. Site plan review. For multiple-family, mixed use, or nonresidential sites, the wind energy system shall be subject to site plan review pursuant to Chapter **86**, Article **II**, Division 5, site plan review, of the Code of Ordinances.
- (3) Tower holding an anemometer when used to determine the potential for utilizing a wind energy system at a site, subject to the following review criteria:
- a. Maximum number. A maximum of one anemometer tower shall be permitted per site.
 - b. Maximum height. The maximum height for an anemometer tower shall be the height necessary to monitor wind data. The height shall be subject to approval by the Director of Community Planning and Development based on documentation provided by the applicant that the proposed height of the anemometer is the height necessary to gauge wind energy potential of the site.
 - c. Minimum setbacks.
 1. A distance equal to the height of the tower from any property line.
 2. Ten feet from any other building located on the site whether located on a tower or a building.
 3. An anemometer mounted on a tower shall not be located in the front yard.
 - d. An anemometer tower shall not remain on a site for more than one year, unless upon receipt of a written request, a one-time extension of one year is granted by the Director of Community Planning and Development.
 - e. Plot plan. A scaled plot plan showing the proposed location of the anemometer tower shall be submitted with the building permit application to the Department of Community Planning and Development.
- (d) Uses permitted by special use permit. Any proposed wind energy system or anemometer tower not described under uses permitted by right.
- (1) Building-mounted wind energy systems.

- a. Maximum number. Documentation shall be provided by the applicant showing that the proposed number of building-mounted wind energy systems is necessary to supply power to the site.
 - b. Maximum height. Documentation shall be provided by the applicant showing that the proposed height of the building-mounted wind energy system is the height necessary to supply power to the site.
 - c. Minimum setback. The minimum setback shall be 20 feet from the side or rear property line and 10 feet from any buildings on the site. The setback shall be measured from the outermost edge of the building-mounted wind energy system to the applicable property line or other building.
- (2) Freestanding wind energy systems.
- a. Maximum number. Documentation shall be provided by the applicant showing the proposed number of freestanding wind energy systems is necessary to supply power to the site.
 - b. Maximum height. Documentation shall be provided by the applicant showing that the proposed height of the freestanding wind energy system is the height necessary to supply power to the site.
 - c. Minimum setbacks. A distance equal to the height of the tallest freestanding wind energy system from any property line or lease area. If a self-collapsing tower design is proposed, the Planning Commission may reduce or waive the requirements of this section after evaluating safety documentation submitted by the applicant with the special use permit application.
 - d. Additional requirements. Additional requirements for freestanding wind energy systems are listed in Subsection **86-443(h)** and in Subsection **86-443(i)** for those greater than 200 feet in height.
- (e) General standards. The following general standards shall apply to all wind energy systems, and anemometer towers.
- (1) Primary purpose. The primary purpose of the wind energy system shall be to provide power to the use located on the same site and the resale of any remaining excess energy shall be secondary.
 - (2) Compliance. A wind energy system or anemometer tower shall be in compliance with all applicable federal, state, county, and Township codes or regulations.
 - (3) Utility approval. If the wind energy system is connected to the electrical power grid for net metering purposes, a copy of the letter of approval from the utility shall be provided to the Department of Community Planning and Development.
 - (4) Lease area. When a wind energy system is located on a leased area the following shall apply:
 - a. The lease area shall not be less than the minimum lot area and minimum lot width of the underlying zoning district.
 - b. The lease area shall not cross road rights-of-way.
 - (5) Tower design.
 - a. A freestanding wind energy system shall be mounted on a monopole tower. The tower shall be finished in a single reflective matte color that minimizes off-site visibility.
 - b. Lattice towers may be used for building-mounted wind energy systems, or for mounting anemometers.

- c. Guy wires may only be used for building-mounted wind energy systems, tilt-up monopole towers, and anemometer towers. All anchors for the guy wires shall be located on the same parcel as the tower.
- (6) Ground clearance. The lowest extension of any blade or other exposed moving component of a freestanding wind energy system or anemometer shall be a minimum of 20 feet above the ground or any sidewalk, pathway, deck, patio, and balcony that is situated directly below the wind energy system or anemometer tower.
- (7) Safety and security.
 - a. Access. Wind energy systems and anemometer towers shall be designed to prevent unauthorized access to electrical and mechanical components.
 - b. Anti-climbing design. Towers for freestanding wind energy systems and anemometers shall be designed so all climbing apparatus are self-contained inside the tower or so the tower is designed to be unclimbable for the first 12 feet above the ground.
 - c. Automatic braking controls. Wind energy systems shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the structure, rotor blades, or other components, unless the manufacturer certifies in writing that a braking system is not necessary.
- (8) Electrical systems. Connecting power lines shall be placed underground within the boundary of the site where the wind energy system or anemometer is located.
- (9) Noise and vibration.
 - a. Noise levels shall not exceed 50 dB(A) when the wind energy system is operating as measured at any boundary of the site where the wind energy system is located.
 - b. Vibrations shall not be produced which are perceptible to humans beyond the boundary of the site where the wind energy system is located.
 - c. The maximum number of decibels may be exceeded during short-term events such as severe windstorms.
- (10) Signal interference. A wind energy system or anemometer tower shall not interfere with broadcast, defense, communication, or weather monitoring systems such as, but not limited to, cellular, radio, telephone, television, wireless phone, microwave, satellite, radar, and emergency services.
- (11) Lighting. No exterior lighting shall be allowed on the tower of the wind energy system or an anemometer tower, unless required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).
- (12) Lightning. Wind energy systems and anemometer towers shall have lightning protection.
- (13) Advertising. Advertising shall be prohibited on all wind energy systems.
- (14) Abandonment. A wind energy system or anemometer tower shall be deemed to have been abandoned if:
 - a. No electricity has been generated from the wind energy system for a period of 12 consecutive months, unless extenuating circumstances have resulted in the disuse of the wind energy system.
 - b. The wind energy system or anemometer tower has been idle for a period of 12 consecutive months.
 - c. The maximum time period for the anemometer tower allowed under Subsection 86-443(c)(3)d has expired without an extension being granted by the Director of Community

Planning and Development.

- d. The final determination on whether a wind energy system or anemometer tower has been abandoned shall be made by the Director of Community Planning and Development.
 - e. The wind energy system or anemometer tower shall be removed within six months after being deemed abandoned. Abandonment shall include the removal of the wind energy system or anemometer, structures, tower, electrical components, and any other accessory facilities and appurtenances. Any foundation shall be removed to a depth of at least five feet below grade.
 - f. If a wind energy system or an anemometer tower is not completely removed within six months, it shall be deemed a nuisance.
- (f) Submittal requirements prior to receiving a certificate of occupancy.
- (1) Installation certification. Prior written certification from the installation contractor indicating the wind energy system or anemometer tower has been constructed and installed pursuant to the manufacturer's guidelines and pursuant to all federal, state, county, and Township codes shall be submitted to the Department of Community Planning and Development.
- (g) Complaint resolution.
- (1) Shadow flicker. Shadow flicker complaints received after the wind energy system is in operation shall be addressed pursuant to the following complaint resolution process:
 - a. The Township shall be notified of the complaint in writing.
 - b. Township staff shall conduct an investigation into the complaint.
 - c. If it is determined by the Director of Community Planning and Development the complaint is valid, the owner of the wind energy system shall take immediate action to bring the wind energy system into compliance.
 - d. The Township may require the wind energy system to shut down and cease operations until the violation is corrected.
 - (2) Signal interference.
 - a. Upon the Township's receipt of a written complaint, a copy of the complaint shall be sent to the owner of the wind energy system.
 - b. The owner of a wind energy system or anemometer tower shall take such reasonable and necessary steps to eliminate, or mitigate any interference with signals caused by the wind energy system or anemometer tower.
 - c. If the signal interference cannot be resolved under the provisions of subsection b., the Township may require the wind energy system cease operation until the problem is corrected.
 - (3) Noise. In addition to the Township's right to enforce noise complaints, complaints related to noise may be addressed through the process established in § **50-84** of the Township's Code of Ordinances.
 - (4) Bird and bat impacts.
 - a. Upon the Township's receipt of a written complaint, a copy of the complaint shall be sent to the owner of the wind energy system.
 - b. If determined necessary by the Director of Community Planning and Development, an impact analysis shall be prepared by a qualified professional consultant hired by the wind energy system owner to identify and assess impacts on birds and bats.

- c. At a minimum, the impact analysis shall utilize the most current guidelines established by a federal or state agency regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the Federal Endangered Species Act and Michigan's endangered species protection law.
 - d. The owner of the wind energy system shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall also identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- (h) Additional requirements. The following requirements shall apply to all freestanding wind energy systems that require a special use permit:
- (1) Impact analysis. The applicant shall disclose any potential impact from a wind energy system on the following features:
 - a. Floodway, floodway fringe, wetlands, rivers, ponds, lakes, streams, or drains.
 - b. Wildlife preserves and corridors.
 - c. Endangered species.
 - d. Historical sites.
 - e. Native American religious sites.
 - f. Groundwater recharge areas.
 - g. Woodlands.
 - (i) Requirements specific to freestanding wind energy systems exceeding 200 feet in height.
 - (1) Bird and bat impacts.
 - a. An impact analysis prepared by a qualified professional consultant to identify and assess potential impacts on birds and bats may be required by the Director of Community Planning and Development as part of the special use permit application.
 - b. If required, at a minimum, the impact analysis shall utilize the most current guidelines established by a federal or state agency regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the Federal Endangered Species Act and Michigan's endangered species protection law. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.
 - c. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall also identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 - (2) Site plan review. Freestanding wind energy systems exceeding 200 feet in height are subject to site plan review pursuant to Chapter 86, Article II, Division 5, site plan review, of the Code of Ordinances.
 - (3) Visual impact simulation. A visual impact simulation depicting images of the wind energy system from all four directions shall be provided with the special use permit application.
 - (4) Land clearing. When located on an undeveloped site, the existing natural vegetation of the property shall be maintained to the greatest extent possible. The existing vegetation which is proposed to be removed and the methods for replacing removed vegetation shall be indicated

on a landscape plan. In no case shall an entire site be graded or cleared for installation of a wind energy system.

- (5) Warning signage. A minimum of one sign, a maximum of two square feet in size shall be posted at the base of the tower or, if applicable on the security fence. The sign(s) shall contain the manufacturer or owner's name and emergency contact information and warn of high voltage. Warning signage at all freestanding wind energy systems shall also reference the potential danger of falling ice.
- (6) Design safety certification. The structural integrity of the wind energy system shall conform to the most current standards of the International Electrotechnical Commission (IEC).
- (7) All power lines, transformers, or conductors shall comply with current Avian Power Line Interaction Committee standards to prevent avian mortality.
- (8) Abandonment plan. An abandonment plan shall be submitted with the application for a special use permit which includes at a minimum:
 - a. The estimated cost to abandon the wind energy system.
 - b. A written plan indicating how the wind energy system will be removed and the site restored.
 - c. The method of ensuring that funds will be available for removing the wind energy system and restoring the site.
 - d. Any other information deemed necessary by the Director of Community Planning and Development to evaluate the abandonment of the wind energy system.
- (9) Liability insurance. Proof of adequate insurance coverage shall be provided to the Department of Community Planning and Development. Liability insurance coverage sufficient to cover any potential damages caused by the wind energy system or anemometer shall be maintained throughout the construction phase and operation of a wind energy system or anemometer until it has been removed from the site.
- (10) Performance guarantee. A continuously enforced performance guarantee in a form and amount acceptable to the Director of Community Planning and Development shall be submitted prior to installation of any wind energy system requiring a special use permit and shall be maintained until the wind energy system is abandoned, removed, and the site is restored. If the performance guarantee is not maintained throughout the life of the wind energy system, the Township may require the wind energy system to be shut down until the performance guarantee is reestablished.

§ 86-444. Commercial Planned Unit Development (C-PUD).

[Ord. No. 2011-13, 8-16-2011]

(a) Purpose and intent.

- (1) To encourage investment in obsolete, underused, vacant or nonconforming commercial properties by providing an alternate development review process.
- (2) To provide reasonable flexibility for modifications to or redevelopment of commercial sites to ensure the continuing economic viability of the Township's commercial areas.
- (3) To provide an opportunity for the Township to collaborate with stakeholders to promote the goals of the Township.
- (4) To promote innovative and environmentally conscious site design and utilization.

(5) To implement the goals of the master plan such as smart growth, walkability and compact development.

(6) To encourage projects marketable to the public.

(b) Definitions.

AMENITY

Aesthetic, practical or other characteristics of a development that increase its desirability to a community. Amenities may differ from development to development.

WAIVER

Permission to depart from the requirements or standards of the underlying zoning ordinance.

(c) Permitted locations. C-1, C-2, C-3 (commercial) and CS (community service).

(1) Permitted uses. All uses permitted by right and by special use permit in the underlying zoning district(s).

a. The commercial planned unit development (commercial PUD) approval shall serve as the special use permit review and approval for any use or other activity requiring special use permit approval in the underlying zoning district, provided the use or other activity requiring special use permit approval is identified before the Township Board approves the commercial PUD. Any use subject to special use permit review proposed after a commercial PUD approval must be processed pursuant to the special use permit requirements set forth in Chapter **86**, Article **II**, Division 4 of the Code of Ordinances.

b. The commercial PUD approval shall serve as the special use permit for any project subject to § **86-658** of the Code of Ordinances; a separate special use permit shall not be required.

c. A commercial PUD application to redevelop an existing use previously approved by special use permit shall act as the request to amend the existing special use permit.

(d) Minimum commercial planned unit development (commercial PUD) performance objectives.

(1) Provide good internal and external access to the street for pedestrians and bicycles (e.g., a minimum of conflict points between vehicles and pedestrians and cyclists).

(2) Minimize environmental impacts by using green building and site development techniques.

(3) Enhance access to all alternative transportation modes including public transportation.

(4) Use of quality building materials.

(5) Provide for buffering between any conflicting feature of the design and an adjacent residential land use.

(6) Adherence to smart growth principles.

(7) Preference for parking located in the rear or side yard.

(e) Amenities.

(1) Requirements and guidelines.

a. Every commercial PUD shall incorporate one or more amenities.

b. Waivers from zoning ordinance standards may be granted by the Township Board in exchange for amenities.

c. Amenities shall not be combined or counted more than once or counted toward any other requirement of the ordinance.

- d. When multiple amenities are proposed multiple criteria categories should be represented.
 - e. Amenities shall be visible and/or accessible to the public from a fully improved street, and/or a benefit to the general public.
- (2) Criteria. Amenities acceptable for consideration by the Township shall meet one or more of the following criteria:
- a. Type, value and number of amenities shall be proportionate to the size and/or cost of the project.
 - b. Variety of amenity categories represented.
 - c. Support of goals expressed in this section, the Township Board policy manual, the master plan, or other applicable adopted plans.
 - d. Consistency and compatibility with the intended use of the site.
 - e. Continuity of design elements.
 - f. Appropriate and harmonious with the surrounding area.
 - g. Potential to act as a catalyst for improvements to surrounding sites.
- (3) Categories listing examples of possible amenities.
- a. Conservation:
 - 1. Any alternative energy system.
 - 2. Grey water recycling.
 - 3. Green roofs.
 - 4. Electric car charging stations.
 - 5. Activities or technologies listed for Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council or certification criteria of organizations with similar goals; for example, American Society of Landscape Architects (ASLA) Sustainable Sites Initiative (SITES) or the Society of Environmentally Responsible Facilities (SERF).
 - b. Environment:
 - 1. Significantly increased pervious surfaces.
 - 2. Rehabilitation of degraded sites.
 - 3. Green space exceeding the underlying permeable surface regulation.
 - 4. Rehabilitation of green space designated as links on the greenspace plan.
 - 5. Street trees installed at a 20% higher density or one-inch caliper larger than required by the Code of Ordinances.
 - c. Accessibility:
 - 1. Transit stops. The addition or relocation of one or more transit stops when supported by a local transit provider.
 - 2. Foot and bicycle pathways and sidewalks that connect with the Township's pedestrian/bicycle pathway system and routes identified in the Township's greenspace plan via a public right-of-way or public access easement.
 - 3. Covered bicycle storage on site.

- d. Parks, recreation and culture for active and passive activities:
 1. Public recreation resources.
 2. Public cultural venues.
 3. Public art at 1% of the project cost designed to withstand natural elements and reasonable public contact for at least 10 years.
 - e. Social interaction:
 1. Outdoor gathering spaces or outdoor eating spaces of 300 square feet or more.
 2. Public outdoor seating plazas adjacent to or visible and accessible from the street including, but not limited to, benches or other outdoor seating not associated with an outdoor cafe.
 3. Privately maintained courtyards, plazas, pocket parks, and rooftop gardens and similar features with seating for the public.
 - f. Site and building design:
 1. Underground utilities.
 2. Combination of first floor awnings and upper floor balconies adjacent to a public street.
 3. Porches on any structure.
 4. Multilevel or underground parking.
 5. Ornamental paving treatments for sidewalks and/or parking areas such as, but not limited to, concrete masonry unit pavers, brick, stone or pervious concrete or asphalt.
 6. Innovative lighting.
 7. Sidewalk planters located in the vicinity of sidewalks and/or outdoor seating areas.
 8. Public access to new technology including wireless access points, electronic information displays, excluding unsolicited electronic broadcast information.
 9. Consolidation of multiple land parcels into one to facilitate an integrated design.
 10. Fountain.
- (f) Design standards.
- (1) Building materials.
 - a. Buildings shall be constructed of wood, brick, clapboards, beadboard, glass, and stone.
 - b. The use of vinyl, aluminum, and other metal sidings should be avoided.
 - (2) Accessories.
 - a. Railings, benches, trash receptacles, and bicycle racks shall be of commercial quality, and complement the building design and style, subject to the approval of the Director of Community Planning and Development.
 - b. All mechanical systems shall be screened from street level view on all sides by an opaque structure or landscape material selected to complement the building.
 - (3) General standards. Unless specifically waived by the Township Board, sites developed under this section shall comply with all standards found in the underlying zoning district as well as:

- a. Chapter **38**, Article **VII**, outdoor lighting.
 - b. Chapter **86**, Article **V**, Division 1, § **86-473**, street trees.
 - c. Chapter **86**, Article **VII**, signs and advertising structures.
 - d. Chapter **86**, Article **VIII**, Division 2, off-street parking and loading, for automobile and bicycle parking, and parking lot landscaping standards.
- (g) Procedures.
- (1) Preapplication conference. Each applicant shall confer with the Department of Community Planning and Development regarding the preparation of the planned unit development application. The general proposal in the form of a conceptualized site plan shall be reviewed by the Director of Community Planning and Development in a preapplication conference prior to submission of the commercial PUD application. The Director of Community Planning and Development shall furnish the applicant with requirements of the planned unit development application. It is not required that any person requesting a preapplication conference be an owner of or holder of an equitable interest in the subject property.
 - (2) An applicant is urged to meet with owners and occupants of surrounding properties to apprise them of a proposed development, share the physical design, receive comments, and revise the proposal accordingly prior to submitting an official application. The Township will assist by providing property owner and occupant contact information.
 - (3) Concept plan (optional). A property owner, prospective applicant or their representative may submit a concept plan for review and comment by the Planning Commission and Township Board.
 - a. Purpose:
 1. To acquaint the Planning Commission and Township Board with the proposed project.
 2. To provide guidance regarding the proposed design's compatibility with the purpose, intent and standards of the commercial PUD ordinance.
 3. To reduce the applicant's time and cost.
 - b. Submittal requirements:
 1. A written request to initiate a concept plan review submitted to the Director of Community Planning and Development.
 2. A written summary of the project (amount and type of uses, basis for the design concept).
 3. A concept plan drawn to scale containing the following information:
 - i. Boundaries and acreage of the site.
 - ii. Zoning.
 - iii. Adjacent road network.
 - iv. General layout of buildings, interior access roads and unique design elements.
 - v. General location of known features affecting the site layout such as, but not limited to, floodplain, wetlands, woodlands, railroads, drains, rivers or rivers and streams, parkland, etc.
 - c. Review procedure:

1. Upon receipt of a written request and other required data and information, the Director of Community Planning and Development shall review the concept plan.
2. Within 30 days of the date of receiving a complete request the director shall forward to the Planning Commission and Township Board the concept plan and accompanying data along with any written comments from the director. The Planning Commission and Township Board shall concurrently review the concept plan and may offer comments or suggestions on the design. Comments or suggestions made during the review of the concept plan shall not be binding on the Township or the applicant.

(4) Application.

- a. Applications shall be submitted to the Department of Community Planning and Development on a special form for that purpose. Each application shall be accompanied by the payment of a fee in accordance with the duly adopted schedule of fees. No part of any fee shall be refundable.

1. Required data and information:

- i. A map drawn to an engineer's scale of the total property showing its location in the Township and its relation to adjacent property.
- ii. A reproducible two-foot contour topographic map drawn at the same scale as the site plan and showing the existing relief features on the site.
- iii. A site plan of the proposed planned unit development design.
- iv. A site analysis indicating the principal factors which influenced design decisions. The analysis shall include, but need not be limited to, soil conditions, topography, surrounding land uses, and surrounding pedestrian and vehicular circulation systems.
- v. A schematic layout of the proposed storm sewer system.
- vi. A document generally describing the proposed phasing program.
- vii. A natural features study, as applicable.
- viii. A traffic study where the project will exceed 100 vehicle trips during the peak hour of the adjacent roadway.
- ix. Building elevations drawn to scale (in color).
- x. Proof of property ownership or a letter from the property owner authorizing the request submitted with proof of property ownership from the author of the letter.
- xi. A written request identifying each waiver and proposed amenity shall be submitted with the commercial PUD application. Examples of waivers are:
 - A. Reduction in required lot area and lot width.
 - B. Reduction in front yard setbacks to move buildings closer to the road.
 - C. Reduction in side and rear setback requirements for structures and parking.
 - D. Increase in impervious surface coverage.
 - E. Reduction or elimination of building perimeter landscaping.
 - F. Reduction of the required parking spaces when the request is accompanied by a supporting study and/or agreement for shared parking on an adjacent or nearby site.

G. Exceed maximum building height.

2. Local agency review. The developer shall provide the Township with copies of comments from the following reviewing agencies, as applicable:
 - i. Ingham County Road Commission.
 - ii. Michigan Department of Environmental Quality.
 - iii. Ingham County Drain Commissioner.
 - iv. Michigan Department of Transportation.
- (5) Planning Commission review.
- a. Hearing. Upon submittal of a complete application, the Planning Commission shall hold a public hearing.
 1. Notice of public hearing. Notices shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances.
 2. Planning Commission decision. Following the public hearing and after adequate review and study of the application, the Planning Commission shall recommend approval, modification, or denial, to the Township Board, within 60 days of the public hearing date and shall within said 60 days, report its action to the Township Board. The sixty-day period may be extended if the applicant consents.
- (6) Township Board hearing and decision. After receiving a recommendation from the Planning Commission, the Township Board shall conduct a public hearing which shall be preceded by notice as specified in § **86-65(b)** of the Code of Ordinances. Following the public hearing the Township Board shall make a determination to approve, modify, or deny the commercial PUD within 30 days of the public hearing date. The thirty-day period may be extended if the applicant consents.
- (7) Site plan review. Upon approval by the Township Board, the developer shall submit a complete site plan review application to the Department of Community Planning and Development, as outlined in Chapter **86** of the Code of Ordinances.
- (8) Any condition imposed upon a commercial PUD shall be part of the record and remain unchanged, unaltered, and not expanded upon, unless the change, alteration or expansion of a condition(s) is reviewed and authorized by the Township Board. The Township shall maintain a record of conditions which are changed.
- (h) Effect of issuance.
- (1) When permit becomes void. If the commercial PUD or construction related to the commercial PUD has not commenced within 24 months after the effective date of the commercial PUD, such approval shall be void.
 - (2) Time for completion. All construction related to the commercial PUD must be completed within 36 months from the effective date of the approval, unless specifically approved as a phased development. If an extension is granted, all construction related to the commercial PUD shall be completed within 48 months from the effective date of the commercial PUD, unless specifically approved as a phased development.
 - (3) Reestablishment. An approved commercial PUD shall not be reestablished without obtaining new approval from the Township Board in accordance with this division, unless the site has been converted to a use permitted by right or a subsequent use received a new commercial PUD.
 - (4) Extension request. If the commercial PUD, or construction related to the commercial PUD, has not commenced within 24 months from the effective date of the special use permit, an

extension may be requested in writing prior to the expiration date. An extension shall be reviewed and approved or denied in writing by the Township Board.

(i) Amendments.

- (1) Generally. The property owner may apply for an amendment in writing to the Director of Community Planning and Development. The director shall make a determination as to whether a proposed amendment constitutes a major or minor amendment to the original planned unit development.
- (2) Major amendments. A major amendment shall have a significant impact on the commercial PUD and the conditions of its approval, which shall include, but not be limited to:
 - a. Building additions located outside a building envelope as shown on the approved commercial PUD site plan.
 - b. Building additions that reduce any setback shown on the approved commercial PUD site plan.
 - c. Building additions in excess of 2,000 square feet for buildings under 20,000 square feet in gross floor area or 10% of an existing building over 20,000 square feet in gross floor area.
 - d. Expansion of a use that results in an additional 100 or more vehicle trip ends during the peak hours.
 - e. Addition of land to the commercial PUD equal to or more than 20,000 square feet for existing sites less than 40,000 square feet in area or two times the original site size for sites over 40,000 square feet.
 - f. Expansion of a use that anticipates a 10% or greater increase in required off-street parking.
 - g. Any addition to a legal nonconforming site.
- (3) Minor amendments. All amendments not deemed to be major amendments by the Director of Community Planning and Development shall be considered a minor amendment.
- (4) Process to amend a commercial PUD:
 - a. Major amendments shall follow the same procedure set forth in this section for new applications, including, but not limited to, submitting an application and fee.
 - b. Minor amendments. The Director of Community Planning and Development shall initiate the following review process:
 1. Application. An application for an amendment to a commercial PUD shall be submitted to the Director of Community Planning and Development.
 2. Fee. A fee shall be paid at the time of filing the application in the amount established in the schedule of fees adopted by the Township Board.
 3. Hearing. Upon submittal of a complete application, the Director of Community Planning and Development shall hold a public hearing.
 - i. Notice of the public hearing. Notices shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances.
 - ii. Director of Community Planning and Development decision. Following the public hearing and after adequate review and study of the application, the Director of Community Planning and Development shall make a decision to approve, approve with conditions or deny the minor amendment request within 60 days of

the public hearing date. The sixty-day period may be extended if the applicant consents.

4. Site plan review. Upon approval of a minor amendment by the Director of Community Planning and Development, the applicant shall submit a complete site plan review application to the Department of Community Planning and Development, as outlined in Chapter **86** of the Code of Ordinances.
 5. Any condition imposed upon a minor amendment to a commercial PUD by the Director of Community Planning and Development shall remain unchanged, unaltered, and not expanded upon, except unless the change is reviewed and authorized by the Director of Community Planning and Development.
- c. Appeal. An aggrieved person may appeal the decision of the Director of Community Planning and Development to the Township Board in accordance with § **86-188**.
- (j) Enforcement. The provisions of this article shall be enforced in the manner provided elsewhere in this Code of Ordinances. Any development that is not otherwise in conformance with these regulations shall not be approved.

§ 86-445. Medical Marihuana Facilities Overlay District.

[Added by Ord. No. 2019-10, 5-21-2019]

- (a) Applicability. The Commercial Medical Marihuana Facilities Overlay District shall apply to all lots within the areas shown on Maps 1, 2, 3, 4, 5, 6 and 7 (the "overlay areas"). All lots included in the overlay district shall be subject to the terms and conditions imposed in this section, in addition to the terms and conditions imposed by the zoning district where such lots may be located, any other applicable ordinance and the requirements of the Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities.^[1]
- [1] *Editor's Note: See Ch. 40, Medical Marihuana, Art. II, Commercial Medical Marihuana Facilities.*
- (b) Uses permitted by right: all uses permitted by right in the underlying zoning districts.
- (c) Uses permitted by special use permit: all uses permitted by special use permit in the underlying zoning district and all types of commercial medical marihuana facilities subject to the number of available permits allowed per the Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities.^[2]
- [2] *Editor's Note: See Ch. 40, Medical Marihuana, Art. II, Commercial Medical Marihuana Facilities.*
- (d) Uses not permitted. Any use not permitted in the underlying zoning district is not permitted in the Commercial Medical Marihuana Facilities Overlay District.
- (e) Permitted locations.
- (1) Grower Class A, Class B, or Class C only in Overlay Areas 1, 4 and 6 on property zoned I (Industrial).
 - (2) Processor only in Overlay Areas 1, 4 and 6 on property zoned I (Industrial).
 - (3) Provisioning Center only in Overlay Areas 1, 2, 3, 5, 6 and 7 on property zoned I (Industrial), C-1, C-2, or C-3 (Commercial) and RP (Research and Office Park).
 - (4) Safety Compliance Facility only in Overlay Areas 1, 2, 3, 5, 6 and 7 on property zoned I (Industrial), C-1, C-2, or C-3 (Commercial) and RP (Research and Office Park).
 - (5) Secure Transporter only in Overlay Areas 1, 2, 3, 5, 6 and 7 on property zoned I (Industrial), C-1, C-2, or C-3 (Commercial) and RP (Research and Office Park).
- (f) Application and departmental reviews.

- (1) Application. The application for a special use permit shall be submitted to the Director of Community Planning and Development in accordance with § **86-124**.
 - (2) Departmental reviews. The applicant's plan shall be reviewed by the Township Department of Community Planning and Development, the Township EMS/Fire Department, the Township Police Department, the Township Public Works/Engineering Department, the County Drain Commissioner, and the County Road Department or the State Department of Transportation, whichever road agency has jurisdiction over roads in the immediate vicinity, in order to ensure that public utilities, road, and other infrastructure systems are or will be adequate to support the proposed development.
- (g) Review process. Upon determination that the application is complete, the Director of Community Planning and Development shall initiate a review process in accordance with § **86-125** of this chapter, subject to all hearings and other provisions set forth therein, as applicable, except the final decision on the special use permit shall be made by the Township Board.
- (1) Planning Commission action. The Planning Commission, after holding a public hearing, shall make a recommendation to the Township Board. In making a recommendation, the Planning Commission shall follow the review criteria in § **86-126** and may recommend conditions in accordance with § **86-127**.
 - (2) Township Board action. Following review of the Planning Commission's recommendation and record, the Township Board may deny, approve, or approve with conditions an application for a special use permit. Prior to making a decision on a special use permit, the Township Board may hold a public hearing on the request. Notice of the public hearing shall be given in the same manner as outlined in § **86-65**.
- (h) Amendments. Any amendments to an approved special use permit shall be in accordance with § **86-129** and subject to the approval of the Township Board.

§ 86-446. through § 86-460. (Reserved)

ARTICLE V. Supplementary Regulations

DIVISION 1. Generally

§ 86-461. Prior building permits.

[Code 1974, § 83-1.1]

Any building permit issued prior to the effective date of this chapter shall be valid, even though not conforming to the provisions of this chapter; provided, that construction is commenced within 90 days after the date of permit issuance, that construction is carried on diligently and without interruption for a continuous period in excess of 30 days, and that the entire building shall have been completed according to the plans filed with the permit application within two years after the issuance of the building permit.

§ 86-462. Access to a street.

[Code 1974, § 83-1.2]

Any one lot of record created before the effective date of this chapter without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way no less than 20 feet wide. No more than one lot may be served by such an access route.

§ 86-463. Rear dwelling prohibited.

[Code 1974, § 83-1.3]

No building in the rear of and on the same lot with a principal building shall be used for residential purposes except for watchmen, caretakers, and domestic employees whose employment functions are related to the functions of the principal building, provided that all requirements of this chapter are satisfied.

§ 86-464. Manufactured homes.

[Code 1974, § 83-1.4]

Any manufactured home which does not conform to the standards of Subsection 86-368(b)(1) shall not be occupied as a dwelling within the Township unless located within an approved and licensed mobile home park.

Cross reference: Manufactured homes and trailers, ch. **42**.

§ 86-465. Unsafe buildings.

[Code 1974, § 83-1.5]

Nothing in this chapter shall prevent compliance with an order by an appropriate authority to correct, improve, strengthen, or restore to a safe condition any building or any part of a building declared to be unsafe.

Cross references: Buildings and building regulations, ch. **14**; environment, ch. **22**.

§ 86-466. Building grades.

[Code 1974, § 83-1.6]

The finished surface of ground areas outside the walls of any building constructed or altered shall be so designed that surface water shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall be avoided. All finished ground grades shall be subject to the approval of the Chief Building Inspector.

Cross reference: Buildings and building regulations, ch. **14**.

§ 86-467. Required water supply and sanitary sewerage facilities.

[Code 1974, § 83-1.7]

No structure for human occupancy shall after the effective date of this chapter be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial, and industrial wastes. All such installations and facilities shall conform with the minimum requirements as set forth by the county Health Department, the state Health Department, and the subdivision regulations (Chapter **62**), state construction code adopted herein by reference, and the sewer ordinance (Chapter **78**, Article **III**) of the Township. In no event shall an open well be permitted for a source of water nor shall privies or cesspools be permitted as means for disposal of human sewage.

Cross reference: Utilities, ch. 78.

§ 86-468. Relocation of existing buildings and structures on parcels or lots in the Township.

[Code 1974, § 83-1.8]

No existing building or other structure within or from outside of the Township shall be relocated upon any parcel or lot located in the Township, unless the building design and construction are compatible with the general architectural design and construction of buildings or other structures presently located in the immediate area of the zoning district and construction are in conformity with the state construction code adopted by the Township and unless the building or structure can be located upon the parcel or lot and conform to the other requirements of the zoning district in which the parcel or lot is located, as determined by the Chief Building Inspector. This shall not be deemed to restrict houses of modular construction which meet the standards of the state construction code, as amended and adopted by the Township, and which are constructed away from the site and brought to the site to be erected.

Cross reference: Buildings and building regulations, ch. 14.

§ 86-469. Access to commercial, research park and industrial districts.

[Code 1974, § 83-1.9; Ord. No. 2004-06, 9-5-2004]

Access to commercial, research park, and industrial districts shall not be permitted through residential zoning district, except by means of those principal and minor arterials indicated in §§ 86-367 or 86-441, or by special use permit in accordance with Article II, Division 4 of this chapter.

§ 86-470. Lots along railroad rights-of-way.

[Code 1974, § 83-1.10]

Any lot created or recorded after May 9, 1988, that is adjacent to or along a railroad right-of-way shall not be used for any residential purpose unless it has a depth of at least 250 feet. In no case shall any dwelling unit be located closer than 175 feet from a railroad right-of-way.

§ 86-471. Setbacks from water features.

[Code 1974, § 83-1.11; Ord. No. 2007-12, 10-28-2007]

- (a) Generally. Recognizing the special conditions and relationships in transition areas between water features and developed areas, minimum setbacks are hereby established to prevent degradation of the water features of the Township, provide protection during high-water episodes in floodprone areas, and preserve the aesthetic values of water features. This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the Michigan Zoning Enabling Act PA 110 of 2006 (MCL § 125.3101 et seq.).
- (b) Structure and grading setbacks. All structures and grading activities shall be setback from the edge of a water feature as follows:
 - (1) Wetlands regulated by the Township, the state, or by federal law equal to or greater than two acres in area; 40 feet. The Township may require the permit applicant to have the precise boundary of the wetland in question delineated in accordance with Chapter 22, Article IV of this Code.

- (2) Wetlands regulated by the Township, the state, or by federal law equal to or greater than one-quarter acre in area but less than two acres in area: 20 feet. The Township may require the applicant to have the precise boundary of the wetland in question delineated in accordance with Chapter **22**, Article **IV** of this Code.
 - (3) The Red Cedar River: 50 feet, as measured from the ordinary high-water mark on the side of the river where the structure is to be located or grading activity is to occur.
 - (4) Open county drains or creeks: 50 feet, as measured from the top of the bank on the side of the drain where the structure is to be located or grading activity is to occur.
 - (5) Lakes equal to or greater than two acres in area: 40 feet, as measured from the ordinary high-water mark.
 - (6) Lakes equal to or greater than one-quarter acre in area but less than two acres in area: 20 feet, as measured from the ordinary high-water mark.
- (c) Natural vegetation strip. To minimize erosion, stabilize streambanks and wetland edges, protect water quality, and preserve fish and wildlife habitat, a natural vegetation strip shall be maintained from the edge of a water feature as follows:
- (1) Wetlands regulated by the Township, the state, or by federal law: 20 feet. The Township may require the permit applicant to have the precise boundary of the wetland in question delineated in accordance with Chapter **22**, Article **IV** of this Code.
 - (2) The Red Cedar River: 25 feet, as measured from the abutting ordinary high-water mark.
 - (3) Open county drains or creeks: 25 feet, as measured from the top of the abutting bank.
 - (4) Lakes: 20 feet, as measured from the ordinary high-water mark.
 - (5) Existing soil and organic matter shall not be altered or disturbed within the natural vegetation strip.
 - (6) Natural ground cover shall be preserved to the fullest extent feasible, and where removed shall be replaced with other naturally occurring vegetation that is equally effective in retarding runoff and preventing erosion.
 - (7) A lawn shall not be considered a natural vegetation strip.
 - (8) Application of organic or synthetic pesticides, fertilizers, or other chemicals shall not be permitted in the natural vegetation strip.
 - (9) Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist and in reforestation efforts.
 - (10) Within the natural vegetation strip, trees, shrubs, and ground cover may be selectively pruned or removed to provide reasonable private access or views to water features, to remove potentially hazardous or nuisance exotic vegetation, and to improve or protect wildlife habitat. Such pruning and removal activities are subject to the following:
 - a. No more than 10% of the length of the strip shall be clear cut or mowed to the depth of the strip.
 - b. Pathways accessing water features shall not exceed 10 feet in width.
 - c. A live root system shall be maintained to provide for streambank stabilization and erosion control.
- (d) Exceptions. The following exceptions shall apply to this section. All uses that fall within such exceptions must comply with all other requirements and standards of this chapter and all other applicable regulations and laws.

- (1) Subsection (b) of this section shall not apply to the following:
 - a. Plats that have received Township preliminary or final approval prior to September 2, 1991.
 - b. Site plans and condominium plans that have received final approval prior to September 2, 1991.
 - c. Unplatted lots under two acres in area, created prior to September 2, 1991, on which an occupiable building is located for which a building permit was issued prior to September 2, 1991.
- (2) For plats that have received Township preliminary or final approval between September 2, 1991, and the effective date of this division, for site plans and condominium plans that have received final approval between September 2, 1991, and the effective date of this division, and for unplatted lots under two acres in area created between September 2, 1991, and the effective date of this division on which an occupiable building is located for which a building permit was issued between September 2, 1991, and the effective date of this division, the requirements of subsection (b) of this section shall be modified to provide that when a forty-foot setback is required, decks, porches, and patios may project a maximum of 10 feet into the required setback.
- (3) The limitations as to grading activities in subsections (b) and (c) of this section shall not apply to the following:
 - a. Plats that have received preliminary or final approval prior to the effective date of this division, including littoral rights running with platted lots.
 - b. Site plans and condominium plans that receive final approval prior to the effective date of this division.
 - c. Unplatted lots under two acres in area, created prior to the effective date of this division, on which an occupiable building is located for which a building permit was issued prior to the effective date of this division, including littoral rights running with unplatted lots.
- (4) The limitations as to grading activities in subsections (b) and (c) of this section shall not apply to grading activities required by the Township Engineer under the Township's land development ordinances and regulations.
- (5) Bridges, docks, piers, sea walls, or wharves, incidental to the permitted uses of the zoning district in which a protected water feature is located are exempt from the water feature setback.
- (6) Structures that do not require a permit from the Township incidental to the permitted uses of the zoning district in which the protected water feature is located are exempt from the water feature setback.
- (7) County drain commission normal activities including, but not limited to, drain cleaning, dredging, depositing, and grading of dredge spoils are exempt from the water feature setback. The adverse effect on the natural vegetation strip shall be minimized.
- (8) Landscaping and lawn maintenance incidental to the principal use are permitted in the water feature setback, excluding the natural vegetation strip.
- (9) Other activities are exempt from the water feature setback to the extent the Township is prohibited from regulating by its ordinances or other laws.
- (10) Subsections (b)(1), (2), and (c)(1) of this section shall not apply to any driveway, pathway, or sidewalk less than or equal to 12 feet in width and/or utilities that have been granted a permit to pass through a state department of environmental quality (MDEQ) or Township-regulated wetland. The exception shall apply only to the areas of the setback and natural vegetation

strip which the driveway, pathway, sidewalk and/or utilities must pass through as it enters and/or exits the wetland. All conditions of the MDEQ or Township permit shall be met.

§ 86-472. Buildings greater than 25,000 square feet in gross floor area.

[Code 1974, § 83-1.12]

Notwithstanding any other provision of this chapter, any building or group of buildings with a combined gross floor area greater than 25,000 square feet and located on a lot shall require a special use permit in accordance with Article II, Division 4 of this chapter, regardless of the use or uses or the zoning district in which the building or buildings are located, as provided by § **86-658**.

§ 86-473. Street trees.

[Code 1974, § 83-1.14; Ord. No. 2008-10, 7-20-2008; amended 2-16-2016 by Ord. No. 2016-04]

The purpose of this section is to protect, preserve and provide trees along and near streets within the Township; to provide for public health, safety, and general welfare gained from the visual aesthetics, air purification, and traffic-calming benefits of trees; to promote and retain the Township's natural beauty; and to identify, address, mitigate and resolve concerns regarding trees during the design phase of projects.

- (1) New street trees. New street trees shall be planted as part of any nonresidential or multiple-family developments, planned unit developments (PUD), mixed-use planned unit developments (MUPUD), and commercial planned unit developments (CPUD), using the following minimum standards:
 - a. Location of new street trees shall be determined by street classifications found in § **86-367**.
 1. Arterial streets. New street trees shall be planted in a manner determined appropriate by the Director of Community Planning and Development with input from the Ingham County Road Department and the Michigan Department of Transportation, as applicable.
 2. Collector and local streets. Street trees shall be planted between the curblin and edge of pavement and the right-of-way line of the street, provided sight visibility shall be maintained in a manner consistent with § **86-474**. The Director of Community Planning and Development with input from the Ingham County Road Department or Michigan Department of Transportation, as applicable, shall determine the appropriateness of the final location of proposed street trees.
 3. In those cases where a street tree is planted less than five feet from the curblin or a sidewalk/pathway, materials shall be installed with the tree(s) which prevent heaving by deflecting the roots away from growing directly under the curb, street or sidewalk/pathway.
 - b. Tree size. New street trees shall be at least two inches in caliper when planted. Any tree which dies within two years after planting shall be replaced by the developer.
- (2) Existing trees. In an effort to preserve viable existing trees and in lieu of planting new street trees, existing trees located in the right-of-way of all street classifications may be preserved and used as street trees subject to the approval of the Director of Community Planning and Development with input from the Ingham County Road Department or Michigan Department of Transportation, as applicable. The following minimum standards shall be utilized for all existing trees located within the right-of-way:
 - a. Existing trees shall be identified by species and diameter at breast height (dbh) on plans submitted with applications for special use permits, planned unit developments (PUD), mixed-

use planned unit developments (MUPUD), commercial planned unit developments (CPUD), and site plans if one or both of the following are proposed:

1. An applicant proposes to retain an existing street tree in lieu of planting a new tree.
 2. An applicant proposes to remove one or more existing street trees located in the right-of-way abutting a development site and demonstrates the lack of feasible or prudent alternatives without causing undue hardship.
- b. Evaluation of existing street trees for either substitution for a new street tree or for preservation shall be based on the following criteria: desirability of the existing tree's species, form, size, age, location and physical condition.
 - c. The preservation of individual existing trees meeting the criteria above should have priority over the design and location of proposed streets, access drives, and infrastructure when there are other practical alternatives to removing the tree(s).
 - d. The Township may impose conditions on the method and extent of the proposed activities in the right-of-way, as necessary, to ensure they will be conducted in a manner which will minimize damage, encroachment, or interference with the health and well-being of the tree(s).
 - e. Tree protection measures identified in § 22-179 of the Code of Ordinances may be required to assure the health and well-being of each existing tree to be preserved. Activities should not be conducted within the drip line of the tree, including but not limited to placing solvents, material, machinery, vehicles, or soil.
 - f. One replacement deciduous tree shall be planted for each preserved existing tree that dies within two years after completion of the project. Tree species and planting locations are subject to the approval of the Director of Community Planning and Development. Trees shall be a minimum of two inches in diameter.

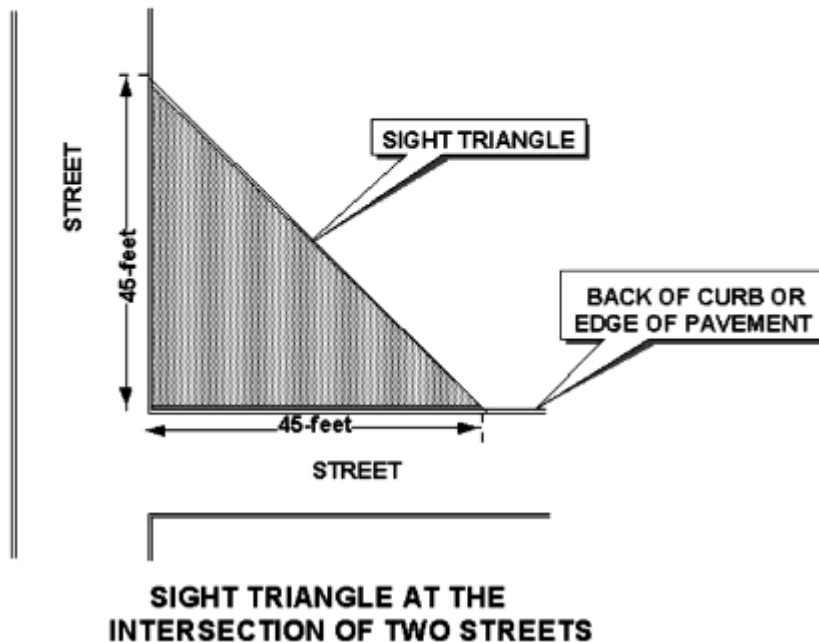
Cross reference: Vegetation, ch. 82.

§ 86-474. Sight triangle.

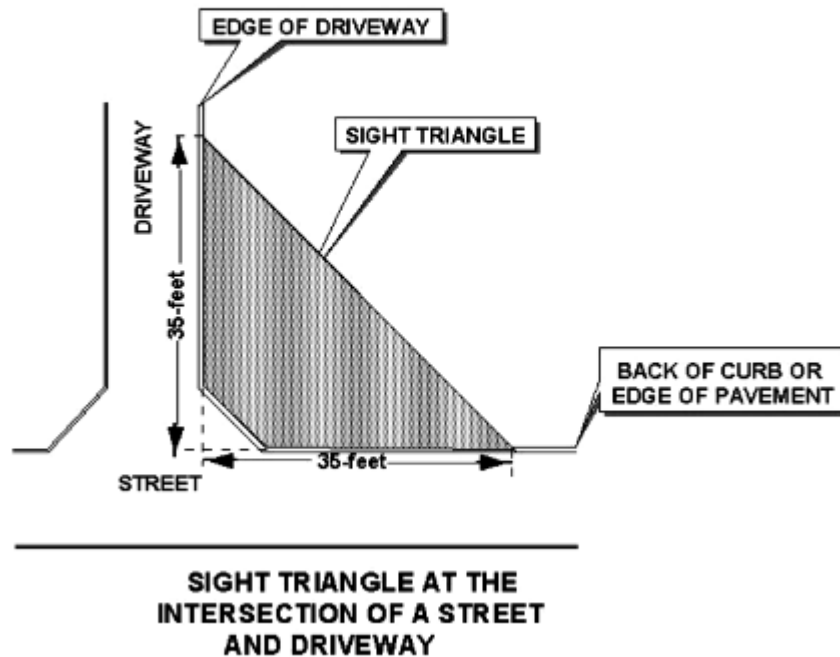
[Ord. No. 2006-06, 11-26-2006]

The following sight triangle standards shall apply to all zoning districts:

- (1) Street intersections. No plant material, berm, fence, wall screen, sign, or other structure shall obstruct the visibility of motorists, pedestrians, or cyclists within a sight triangle at street intersections between the height(s) of three feet and 10 feet, as measured from the back of the curb or edge of the pavement. The sight triangle shall be formed by measuring 45 feet in each direction from the intersection of the back of curb or edge of asphalt of each street and connecting the two points (See Figure 1).

FIGURE 1

- (2) Intersection of a driveway and street. No plant material, berm, fence, wall screen, sign, or other structure shall obstruct the visibility of motorists, pedestrians, or cyclists within a sight triangle at street and driveway intersections between the height(s) of three feet and 10 feet, as measured from the back of the curb or edge of the pavement. The sight triangle shall be formed by measuring 35 feet along the back of curb or edge of asphalt of the street and edge of the driveway from the intersection of the driveway and then connecting the two points (See Figure 2).

FIGURE 2

§ 86-475. Lake access.

[Ord. No. 2008-03, 3-16-2008]

- (a) Generally. The intent of this section is to protect the public health, safety, and general welfare of Meridian Township and its citizens by promoting the integrity, quality, safe use, and ecological balance of Lake Lansing by avoiding overuse of the lake and limiting the number of access points based on existing land use patterns around Lake Lansing.

Nothing in this section shall be construed to limit access of the general public to Lake Lansing through use of a public park or public access site provided by the Township, county, or state.

Recorded lots, parcels, sites, and easements held in common by a subdivision, condominium, association, similar agency, or group of individuals which abuts Lake Lansing and provided ingress and egress to Lake Lansing by pedestrian or vehicular traffic from offshore land, prior to the effective date of this section may continue to provide the same right of ingress and egress, subject to the marina operating permit requirements of the Michigan Department of Environmental Quality (MDEQ).

- (b) Requirements.

- (1) A lot, parcel, site, or easement which is held in common by a subdivision, condominium, association, similar agency or group of individuals and abuts Lake Lansing, and either, did not provide ingress and egress to Lake Lansing by pedestrian and vehicular traffic from offshore land prior to enactment of this section or was created after this section, may not be used as lake access property and provide ingress and egress to Lake Lansing by pedestrian or vehicular traffic from offshore land unless the following requirements are met:

- a. Lake access property as defined in § 86-2 shall contain a minimum of 65 feet of continuous shoreline for each dwelling unit to which ingress and egress to the lake has been extended or dedicated. The shoreline shall be measured by a straight line which intersects each side lot line at the ordinary high water mark of Lake Lansing.

- b. Lake access property as defined in § 86-2 shall contain a minimum depth of 125 feet.
 - c. Lake access property as defined in § 86-2 shall not abut a man-made canal or channel on Lake Lansing. Canals or channels shall not be excavated for the purpose of increasing the shoreline required by this section.
 - d. Lake access property as defined in § 86-2 shall not also be used for residential purposes, for constructing a dwelling, for accessory structure(s), or for any nonresidential use.
 - e. No dock, raft, or similar equipment shall be placed in Lake Lansing by use of lake access property as defined in § 86-2.
 - f. No watercraft shall be moored or docked in Lake Lansing adjacent to lake access property.
- (c) Public easement.
- (1) The use of a public easement to Lake Lansing solely for pedestrian purposes shall be subject to the following:
 - a. No obstruction shall be placed in the easement which would prevent a person from using any part of the easement.
 - b. No person, except for state, county and Township employees, shall prevent another person from using a public easement to Lake Lansing.

§ 86-476. through § 86-500. (Reserved)

DIVISION 2. Use Regulations

§ 86-501. Uses of structures for temporary dwelling.

[Code 1974, § 83-2.1]

No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this chapter and in the state construction code. In addition, no temporary structure may be occupied for temporary dwelling purposes for any length of time unless by issuance by the Chief Building Inspector of a special occupancy permit which may be valid for a period not to exceed six months. No permit may be transferable.

§ 86-502. Accessory building.

[Code 1974, § 83-2.2]

Authorized accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio or breezeway, or similar structures, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made a part of the principal building as provided in the preceding statement shall not be nearer than 10 feet from any other separate structure on the same lot.

§ 86-503. Outdoor storage of vehicles and/or trailers.

[Code 1974, § 83-2.3; Ord. No. 2009-02, 4-19-2009]

- (a) No inoperative or unlicensed or unregistered, as applicable, recreational vehicle, watercraft and/or trailer shall be parked, kept or stored outdoors, in any residential district, and no recreational vehicle, watercraft and/or trailer shall, at any time, be outdoors in any residential district if in a state of major disassembly, disrepair, or in the process of being stripped or dismantled or leaking oil, fuel or antifreeze.
- (b) The outdoor storage or overnight parking of commercial vehicles over one-ton capacity and semi-truck trailers or other commercial trailers shall not be permitted in any residential district. Commercial vehicles or trailers specifically used as part of a farm operation, as defined by the Michigan Right to Farm Act (Public Act of 1981), shall be exempt from this section.

§ 86-504. Excavation of topsoil.

[Code 1974, § 83-2.4]

Topsoil shall not be stripped, excavated, or otherwise removed from any premises for sale or for use other than on the premises on which the topsoil was originally located; except that, in accordance with all other requirements of this chapter, construction grading, excavation, or sod farming may be done by special use permit in accordance with Article VI of this chapter.

§ 86-505. Excavation of soils and minerals other than topsoil.

[Code 1974, § 83-2.5]

The excavation of peat, muck, sand, gravel, clay, shale, or other natural mineral deposit, including the quarrying of rock materials, but except crude oil, may be authorized in any district by the Planning Commission by the issuance of a special permit upon the completion of procedures and with the imposition of the conditions and safe-guards outline in Article VI of this chapter. A special permit may include authorization for the erection, installation, and use of necessary buildings, apparatus, and appurtenances incidental to the excavation operation.

§ 86-506. Maximum height of fences, walls and screens.

[Code 1974, § 83-2.6; Ord. No. 2006-06, 11-26-2006]

No fence, wall, or screen shall be erected higher than six feet, as measured from the ground upon which it sits to its highest point. Altering the existing grade, such as but not limited to mounding or terracing of land shall not be permitted to increase the height of the fence, wall, or screen, unless the combined height of such grading, mounding, or terracing together with the fence, wall, or screen, is six feet or less above the ground upon which it sits.

§ 86-507. Satellite television antennas.

[Code 1974, § 83-2.7]

The following regulations shall apply to all satellite television antennas, earth stations, dish antennas, or similar devices:

- (1) Satellite television antennas are permitted in any zoning district and shall be placed in accordance with the setback requirements established for detached accessory buildings under § 86-565.
- (2) The total height of a satellite television antenna shall not exceed 15 feet and the diameter of the dish shall not exceed 10 feet.
- (3) In residential districts only one satellite dish shall be permitted on any individual lot.
- (4) Satellite television antennas shall conform to all applicable building and electrical codes of the Township.

- (5) Satellite television antennas shall be constructed in a wind resistant manner and must be properly grounded.
- (6) Satellite television antennas shall not be utilized as a sign for purposes of advertising or identification unless in conformance with Article **VII** of this chapter.
- (7) Upon evidence presented by the property owner that a signal cannot be received, a variance may be granted by the Zoning Board of Appeals from the height and locational requirements of this division.
- (8) Satellite television antennas with a total height greater than 3 1/2 feet and a dish diameter greater than two feet are also subject to the following regulations:
 - a. Satellite television antennas must be placed in a rear yard, except when it has been found that a usable signal cannot be obtained from a rear yard location. In this event, the side yard may be utilized. Satellite television antennas may be permitted in the front yard or on the roof of a structure only on approval of the Zoning Board of Appeals.
 - b. A building permit shall be obtained prior to installation of any satellite television antenna.
- (9) The following regulations shall apply to satellite television antennas equal to or less than 3 1/2 feet in overall height with a dish diameter equal to or less than two feet:
 - a. Satellite television antennas may be placed in a rear yard, side yard, or mounted on the side or rear walls of a structure.
 - b. Satellite television antennas may be roof-mounted and may project above the roof peak. If roof-mounted, satellite television antennas shall extend no higher than three feet above the ridge line of a structure.

§ 86-508. through § 86-530. (Reserved)

DIVISION 3. Area Regulations

§ 86-531. Exception to required lot area and lot width for residential district.

[Code 1974, § 83-3.1]

Any residential lot created and recorded prior to the effective date of this chapter and zoned in a single-family category may be used for single-family residential purposes even though the lot area and/or dimensions are less than those required for the district in which such a lot is located, provided:

- (1) That any lot so excepted shall be no less than 40 feet in width at the street line.
- (2) That the other requirements of this district are met.

§ 86-532. Variance of requirements for lots of record.

[Code 1974, § 83-3.2]

Upon proper application pursuant to Article **II** of this chapter, the Zoning Board of Appeals may vary the yard requirements for substandard lots recorded prior to the effective date of this chapter when all conditions stated in Article **II** of this chapter are complied with. No more than the minimum variance from the terms of this chapter shall be granted which is necessary to relieve the practical difficulty of building on any substandard lot of record.

§ 86-533. Lot area can be allocated once.

[Code 1974, § 83-3.3]

No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for the construction of a proposed building, or the alteration of an existing building.

§ 86-534. Accessory building.

[Code 1974, § 83-3.4]

An accessory building shall not occupy more than 30% of the area of any rear yard.

§ 86-535. Continued conformity with regulations.

[Code 1974, § 83-3.5]

The maintenance of yards, lot area, and parking and loading spaces legally required for a building or use shall be a continuing obligation of the owner of such building or use or owner of the property on which the building is located.

§ 86-536. through § 86-560. (Reserved)

DIVISION 4. Yard Regulations

§ 86-561. Front yard reductions.

[Code 1974, § 83-4.1]

Any front yard in any single-family residential district may be reduced below the minimum required only when the front yards of existing principal structures within 200 feet of a proposed principal building location are less than the minimum required, in which case the Township Board of Appeals shall establish the required minimum front yard.

§ 86-562. Side yard reductions.

[Code 1974, § 83-4.2]

For single-family residential lots adjoining an alley, the least width of a required side yard may be measured to the centerline of the alley, provided that no building shall be erected any closer than three feet to the nearest alley right-of-way line.

§ 86-563. Rear yard reductions.

[Code 1974, § 83-4.3]

When a lot of record in any single-family residential district has a depth of less than 115 feet prior to the effective date of this chapter, the rear yard of such lot may be reduced one-quarter of the distance the lot depth is less than 115 feet; provided, that no rear yard shall be less than 20 feet in depth, except that, if a rear lot line abuts an existing or proposed street, the Township Board of Appeals shall establish the required minimum rear yard.

§ 86-564. Yard encroachments permitted.

[Code 1974, § 83-4.4]

- (a) Uncovered paved terraces, patios, and porches. Uncovered paved terraces, patios, and porches shall not be subject to yard requirements, provided:
- (1) The paved area is unroofed and without such walls, parapets, or other forms of solid, continuous enclosure when that link to the paved area to the principal building that an enclosed area is formed which appears functionally a part of the principal building.
 - (2) The highest finished elevation of the paved area is not over three feet above the average surrounding finished ground grade.
 - (3) No portion of the paved area is closer than four feet from any lot line. Such paved area may have an open railing or fence not over three feet high and may have noncontinuous windbreak or visual screen fences or walls not over six feet high.
- (b) Unenclosed porches. Roofed or unroofed porches may project into a required side or rear yard a distance not to exceed eight feet, provided:
- (1) The porch is unenclosed, no higher than one story, and erected on piers.
 - (2) The porch shall not be closer than eight feet at any point to any side or rear lot line.
 - (3) That no building shall have more than one porch in any one yard.
- (c) Enclosed porches. Enclosed porches, either one-story, two-story, or an unenclosed porch having solid foundations and capable of being enclosed shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.
- (d) Special structural elements. Special structural elements, such as cornices, sills, beltcourses, chimneys, gutters, eaves, pilasters, and similar structural features may project into any yard area up to a maximum of 2 1/2 feet.
- (e) Fire escapes, outside stairways, and balconies. Fire escapes, outside stairways, and balconies, if of open construction, may project into the yard up to a maximum of five feet.

§ 86-565. Accessory buildings.

[Code 1974, § 83-4.5]

The following shall apply to accessory buildings:

- (1) In a front yard. No accessory building shall project into any front yard.
- (2) In a rear yard. No accessory building shall be closer than five feet to any lot line.
- (3) In a side yard. No accessory building shall be closer than five feet to any lot line.
- (4) On a corner lot. No accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot.
- (5) Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight feet to the common lot line.
- (6) In no case shall the entrance of a garage be less than 25 feet from a street line.

§ 86-566. Driveway setback.

[Code 1974, § 83-4.6]

No driveway in a single-family residential zone shall be located closer than two feet from the side or rear lot line.

§ 86-567. through § 86-590. (Reserved)

DIVISION 5. Height Regulations

§ 86-591. Permitted exceptions, structural appurtenances.

[Code 1974, § 83-5.1; Ord. No. 2010-13, 10-3-2010]

The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:

- (1) Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, monuments.
- (2) Those necessary appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, and cooling towers.
- (3) Those structural extensions deemed necessary for appropriate building design, such as cornices or parapet walls may extend to a maximum of five feet above the height of the building and shall have no window openings.
- (4) The foregoing permitted exceptions may be authorized only when the following conditions can be satisfied:
 - a. No portion of any building or structure permitted as an exception to a height limitation shall be used for human occupancy or for commercial purposes.
 - b. Any structural exception to height limitations shall be erected only to such height as may be necessary to accomplish the purpose it is intended to serve, and no higher.
 - c. The area occupied by structural appurtenances may not exceed 20% of the gross area of the roof. If structural elements exceed 20% of the gross area of the roof, they shall be considered as integral parts of the whole structure and thereby shall not be eligible for permission to exceed height limitations.

§ 86-592. Residential district.

[Code 1974, § 83-5.2]

There shall be no exceptions permitted for residential structures; however, certain nonresidential structures in residential districts may be permitted to exceed height limitations as specified in Article VI of this chapter.

§ 86-593. through § 86-615. (Reserved)86-615. (Reserved)

DIVISION 6. Nonconforming Uses and Structures

[1] *Cross reference: Buildings and building regulations, ch. 14.*

State law reference: Nonconforming uses, MCL 125.286.

§ 86-616. Generally.

[Code 1974, § 83-6.1]

- (a) It is recognized that there exists within the districts established by this chapter and subsequent amendments uses of land, structures, and uses of land and structures together which were lawful before this chapter was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments, herein referred to as nonconformities.
- (b) It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are removed or abandoned but not to encourage their continuance.
- (c) Such nonconformities are declared by this chapter to be incompatible with permitted uses in the districts involved. The regulations in this division are designed to ensure that such nonconformities are properly regulated so as to minimize disharmony with the uses and structures in conformance with this chapter. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, except as set forth herein, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (d) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun in reliance upon a validly issued building permit prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

§ 86-617. Nonconforming uses of land.

[Code 1974, § 83-6.2]

Where, at the effective date of adoption or amendment of this chapter, a formerly lawful use of land exists that is prohibited under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1) No nonconforming use of land shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- (2) No such nonconforming use of land shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
- (3) A nonconforming use of land shall not be extended or enlarged after passage of this chapter by addition of other uses that are not permitted in the district involved.
- (4) If a nonconforming use of land ceases for any reason for a period of three consecutive months, or for nine months during any three-year period, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

§ 86-618. Nonconforming structures.

[Code 1974, § 83-6.3]

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that would be prohibited under the terms of this chapter, as adopted or amended, by reason of restrictions on building area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) Nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.
- (2) Nonconforming structures, other than single-family structures, may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that structural alterations or extensions shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.
- (3) If a nonconforming structure is destroyed by any means to an extent of more than 50% of its replacement costs, exclusive of the foundation, it may be reconstructed only in conformity with the provisions of this chapter. The estimated cost of reconstruction shall be determined by a Chief Building Inspector. Persons aggrieved by the determination of estimated replacement cost by the Chief Building Inspector may appeal such determination to the Zoning Board of Appeals.
- (4) If a nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

§ 86-619. Nonconforming uses of structures and land.

[Code 1974, § 83-6.4]

If a lawful use of a structure or structure and land in combination exists at the effective date of adoption or amendment of this chapter that would be prohibited in the district under the terms of this chapter, as adopted or amended, the formerly lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a nonconforming use may be enlarged, extended, constructed, reconstructed, moved, or structurally altered unless the use of the structure is changed to a use permitted in the district in which it is located.
- (2) The portion of a structure occupied by a nonconforming use shall not be increased, expanded, or enlarged, nor shall any additional nonconforming uses be added to the existing nonconforming use.
- (3) If no structural alterations are made, a nonconforming use of a structure or structure and land in combination may be changed to another nonconforming use; provided, that the Zoning Board of Appeals finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accordance with the purpose and intent of this chapter. Where a nonconforming use of a structure or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- (4) If a structure or structure and land in combination formerly devoted to a nonconforming use is changed to a permitted use, it shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
- (5) When a nonconforming use of a structure or structure and land in combination is discontinued or ceases to exist for three consecutive months, or for nine months during any three-year period, the structure or structure and land in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located. When a seasonal nonconforming use of a structure or structure and land in combination is discontinued or ceases to exist for two consecutive seasons, the structure or structure and land in combination shall not be used except in conformance with the regulations of the district in which it is located.
- (6) If a structure or structure and land in combination devoted to a nonconforming use is removed or destroyed the nonconforming use shall not be reestablished and the land shall be used in conformance with this chapter.

§ 86-620. Repairs and maintenance.

[Code 1974, § 83-6.5]

- (a) Any building devoted in whole or in part to any nonconforming use may be repaired to correct deterioration or wear or by replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50% of the assessed value of the building; provided, that the area, height, bulk, use, or extent of the building as it existed at the time of passage or amendment of this chapter shall not be increased.
- (b) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition any building or part of any building declared to be unsafe by an official charged with protecting the public safety.

§ 86-621. Change of tenancy or ownership.

[Code 1974, § 83-6.6]

The tenancy, ownership, or management of any legally existing nonconforming use of a structure, land, or structure and land in combination may change without altering the status of the nonconforming use.

§ 86-622. Acquisition of nonconforming uses.

[Ord. No. 2007-12, 10-28-2007]

The Township may acquire private property or an interest in private property by purchase, condemnation or otherwise for the removal of nonconforming uses in accordance with the Michigan Zoning Enabling Act PA 110 of 2006 (MCL § 125.3101 et seq.).

§ 86-623. Burden of proving nonconforming uses.

[Code 1974, § 83-6.8]

Any landowner or interested person claiming a lawful nonconforming use must prove through clear and convincing evidence that the claimed nonconforming use lawfully existed prior to the adoption or amendment of this chapter. Otherwise, such uses are unlawful uses and shall be immediately discontinued.

§ 86-624. through § 86-650. (Reserved)

ARTICLE VI. Special Use Requirements and Restrictions

§ 86-651. Group housing residential developments.

[Code 1974, § 86-1]

- (a) Purpose. In order to accommodate the new types of diversified residential developments of medium and high density, usually requiring a large tract of unplatted land, the construction of group housing developments in any multiple-family residential district may be authorized by the Planning Commission by issuance of a special use permit when all the procedures and requirements of this chapter can be complied with. The term "group housing" refers to those types of residential structures customarily known as garden-apartments, terrace-apartments, row

housing, townhouses, and other similar types of multiple housing either leased or sold as condominium dwellings.

- (b) Requirements. The requirements of § **86-376(e)**, procedure for obtaining special use permits in multiple-family districts, shall apply as well as any other requirements in § **86-376** in general.

§ 86-652. (Reserved)

§ 86-653. Mobile home parks.

[Code 1974, § 86-3]

- (a) Purpose. In recognition of the growing trend towards mobile homes and the need for well-located, properly developed sites to accommodate them, the Township Planning Commission may authorize the establishment and construction of facilities for a group of mobile homes, such a facility to be referred to in this section as a mobile home park, by issuance of a special use permit when all the procedures and applicable requirements stated in Article II, Division 4 of this chapter, the additional requirements stated in this section, and the requirements of the Township mobile home park subdivision provisions are met, provided that the site in question is properly located in a MP mobile home park district.
- (b) Procedure for obtaining special use permit. The following procedures shall be followed for all mobile home parks; provided, however, that the Planning Commission may waive certain procedural requirements where circumstances do not necessitate compliance with the procedure described:
- (1) Sketch plan stage.
 - a. Purpose of this stage is to allow preliminary discussions between the developer and the Planning Commission as to site location and general requirements, to allow the developer to become acquainted with proper procedures, and to investigate feasibility of the project prior to extensive engineering plans being prepared.
 - b. All sketch plan stage applications shall include:
 1. Name and address of applicant; if a corporation, the name and address of the executive officer thereof; if a partnership, the names and addresses of each partner.
 2. Legal description of property.
 3. Sketch plan showing tentative plans for streets, lot arrangement, and preliminary utility locations and design.
 - (2) Preliminary procedure.
 - a. In order that all aspects of a proposed plan are clearly understood by the public and the members of the Planning Commission, the developer shall proceed as follows and submit to the Department of Community Planning and Development the following data:
 1. Refined site plan at a scale of one inch equals 100 feet or larger, including, but not limited to, the following:
 - i. Roads, road names, access, lot and block arrangement, location of permanent buildings, and preliminary landscape design.
 - ii. Location of vehicular parking sites, lighting for buildings, and total park area.
 - iii. Preliminary plans for providing water and sanitary sewer utilities, which is to be submitted to the Township Engineer and county Health Department for review

and comment. If public sewers are not available, a central sewage collection and treatment system must be approved by the Township Engineer and the county Health Department.

2. Legal description and certificate of survey, together with proof of ownership or a certified letter by owner agreeing to request.
 3. Preliminary report on intent and scope of project including, but not limited to:
 - i. Number and size of individual unit lots.
 - ii. Basis of calculations.
 - iii. Architectural sketches of proposed permanent buildings.
 4. Existing and proposed contours at two-foot intervals.
- b. The developer shall also submit copies of the refined site plan to the following agencies for review and comment:
1. County Road Commission.
 2. County Drain Commission.
 3. School Board.
 4. Director of Public Works.
 5. Township Engineers.
 6. Township Board.
 7. Fire Department.
 8. Major Utility Companies.
 9. County Health Department.
- c. Upon receipt by the Department of Community Planning and Development of all of the aforesaid data, reports, and letters, the Planning Commission shall set and hold a public hearing in accordance with Article **VI** of this chapter.
- d. Upon completion of the hearing procedure, the Planning Commission shall indicate its approval or denial of the preliminary special use permit. Approval of the preliminary special use permit shall be binding, providing the requirements for the final approval are met within one year thereafter. If such final approval has not been obtained within one year of receipt of the preliminary special use permit, applications for extensions may be made.
- (3) Final procedure.
- a. The developer submits to the Department of Community Planning and Development:
 1. Final detailed site plan showing all aspects of proposed development. The final site plans shall reasonably correspond to the plan receiving preliminary approval.
 2. Detailed landscape plan by registered landscape architect showing planting locations and material descriptions.
 3. Detailed utility construction drawings as outlined in the Township water and sewer standards.
 - b. If final plans comply with the approved preliminary plan and all aspects of the water and sewer standards have been satisfied and are acceptable to the Township Engineer and

Director of Public Works, the Planning Commission shall issue the final special use permit.

1. No construction shall be permitted unless in conjunction with a plan approved by the Planning Commission and the state public Health Department.
2. The Planning Commission may require posting of bond sufficient to cover the cost of construction of all utilities, parking, grading, drainage, and landscaping in accordance with the approved plan.

(4) Duration of validity of permit.

- a. The Planning Commission's approval of a special use permit shall be issued on a site plan and is valid regardless of change of ownership, provided that all terms and conditions are complied with by new owner. Such permit shall be placed on file with the Chief Building Inspector.
- b. In cases where the mobile home park has not been commenced within one year of issuance of the final special use permit, the permit shall automatically become null and void and all rights thereunder shall terminate. Upon written application filed prior to the termination of the one-year period, the Planning Commission may authorize a single extension of the time limit for a further period of not more than one year without holding another public hearing thereon.

Cross reference: Mobile home parks, § 42-26 et seq.

§ 86-654. Nonresidential structures and uses in residential districts.

[Code 1974, § 86-4]

- (a) Purpose. In recognition of the many institutional types of nonresidential functions that have been found to be reasonably harmonious and compatible with residential functions, and in recognition that some nonresidential uses may be useful to the occupants of residential areas and of the community, and in recognition of the peculiar functional requirements of certain types of uses necessary for the efficient provision of utility services, provision is made in this section for the establishment of certain nonresidential structures and uses in residential districts.
- (b) Authorization. The Township Planning Commission may authorize the construction, maintenance, and operation in any residential district of certain nonresidential structures and uses, to be specified in this section, by the issuance of a special use permit when all the procedures and applicable requirements stated in Article II, Division 4 of this chapter, together with the additional requirements to be stated in this section, can be complied with.
- (c) Nonresidential uses that may be permitted. Only the following land and structure uses may be permitted in any residential district, provided the applicable stipulated conditions can be complied with.
 - (1) Institutions for human care: **[Amended by Ord. No. 2019-09, 5-21-2019]**
 - Clinics
 - Homes for the aged
 - Hospitals
 - Nursing or convalescent homes
 - Philanthropic and eleemosynary institutions
 - Sanitariums for the treatment of human ailments

- Senior living communities
- (2) Religious institutions:
 - Churches or similar places of worship
 - Convents
 - Other housing for clergy
 - Parsonages and parish houses
- (3) Educational and social institutions:

[Amended by Ord. No. 2013-06, 8-8-2013; Ord. No. 2014-07, 12-9-2014]

 - Adult care centers, provided structures and sites meet all current building, residential, fire and property maintenance codes as adopted by the Township.
 - Auditoriums and other places of public assembly
 - Centers for social activities
 - Child care centers
 - Fraternity and sorority
 - Public and private elementary schools, high schools, and institutions of higher education
- (4) Special open-space uses:
 - Private resorts and recreational camps
 - Public beaches, bath houses, and boat liveries operated for profit
- (5) Public buildings and public service installations:
 - Gas regulator stations
 - Publicly owned and operated buildings
 - Public utility buildings and structures
 - Telephone exchange buildings
 - Transformer stations and substations
- (6) Other: **[Amended by Ord. No. 2014-07, 12-9-2014]**
 - Group adult care homes, provided structures and sites meet all current building, residential, fire and property maintenance codes as adopted by the Township
 - Group child care homes
 - Offices used exclusively by philanthropic, eleemosynary, religious, fraternal, or educational institutions which are accessory to any of the enumerated uses of Subsection (c) of this section
- (d) Nonresidential uses specifically prohibited. The following uses, but not limited to those enumerated, shall not be permitted in the residential districts:
 - (1) Correctional institutions.
 - (2) Music and dancing instruction schools or studios.
- (e) Site location standards. The following standards shall be utilized to evaluate the proposed location of any nonresidential use. These standards are alterable, depending upon the characteristics of each situation involved, and they shall be applied conscientiously by officials responsible for the administration and enforcement of this chapter.
 - (1) Any permitted nonresidential structure or use should preferably be located at the edge of a residential district, abutting a business or industrial district, or a public open space.

- (2) All means shall be utilized to face any permitted nonresidential use on a major street.
 - (3) Motor vehicle entrance and exit should be made on a major street or as immediately accessible from a major street as to avoid the impact of traffic generated by the nonresidential use upon the residential area.
 - (4) Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of the intrusion of the nonresidential use into a residential area.
 - (5) Any proposed nonresidential use will not require costly or uneconomic extensions of utility service.
- (f) Nonresidential uses in residential districts site development standards. A special use permit shall not be issued for the occupancy of a structure or parcel of land or for the erection, reconstruction, or alteration of a structure unless complying with the following site development requirements. These requirements are not alterable except by variance as provided for under Article II, Division 7 of this chapter.
- (1) For all uses that may be permitted, except clinics, public utility transformer stations and substations, telephone exchange buildings, gas-regulator stations, group adult care homes, group child care homes, housing for religious personnel attached to a church or school function, and senior living communities.
[Amended by Ord. No. 2014-07, 12-9-2014; Ord. No. 2019-09, 5-21-2019]
 - a. Area requirements. None of the land or structure uses permitted shall be authorized for construction and/or occupancy that will occupy a parcel of land less than two acres in area nor for erection or occupancy of any building housing such uses any part or portion of which will be any closer than 50 feet to any property or street line, except that all buildings and structures shall be located in accordance with the setback requirements of § 86-367 for the type of street upon which any yard abuts.
 - b. Lot coverage. No more than 25% of the gross site shall be covered by buildings.
 - c. Maximum building height. No building shall be erected to a height greater than that permitted in the residential district in which it is located unless the building is set back from each required yard line at least one foot for each foot of additional height above the district height limitation.
 - d. Appearance. All buildings permitted shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding residential area.
 - e. Signs. All signs shall be in accordance with the schedule outlined in Article VII of this chapter.
 - f. Off-street parking. Space shall be provided in accordance with the requirements of Article VIII of this chapter.
 - g. Adult care centers. Adult care centers, provided structures and sites meet all current building, residential, fire and property maintenance codes as adopted by the Township.
 - (2) For clinics, group adult care homes, group child care homes, and housing for religious personnel.
[Amended by Ord. No. 2014-07, 12-9-2014]
 - a. Area requirements. Lot area and width shall be not less than that specified for the district in which the proposed use is to be located.
 - b. Maximum building height. No building shall be erected to a height greater than that permitted in the district in which the proposed use is to be located.

- c. Appearance. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same lot. Exposed equipment shall be screened.
 - d. Off-street parking. Parking spaces shall be provided in accordance with the requirements of Article **VIII** of this chapter.
 - e. Group adult care homes. Group adult care homes, provided structures and sites meet all current building, residential, fire and property maintenance codes as adopted by the Township.
- (3) For child care centers in converted residential structures.
- a. All those requirements stipulated in Subsection (f)(1) of this section shall be met.
 - b. No structure built for residential use shall be converted to a child care center if it is located closer than 500 feet to an existing residence.
 - c. The maximum number of children permitted in child care centers in residential structures which have been converted to that use shall be 30.
- (4) For public buildings and public service installations, greater than 50 square feet in area, including publicly owned and operated buildings, public utility buildings and structures, telephone exchange buildings, transformer stations and substations, gas regulator stations.
- a. Location. Public buildings and public service installations greater than 50 square feet in area shall be located on a lot on which the utility installation shall be considered the principal use, and no additional principal uses shall exist or be established on the lot.
 - b. Area requirements. Lot area and width shall not be less than that specified for the district in which the proposed use would be located.
 - c. Maximum building height. No building or structure shall be erected to a height greater than that permitted in the district in which the proposed use is to be located.
 - d. Appearance. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same lot. Exposed equipment shall be screened.
 - e. Off-street parking. Parking spaces shall be provided in accordance with the requirements of Article **VIII** of this chapter.
- (5) For senior living communities.
[Added by Ord. No. 2019-09, 5-21-2019^[1]]
- a. Senior living communities shall be limited to persons 55 years of age or older or married couples or domestic partners where either spouse or partner is 55 years of age or older.
 - b. Locations. Senior living communities shall be permitted where public water and sewer are available.
 - c. Minimum lot area: 10 acres.
 - d. Minimum lot width: 100 feet.
 - e. Maximum density: 25 units per acre. For the purposes of calculating maximum density, the total of independent living units and licensed professional care units on the property shall be counted.
 - f. Maximum lot coverage. All buildings, including accessory buildings, shall not occupy more than 35% of the net area of land included within the limits of the proposed project or any stage in the development of the proposed project which may receive approval under this chapter.

- g. Minimum yard dimensions.
 - 1. Front yard. In accordance with the setback requirements of § 86-367 for the type of street upon which the lot fronts.
 - 2. Side and rear yard setback adjacent to a nonresidential zoning district. No building, parking, access drive, or other structure shall be less than 25 feet from a nonresidential zoning district line.
 - 3. Distance from a residential property line. Buildings 35 feet or less in height shall be no closer than 50 feet to a residential property line. The setback shall be increased 1.5 feet for each foot the building exceeds 35 feet in height. Balconies, decks, patios, and porches shall not encroach into the setback from a residential property line.
 - h. Accessory building setback. No accessory building shall be located closer than 100 feet to any residential zoning district boundary, except a sixty-foot setback shall be required if screening that incorporates a double row of interlocking trees, primarily evergreens, or the equivalent is provided in addition to general screening standards.
 - i. Maximum building height. Maximum building height shall not exceed four stories up to 60 feet above the finished grade.
 - j. Maximum independent living unit to licensed professional care unit ratio. A maximum of two independent living units may be provided per one licensed professional care unit.
 - k. Off-street parking: one space for each dwelling unit of independent living plus one space for every four units of licensed professional care plus one space for each employee working on the largest shift.
 - l. Minimum distance between buildings. In no case shall any building be located closer than 50 feet to any other building.
 - m. Accessory uses. Accessory uses such as places of worship, indoor and outdoor recreation, retail and banking facilities, dining facilities, beauty salons and barbershops, gift shops, security facilities, common areas, medical offices, postal centers, and pharmacies shall be allowed, provided that the accessory use is ancillary to the primary use of the property as a senior living community and not advertised for public use.
- [1] *Editor's Note: This ordinance also redesignated former Subsection (f)(5) as Subsection (f)(6).*
- (6) For all nonresidential uses in residential districts, the maximum percentage of impervious surface permitted on a site shall be 75%. Impervious surfaces shall include all land covered with paving, buildings, and other nonporous surfaces. The impervious surface ratio is calculated by dividing the total impervious surface by the gross area of the site. The following shall be counted as pervious surfaces:
 - a. Required perimeter landscaped buffers.
 - b. Fifty percent of on-site stormwater detention or retention basins, if designed as an integral part of the site landscaping.
 - c. Parking lot islands and medians that are 20 feet or greater in each dimension.

§ 86-655. Planned community and regional shopping center developments.

[Code 1974, § 86-5; Ord. No. 2004-06, 9-5-2004]

(a) Purpose.

- (1) The increasing use of the grouped type of retail sales and service establishments planned and constructed as a unit, located on a single, unified site, arranged for the convenience of the automobile-conveyed customer, and designed to effect efficiency and an attractive, pleasing environment for both the businessman and the customer cannot be provided for equitably in a zoning ordinance by any one of the customary business district classifications.
 - (2) The grouping of store units making up a community or regional shopping center range in size and in the types from the relatively small neighborhood shopping center, furnishing principally daily necessities to immediate residents, up to the large type of shopping center furnishing most types of consumer goods and services to the community at large, and even to the urban region, functioning in much the same way as a conventional central business district.
 - (3) In recognition of the unique and changing characteristics of this type of business facility, provisions are established in this section for the Township to accommodate and to encourage the construction and operation of shopping centers to the extent and in accordance with such standards which will result in the optimum future development of the Township community.
- (b) Definitions. For purposes of this section, the term "shopping center" shall mean a business or group of businesses engaging in retail sales or service arranged as a functionally coherent unit, together with the pertinent features, such as parking areas and storage facilities. The terms "shopping center" and "planned shopping development" are interchangeable for purposes of this section. A single business containing more than 25,000 square feet of gross floor area shall be considered a "shopping center" for purposes of this section.
- (c) Authorization. The Township Planning Commission may authorize the establishment, construction, and operation in the community service district of a planned shopping development by issuance of a special use permit in accordance with all requirements of Article II, Division 4 and other applicable sections of this chapter.
- (d) Additional procedural requirements. The following data and evidence shall be permitted with the required special use permit application and without which an application shall not be accepted by the Township Planning Commission:
- (1) A detailed site plan which complies with all requirements of the commercial zone in which the center shall be located and which has received approval from the design review board.
 - (2) A written statement from all of the agencies responsible for the provision of public utilities and waste disposal, stating that the utility services needs of the proposed center will be adequately accommodated; provided, that, in lieu of such statement by public agencies or utilities, there shall be submitted plans of sufficient detail to indicate clearly the feasibility and adequacy of any utility or waste disposal facilities to be developed for use by the center.
 - (3) Complete building plans for the shopping center development.
 - (4) A list of proposed uses to be included in the center, with the area of each to be devoted to retail space.
 - (5) Results of traffic studies, showing conclusively that anticipated maximum traffic that might be generated by the center can be accommodated by existing abutting major streets. All plans, specifications, and statements submitted with the application for a special use permit for a planned shopping center development shall become, with any changes ordered by the Planning Commission, a part of the conditions of any special use permit issued by the commission pursuant thereto.
 - (6) Any other requirements of the design review board of any section of this chapter.
- (e) Site development uses permitted. Any use which is permitted in any commercial or office district according to the provisions of this chapter.
- (f) Site development requirements.

- (1) Types of structures. All permitted activities shall be conducted entirely within a wholly enclosed permanent building, except as noted in the following:
 - a. The parking of customers and employees' automobiles.
 - b. The loading and unloading of commercial vehicles which must take place directly into or out of a building.
 - c. Temporary exhibitions, provided they are properly licensed under the provisions of Subsection **86-402(5)**.
 - d. Gasoline service stations, provided they comply with all design requirements of this chapter.
- (2) Minimum lot area: five acres.
- (3) Minimum lot frontage: 300 feet.
- (4) Off-street parking requirements. The off-street parking requirements of Article **VIII** of this chapter shall apply.
- (5) External access. Except as provided in § **86-441**, the Grand River Avenue (M-43) Corridor Access Management Overlay District, external access to the center shall be directly provided by a principal or minor arterial shown in § **86-367**. Further, the proponent shall show, to the complete satisfaction of the Township Planning Commission, that such external access on any street or highway shall be fully capable of absorbing the maximum hourly traffic anticipated to be generated by the center without undue interference to other traffic on any street.
- (6) Building location. No structure, with the exception of permitted signs, fences, walls, and light standards, shall be located closer to any property line of the center than a distance equal to twice its height.
- (7) Signs. Signs shall comply with the provisions of Article **VII** of this chapter.
- (8) Transition Strips. All planned shopping center developments, when located adjacent to a residential district or when located adjacent to a school, hospital, or other public institution, shall include as an addition to and as an integral part of the site development a strip of land 50 feet or more in width on all sides of the site except on any side abutting a major street or highway. All distances shall be computed from the street or highway right-of-way lines in accordance with § **86-367** for the type of street or highway upon which the shopping center abuts. This strip shall serve as a transition between the shopping center land use and adjacent property uses, both existing and future. No part of this transition strip shall be used for any of the shopping center functions, except that up to 20 feet of the strip width on the interior side may be used as part of the parking area. To secure the optimum effect of transition, the strip shall be occupied by plant materials or structural fences and walls, used separately or in combination, except for any part that may be occupied by parking space. The plans and specifications for the gross site development shall include the proposed arrangement of such planting and structures and shall thereby be subject to the approval of the Planning Commission.

§ 86-656. Miscellaneous special uses.

[Code 1974, § 86-6]

- (a) Purpose. Land and structure uses that, because of functional and other inherent characteristics, have a high potential of being injurious to surrounding properties by depreciating quality and value of such property and of being generally injurious to the community as a whole unless held to

certain minimum standards of construction and operation are those intended for regulation by this section.

- (b) Application. Upon receipt of an application accompanied by all required application data, the Township Planning Commission may authorize a use permissible under this section by issuance of a special use permit when all the procedures and requirements stated in this chapter, together with the additional requirements to be stated in this section, can be complied with.
- (c) Uses that may be permitted. The following land and structural uses may be permitted in the zoning districts indicated in the following schedule; provided, that the applicable specified conditions established herein can be complied with:

Land or Structure Use	District in Which Permitted		
	RR Rural Residential	I Industrial	CS Commercial
Sand or gravel pits	Yes	Yes	No
Quarries	Yes	Yes	No
Public or private dumps, incinerators, sanitary fills	Yes	Yes	No
Junkyards	Yes	Yes	No
Sewage treatment and disposal installations	Yes	Yes	No
Sod farms or stripping of topsoil	Yes	Yes	No
Temporary and transient amusement enterprises, such as carnivals, circuses, tent shows	Yes	Yes	Yes

- (d) Site development requirements. A special use permit shall not be issued for the occupancy or use of a structure or parcel of land or for the erection, reconstruction, alteration of a structure unless complying with the following site development requirements. These requirements are not alterable except where noted. The Planning Commission may impose additional conditions and safeguards when deemed by that body to be necessary.

(1) Sand or gravel pits and quarries.

- a. Fences. Sand and gravel pits and quarries shall be enclosed by a fence six feet or more in height for the entirely periphery of the development. Fences shall be adequate to prevent trespass and shall be placed not closer than 50 feet to the top or bottom of any slope.
- b. Slopes. No slope shall exceed an angle with the horizontal of 45°.
- c. Rehabilitation; performance guarantee. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration. Prior to the commencement of any excavation, the applicant shall provide the Township a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the Township, covering the estimated cost of rehabilitation, to insure faithful completion of the rehabilitation. Quarterly rebates of any cash deposits shall be made by the Township in reasonable proportion to the ratio of rehabilitation completed as work progresses.

- d. Traffic. The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to prevent hazards and damage to properties in the community, and to avoid residential areas.
 - e. Maintenance. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
- (2) Sod farms. The Planning Commission shall require a satisfactory plan for control of soil erosion.
- (3) Junk yards.
- a. Shall be established and maintained in accordance with all applicable state statutes.
 - b. Shall be fenced around the entire periphery of the property in use with a solid screen of sound construction, painted, or otherwise finished neatly and inconspicuously.
 - c. All activities shall be confined within the fenced-in area. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
 - d. Fences shall be set back 100 feet from all streets or highways.
 - e. Burning of material shall be limited to a reasonable volume of incineration in accordance with the requirements of the Fire Department.
 - f. Junk, automobiles, or other debris may not be stacked in any manner such that it could be visible outside the site. Junk yards shall not be located in areas which are impossible to screen from view from adjacent properties or public streets.
- (4) Sewage treatment and disposal installations. In addition to the requirements established by the county and state department of public health and water resources commission, the following site development use requirements shall be complied with:
- a. Site development shall comply with all requirements for I industrial districts.
 - b. Site development shall be completely enclosed by a fence not less than six feet high, and in no case shall the fence be less than six feet high.
 - c. Site development shall be set back from all streets at least 100 feet and shall in addition be surrounded by a transition strip at least 200 feet in width. All setbacks shall be measured from the right-of-way lines in accordance with § 86-367 for the type of street or highway upon which the installation abuts. Within the transition strip, grass, plant materials, and a structural screen shall be placed to minimize the appearance of the installation and to help confine odors therein. The Planning Commission shall approve all treatment of transition strips.
 - d. The operation shall be conducted as to keep all undesirable characteristics to a minimum.

§ 86-657. Camps and clubs for outdoor sports.

[Code 1974, § 86-7]

- (a) Purpose. In order to accommodate the many types of private or semiprivate recreational uses that may develop in the Township, camps and clubs for outdoor sports and summer camps for youth or families may be authorized by the Township Planning Commission by the issuance of a special use permit when all the procedures and requirements stated in this section can be complied with. The minimum standards listed in this section are for the type of recreational development which is

completely noncommercial. All private or semiprivate recreational uses which have an incidental or accessory commercial operation are not appropriate under this special use authorization.

- (b) Use requirements. No retail sales are permitted under this authorization. No sale of alcoholic beverages is permitted and the serving of these beverages is prohibited.
- (c) Site development requirements.
 - (1) Minimum site area: one acre.
 - (2) Maximum lot coverage. All buildings in this development shall not occupy more than 20% of the total lot area.
 - (3) Maximum height of buildings: one story but not exceeding 30 feet.
 - (4) Minimum yard requirements. All buildings and uses except off-street parking shall be not less than 40 feet from any property line, except that all buildings shall be located in accordance with the setback requirements of § **86-367** for the type of street or streets upon which the lot abuts. Yards may be used for parking, but in no case shall parking be closer than 10 feet to any property line.
 - (5) Signs. Signs shall be in accordance with the requirements specified in Article **VII** of this chapter.
 - (6) Off-street parking requirements. Spaces shall be provided in accordance with the requirements specified in Article **VIII** of this chapter.
- (d) Specific requirements for swimming pools as a part of a camp or club. The swimming pool and all of the area used by bathers shall be walled or fenced so as to prevent uncontrolled access from the street or adjacent properties. Such fence or wall shall be not less than five feet in height and shall be maintained in good condition.

§ 86-658. Buildings greater than 25,000 square feet in gross floor area.

[Code 1974, § 86-9; Ord. No. 2007-12, 10-28-2007]

- (a) Purpose. The construction of any building or group of buildings with a combined gross floor area greater than 25,000 square feet and located on a lot shall require a special use permit due to the significant impact such development has upon adjacent property owners, neighborhoods, and public infrastructure. The requirements of this section apply to any such building or group of buildings.
- (b) Application and departmental reviews.
 - (1) Application. The application for a special use permit shall be submitted to the Director of Community Planning and Development in accordance with § **86-124**.
 - (2) Departmental reviews. The applicant's plan shall be reviewed by the Township Department of Community Planning and Development, the Township EMS/Fire Department, the Township Police Department, the Township Engineer, the county drain commissioner, and the county road commission or the state department of transportation, whichever road agency has jurisdiction over roads in the immediate vicinity, in order to ensure that public utilities, road, and other infrastructure systems are or will be adequate to support the proposed development.
- (c) Review process. Upon determination that the application is complete, the Director of Community Planning and Development shall initiate a review process in accordance with Article **II**, Division 4 of this chapter, subject to all hearings and other provisions set forth therein, as applicable, except the final decision on the special use permit shall be made by the Township Board.

- (1) Planning Commission action. The Planning Commission after holding a public hearing shall make a recommendation to the Township Board. In making a recommendation the Planning Commission shall follow the review criteria in § **86-126** and may recommend conditions in accordance with § **86-127**.
 - (2) Township Board action. Following review of the Planning Commission's recommendation and record, the Township Board may deny, approve, or approve with conditions an application for a special use permit. Prior to making a decision on a special use permit, the Township Board may hold a public hearing on the request. Notice of the public hearing shall be given in the same manner as outlined in § **86-65** of the Code of Ordinances.
- (d) Amendments. Any amendments to an approved special use permit shall be in accordance with § **86-129** and subject to the approval of the Township Board.

§ 86-659. Other special uses.

[Code 1974, § 86-10]

- (a) Purpose and scope. Land and structure uses that are not specified in any other section of this chapter but, upon being applied for under the provisions of Article II of this chapter, may be considered by the Planning Commission as long as they will not seriously injure surrounding properties by depreciating quality and value of such property and will not be generally injurious to the community as a whole and, further, will be held to certain minimum standards of construction and operation as determined by the Planning Commission.
- (b) Application. Upon receipt of an application accompanied by all required application data, the Township Planning Commission may authorize a use permissible under this section by issuance of a special use permit when all the procedures and requirements stated in Article II, Division 4 of this chapter, together with the additional requirements to be stated in this section can be complied with.
- (c) Site development requirements. A special use permit shall not be issued for the occupancy or use of a structure or parcel of land, or for the erection, reconstruction, or alteration of a structure under this section, unless a complete set of plans and specifications for site development and structural construction or reconstruction shall have been submitted to the Planning Commission at the time of application for a special use permit. Site plans shall include boundaries of property, structural locations, grading, drainage, water supply and waste disposal plans, and general structural plans showing design, height, floor area, bulk, and volume of all structures.

§ 86-660. Motor vehicle sales and service establishments, new automobile dealerships and used automobile dealerships.

[Added 5-6-2021 by Ord. No. 2021-02]

- (a) Purpose. The use of any building, land or portion thereof for motor vehicle sales and service establishments, new automobile dealerships, and used automobile dealerships shall require a special use permit due to the impact such development has upon adjacent property owners, neighborhoods and public infrastructure. The requirements of this section apply to any such type of use.
- (b) Application and departmental reviews.
 - (1) Application. The application for a special use permit shall be submitted to the Director of Community Planning and Development in accordance with Section **86-124**.
 - (2) Departmental reviews. The applicant's plan shall be reviewed by the Township Department of Community Planning and Development, the Township EMS/Fire Department, the Township

Police Department, the Township Engineer, the County Drain Commissioner, and the County Road Commission or the State Department of Transportation, whichever road agency has jurisdiction over roads in the immediate vicinity, in order to ensure that public utilities, road, and other infrastructure systems are or will be adequate to support the proposed development.

- (c) Review process. Upon determination that the application is complete, the Director of Community Planning and Development shall initiate a review process in accordance with Article II, Division 4, of this chapter, subject to all hearings and other provisions set forth therein, as applicable, except the final decision on the special use permit shall be made by the Township Board.
- (1) Planning Commission action. The Planning Commission, after holding a public hearing, shall make a recommendation to the Township Board. In making a recommendation, the Planning Commission shall follow the review criteria in Section **86-126** and may recommend conditions in accordance with Section **86-127**.
 - (2) Township Board action. Following review of the Planning Commission's recommendation and record, the Township Board may deny, approve, or approve with conditions an application for a special use permit. Prior to making a decision on a special use permit, the Township Board may hold a public hearing on the request. Notice of the public hearing shall be given in the same manner as outlined in Section **86-65** of the Code of Ordinances.
- (d) Amendments. Any amendments to an approved special use permit shall be in accordance with Section **86-129** and subject to the approval of the Township Board.

§ 86-661. through § 86-680. (Reserved)

ARTICLE VII. Signs and Advertising Structures

§ 86-681. Purpose.

[Code 1974, § 84-1]

It is the purpose of this article to regulate the size, placement, and general appearance of all manner of privately owned signs and outdoor advertising structures in order to promote the public health, safety, morals, convenience, and general welfare, as well as the stated purposes of this chapter. These purposes include the enhancement of the aesthetic desirability of the environment and the reduction of hazards to life and property in the Township.

§ 86-682. Existing nonconforming signs.

[Code 1974, § 84-13]

- (a) Purpose. It is the intent of this article to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of this chapter, although such sign or outdoor advertising structure may not conform with the provisions of this chapter. It is the intent of this article that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent of this article that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth in this article.
- (b) Structural changes. The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the

resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this chapter for the district in which it is located, except as otherwise provided for in this article.

- (c) Repairs, alterations, and improvements. Nothing in this article shall prohibit the repair, reinforcement, alteration, improvement, or modernizing of a lawful nonconforming sign or outdoor advertising structure; provided, that such repair, reinforcement, alteration, improvement, and modernizing do not exceed an aggregate cost of 30% of the appraised replacement cost thereof as of the effective date of this chapter, as determined by the Director of Community Planning and Development, unless the subject sign or outdoor advertising structure is changed by such repair, reinforcement, alteration, improvement, or modernizing to a conforming structure. Nothing in this article shall prohibit the periodic change of message on any outdoor advertising structure.
- (d) Restoration of damage. Any lawful nonconforming sign or outdoor advertising structure damaged by fire, explosion, an act of God, or by other accidental causes may be restored, rebuilt, or repaired; provided, that the estimated expense of reconstruction does not exceed 50% of the appraised replacement cost thereof, as determined by the Director of Community Planning and Development.
- (e) Discontinuance or abandonment. Whenever the activity, business, or usage of a primary premises to which a sign is attached or related has been discontinued for a period of 90 days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming sign attached or related thereto. At the end of this period of abandonment, the nonconforming sign shall either be removed or altered to conform with the provisions of this chapter.
- (f) Elimination of nonconforming signs. The Township Board may acquire any nonconforming sign or outdoor advertising structure with or without acquiring the property on which such sign or structure is located by condemnation or other means and may remove such sign or structure.

§ 86-683. Enforcement.

[Code 1974, § 84-14]

The provisions of this article shall be enforced in the manner provided elsewhere in this chapter.

§ 86-684. General restrictions.

[Code 1974, § 84-2]

Signs and advertising structures may be permitted for identification of premises, for providing information relative to the functions of the premises, or for advertising with the particular limitations for use as specified in this article. In this article, whenever a maximum surface display area per side of any sign or advertising structure is specified, such surface display area shall be computed as follows:

- (1) If a sign has only one exterior face, the surface display area of that face shall not exceed the specified maximum.
- (2) If a sign has two exterior faces, the surface display area of each face shall not exceed the specified maximum.
- (3) If a sign has more than two exterior faces, the sum of the surface area of all the faces shall not exceed twice the specified maximum.

§ 86-685. Signs in residential districts.

[Code 1974, § 84-3; Ord. No. 2010-08, 7-18-2010]

- (a) Generally. Any sign not expressly permitted in a residential district is prohibited in such district.
- (b) RR, RA, RAA, RX, and RB residential districts. Signs in single-family residential districts shall be permitted subject to the following limitations:
 - (1) Sale or lease of property. One nonilluminated sign advertising the sale or lease of the lot or building not exceeding six square feet in surface display area per side on any one lot, such sign being placed no closer to the street line than 1/2 the required yard depth.
 - (2) Home occupation. One nonilluminated sign announcing a home occupation or professional service not to exceed two square feet in surface display area and attached flat against a building wall.
 - (3) Subdivision. One nonilluminated, temporary sign advertising a recorded subdivision or development, not to exceed 50 square feet and not to exceed 20 feet in height. Such sign shall require a building permit which shall authorize use of the sign for a period not to exceed two years.
 - (4) Development entry. A permanent structure, which may be illuminated, may be permitted at each entrance to a development and shall be located at least 10 feet back of the street right-of-way line. Development entry signs shall be no larger than 32 square feet in surface display area. A sign on such structures may include only the names of the development and the developer, and the sign and structure shall be harmonious and appropriate in appearance with the existing and intended character of the general vicinity.
 - (5) Temporary political signs. Not more than one temporary political sign shall be permitted per candidate per lot, whether the lot is developed or undeveloped. Temporary political signs are not permitted in the street rights-of-way. Such sign shall be no larger than eight square feet in surface display area per side. On a corner lot, not more than one temporary political sign per candidate may be placed along each of the streets upon which the corner lot has frontage.
- (c) RDD, RD, RC, RN and RCC and multiple-family residential districts. Signs in multiple-family residential districts shall be permitted subject to the following limitations:
 - (1) Sale or lease of property. One nonilluminated sign advertising the sale or lease of the lot or building not exceeding six square feet in surface display area per side on any lot, such sign being placed no closer to the street right-of-way line than 1/2 the required yard depth.
 - (2) Development entry. A permanent structure, which may be illuminated, may be permitted at each entrance to a development and shall be located at least 10 feet back from the street right-of-way line. Development entry signs shall be no larger than 32 square feet in surface display area. A sign on such structures shall be limited to the name of the development and the telephone number to be called for leasing information.
 - (3) Signs. Signs purely for traffic regulation or control within the project may be utilized as required and shall conform to the Michigan Manual of Uniform Traffic Control Devices.
 - (4) Temporary political signs. Not more than one temporary political sign shall be permitted per candidate per lot, whether the lot is developed or undeveloped, Temporary political signs are not permitted in the street rights-of-way. Such sign shall be no larger than eight square feet in surface display area per side. On a corner lot, not more than one temporary political sign per candidate may be placed along each of the streets upon which the corner lot has frontage.
- (d) MP-mobile home park residential districts. Signs in mobile home park districts shall be permitted subject to the following limitations:
 - (1) Development entry. A permanent structure which may be illuminated may be permitted by Planning Commission approval; provided, that, signs on such structure may include only the name of the development and the developer and the sign and structure shall be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and with the community as a whole.

- (2) Signs. Signs purely for traffic regulation and direction within mobile home parks may be utilized as required and shall conform to the Michigan Manual of Uniform Traffic Control Devices.

§ 86-686. Professional and office districts.

[Code 1974, § 84-4; Ord. No. 2010-08, 7-18-2010; Ord. No. 2011-15, 12-6-2011]

Signs in the professional and office districts shall be permitted subject to the following limitations. Any sign not expressly permitted is prohibited.

- (1) Signs shall pertain exclusively to the business within the building.
- (2) Wall signs.
 - a. One wall sign shall be permitted, placed flat against the building.
 - b. A wall sign shall not exceed 20 square feet in surface display area.
- (3) Freestanding signs.
 - a. One freestanding sign shall be permitted and shall be located in the front yard with the leading edge at least 10 feet back of the street right-of-way line.
 - b. The surface display area of the freestanding sign conveying the business carried on the premises shall not exceed 25 square feet per side. An additional three square feet of surface display area of the freestanding sign shall be set aside to accommodate the street number of the structure. The street number shall be placed on the sign in accordance with Chapter **14**, Article **V** of this Code of Ordinances.
 - c. The freestanding sign shall not exceed 16 feet in height.
 - d. The freestanding sign shall not be located within 20 feet of the intersection of the access drive and the street right-of-way line.
 - e. Signs identifying a parcel's entrance or exit or other internal circulation or directional information shall be permitted, provided the surface display area does not exceed six square feet in size, is no higher than three feet, and does not display any identifiable logo or business name. The number and location of directional signs shall be subject to the approval of the Director of Community Planning and Development.
- (4) The source of illumination for such signs shall not be visible beyond the property lines of the parcel or lot upon which the sign is located.
- (5) No wall sign shall be erected to extend above the top of the wall to which it is attached. No signs shall be mounted on a roof.
- (6) Not more than one temporary political sign shall be permitted per candidate per lot, whether the lot is developed or undeveloped. Temporary political signs are not permitted in the street rights-of-way. Such sign shall be no larger than eight square feet in surface display area per side. On a corner lot, not more than one temporary political sign per candidate may be placed along each of the streets upon which the corner lot has frontage.
- (7) One nonilluminated sign advertising the sale or lease of the lot or building not exceeding 16 square feet in surface display area per side may be permitted. Such sign shall be placed no closer than 10 feet back of the street right-of-way line and shall have a maximum height of eight feet. If such sign is placed parallel to the street which it fronts, it may be located as close as one foot back of the street right-of-way line.

§ 86-687. NS, CS, CR, C-1, C-2 and C-3 Commercial Districts.

[Code 1974, § 84-5; Ord. No. 2010-08, 7-18-2010; Ord. No. 2010-15, 12-26-2010; Ord. No. 2011-16, 12-6-2011; Ord. No. 2011-17, 12-13-2011; Ord. No. 2012-01, 4-1-2012]

Signs in commercial districts shall be permitted subject to the following limitations. Any sign not expressly permitted is prohibited;

- (1) Signs shall pertain exclusively to the business carried on within the building.
- (2) Signs may be illuminated but no flashing or moving illumination shall be permitted, except as otherwise expressly provided for under this article. The source of illumination shall not be visible beyond the property lines of the parcel on which the sign is located. Neon signs shall be permitted. Signs shall not revolve or move in any manner.

(3) Wall signs.

- a. One wall sign shall be permitted and may be located flat against the building's front facade or parallel to the front facade on a canopy. For businesses with frontage on more than one public street, two signs may be permitted. In no case shall more than one wall sign be located on a facade and no wall sign shall be located on a rear facade.
- b. Wall signs shall be allowed up to a size equivalent to one square foot for each one lineal foot of building frontage occupied.
- c. In the case of multitenant structures, one wall sign shall be permitted for each tenant having an individual means of public access up to a size equivalent to one square foot for each one lineal foot of building frontage occupied.
- d. Where several tenants use a common entrance in a multitenant structure, wall signs shall be permitted for those tenants having an individual means of public access up to a size equivalent to one square foot for each one square foot of building frontage occupied.
- e. No wall sign shall be erected to extend above the top of the wall to which it is attached. No signs shall be mounted on a roof.

(4) Freestanding signs.

- a. One freestanding sign per parcel shall be permitted, except a site with 500 feet or more of contiguous frontage on one street and more than one point of access on that street may have one additional free standing sign. If two freestanding signs are located on a site based on this provision, a minimum of 250 feet shall separate the two signs.
- b. The freestanding sign shall convey only the business name, the primary product or service, and the property address.
- c. Freestanding signs shall not exceed 16 feet in height.
- d. Freestanding signs greater than five feet in height shall not exceed 28 square feet in surface display area per side.
- e. Surface display area for freestanding signs five feet or less in height shall comply with the following:

Structure Size (square feet)	Permitted Surface Display Area per Side (square feet)
Structures with a gross floor area of 25,000 or less	28
Structures over 25,000 but less than 150,000	38
Structures over 150,000	43

- f. Three square feet of every freestanding sign shall be set aside to accommodate the street number of the structure. The street number shall be placed on the sign in accordance with

Chapter **14**, Article **V** of this Code of Ordinances.

- g. The freestanding sign shall be located in the front yard with the leading edge at least 10 feet back of the street right-of-way line.
 - h. Freestanding signs shall not be located within 20 feet of the intersection of the access drive and the street right-of-way line.
 - i. One freestanding sign shall be permitted for multitenant buildings or shopping centers except as provided in subsection (4)a of this section.
 - j. Signs purely for traffic regulation and direction may be utilized as required and shall conform to the Michigan Manual of Uniform Traffic Control Devices.
 - k. Signs identifying a parcel's entrance and exit shall be permitted, provided the surface display area does not exceed six square feet in size, is no higher than three feet, and does not display any identifiable logo or business name.
- (5) Service station signs. Notwithstanding any of the provisions of this article:
- a. A two-sided sign indicating only price and grade of gasoline as shown on the pumps, either side not exceeding 12 square feet in surface display area, may be permanently attached to the parcel's freestanding sign support mechanism.
 - b. There shall be no signs located on fuel pump islands except those constituting an integral part of the pump itself or those required by state law or regulation.
 - c. There shall be no signs attached to light standards.
 - d. There shall be no signs attached to fuel pump canopies except those identifying self-service and full-service pumps, in which case the maximum size shall be six square feet in surface display area per message.
- (6) Temporary political signs. Not more than one temporary political sign shall be permitted per candidate per lot, whether the lot is developed or undeveloped. Temporary political signs are not permitted in the street rights-of-way. Such sign shall be no larger than eight square feet in surface display area per side. On a corner lot, not more than one temporary political sign per candidate may be placed along each of the streets upon which the corner lot has frontage.
- (7) Sale or lease of property. One nonilluminated sign advertising the sale or lease of the lot or building not exceeding 16 square feet in surface display area per side may be permitted. Such sign shall be placed no closer than 10 feet back of the street right-of-way line and shall have a maximum height of eight feet. If such a sign is placed parallel to the street which it fronts, it may be located as close as one foot back of the street right-of-way line.
- (8) Projecting signs. One projecting sign may be permitted in lieu of a freestanding sign if the building to which it is attached is located closer than 10 feet to the street right-of-way line. The following additional regulations shall also apply to projecting signs:
- a. Projecting signs shall be no larger than 20 square feet in surface display area per side.
 - b. Projecting signs must clear sidewalks by at least eight feet and project no more than four feet from the building or one-third the width of the sidewalk, whichever is less.
 - c. Projecting signs must be pinned away from the wall at least six inches.
 - d. Projecting signs are not permitted at the intersection of corners except at right angles to a building front. When a building faces two streets, then one sign per side may be allowed.
 - e. Projecting signs may extend to the bottom of the eaves of a building.
 - f. Projecting signs may not extend above the second story.

- g. No projecting sign may be displayed unless the building to which it is attached is 20 feet or more in width and no projecting sign may be closer than 50 feet to any other projecting sign.
- (9) Temporary grand opening signs. Temporary grand opening signs may be permitted for a period not to exceed 15 days for those businesses which are new to a particular location. The following additional regulations shall also apply to temporary grand opening signs:
- a. One grand opening sign may be permitted on the site of the business. The sign shall be no larger than 35 square feet in surface display area per side.
 - b. Grand opening signs shall be located no closer than 10 feet back of the street right-of-way.
 - c. Wind-blown devices, such as pennants, spinners, and streamers, shall also be allowed on the site of the business advertising a grand opening for the fifteen-day-time period designated for the grand opening sign.
- (10) Time and temperature signs. Time and temperature signs shall be permitted subject to the following regulations:
- a. Time and temperature signs may take the form of wall, freestanding, or projecting signs subject to the conditions which apply to each of these classifications.
 - b. Time and temperature signs may be no larger than 25 square feet per side in surface display area. The surface display area of a time and temperature sign shall not be debited against the total surface display area allowed for other signs on the site.
- (11) Changing and traveling message signs.
- a. Changing and traveling message signs may be permitted by application for and granting of a special use permit by the Planning Commission.
 - b. A special use permit shall not be required to automatically update the price of motor vehicle fuel on a free-standing sign in accordance with § **86-687(5)a** titled "Service station signs." Such signs shall not flash, travel, or move in any way.
- (12) Window signs. Window signs shall not exceed more than 40% of the surface area of the window in which they are displayed. Window signs shall not exceed 10% of the building face of which the window is a part.
- (13) A-frame sign. One portable A-frame sign shall be permitted per business. The following additional regulations shall also apply to A-frame signs:
- a. A-frame signs shall not exceed three feet in height and six square feet in surface display area per side.
 - b. A-frame signs shall be located so as to provide a minimum of three feet of public passage on the sidewalk or pathway upon which the sign is placed, if applicable. No driveways, doorways, walkways or handicap ramps shall be blocked by the sign.
 - c. A-frame signs shall not be located farther than five feet from the primary entrance of the business.
 - d. Each A-frame sign shall be removed and stored indoors after business hours.
 - e. A-frame signs shall not be attached to a building or any structure, including, but not limited to, benches, trash receptacles, bicycle racks and light poles.
 - f. A-frame signs may have limited illumination for safety purposes upon approval by the Director of Community Planning and Development.
 - g. The sign and structure shall be harmonious and appropriate in appearance with the existing and intended character of the general vicinity.

(14) Signs for reserved parking spaces.

- a. The allowed maximum number of signs used to designate parking spaces reserved for specific purposes shall be determined by the amount of usable floor area occupied by a business (see Figure 1).

Figure 1	
Usable Floor Area Occupied (square feet)	Number of Signs Permitted
Less than 2,500	2
2,501 to 5,000	4
5,001 to 10,000	6
Greater than 10,000	8

- b. Each sign may be either free-standing or wall-mounted and shall designate no more than one parking space each.
- c. The size of each sign shall not exceed 18 inches high by 12 inches wide (1.5 square feet) and shall be mounted no lower than 60 inches and no higher than 70 inches to the ground, as measured from the bottom of the sign.
- d. Any logo or business name displayed shall cover no more than one-third of the area of the sign.

(15) Murals.

- a. A mural shall be allowed on one exterior wall surface of a commercial building.
- b. A mural may cover up to 100% of the one exterior wall on which the mural is painted.
- c. No other signage shall be permitted on the wall where a mural has been painted.
- d. A mural may be illuminated in accordance with the provisions of Chapter **38**, Article **VII** of the Code of Ordinances, outdoor lighting.
- e. A mural shall be kept in good condition and shall be well maintained. In the case of a mural being in disrepair, the mural must either be removed from the wall of the building or repaired within 60 days of written notice from the Township.
- f. A mural shall not create a public safety hazard.

(16) Temporary signs for outdoor sports facilities. Temporary signs for outdoor sports facilities shall be permitted subject to the following limitations:

- a. Temporary signs shall be permitted in the C-3 zoning district for privately owned and operated athletic clubs and health spas with outdoor athletic and recreation facilities.
- b. Signs shall not exceed 32 square feet in size.
- c. Signs shall be affixed to the perimeter fencing associated with the outdoor sport activity, such as, but not limited to, a field, pool, or court.
- d. The top of the sign shall be placed on the perimeter fencing associated with the sport activity, no higher than six feet, as measured from the adjacent grade.
- e. Signs shall be placed so as to face inward to the field of play or sport activity.
- f. The back of the signs shall be a solid, uniform color or a type of block-out fabric shall be attached behind the sign.

- g. Signs shall be temporary and shall be installed no earlier than April 1 and removed by November 30 each year.
- h. Signs shall be nonilluminated.
- i. Signs shall be constructed of durable material and maintained in good condition.

§ 86-688. RP and I, Research Park, Industrial Districts.

[Code 1974, § 84-6; Ord. No. 2011-16, 12-6-2011]

Signs in research park and industrial districts shall be permitted subject to the following limitations. Any sign not expressly permitted is prohibited.

- (1) Limitations. All limitations governing signs in commercial districts shall apply, except that the maximum permitted surface display area shall be 40 square feet per side.
- (2) Identification signs. Research or industrial parks may have one freestanding sign identifying the development near one entrance to the park. Such signs shall not exceed 50 square feet in surface display area per side and shall not be higher than four feet above the ground. Such signs shall be at least 25 feet from any street line and may be illuminated, provided the source of the illumination is not visible beyond the property lines of the parcel.
- (3) Temporary political signs. Not more than one temporary political sign shall be permitted per candidate per lot, whether the lot is developed or undeveloped. Temporary political signs are not permitted in the street rights-of-way. Such sign shall be no larger than eight square feet in surface display area per side. On a corner lot not more than one temporary political sign per candidate may be placed along each of the streets upon which the corner lot has frontage.
- (4) Temporary signs for outdoor sports facilities. Temporary signs for outdoor sports facilities shall be permitted subject to the following limitations:
 - a. Temporary signs shall be permitted in the RP zoning district for privately owned and operated health and physical fitness facilities with outdoor athletic and recreation facilities.
 - b. Signs shall not exceed 32 square feet in size.
 - c. Signs shall be affixed to the perimeter fencing associated with the outdoor sport activity, such as, but not limited to, a field, pool, or court.
 - d. The top of the sign shall be placed on the perimeter fencing associated with the sport activity, no higher than six feet, as measured from the adjacent grade.
 - e. Signs shall be placed so as to face inward to the field of play or sport activity.
 - f. The back of the signs shall be a solid, uniform color or a type of block-out fabric shall be attached behind the sign.
 - g. Signs shall be temporary and shall be installed no earlier than April 1 and removed by November 30 each year.
 - h. Signs shall be nonilluminated.
 - i. Signs shall be constructed of durable material and maintained in good condition.

§ 86-689. Nonresidential uses permitted by special use permit in residential districts.

[Code 1974, § 84-7]

Signs for institutions for human care, churches, educational or social institutions, and public utility buildings shall be permitted subject to the following limitations:

- (1) All limitations governing signs in professional and office districts shall apply. Variations for special situations may be granted by the Board of Appeals in accordance with Article II, Division 7 of this chapter.
- (2) Permitted surface display area. Freestanding signs for nonresidential uses shall not exceed 25 square feet in surface display area.

§ 86-690. Moving or illuminated signs.

[Code 1974, § 84-8]

Except as otherwise expressly provided for under this article, no sign or outdoor advertising structure may have moving parts or moving or flashing lights. The source of illumination for any sign shall not be visible beyond the property lines of the parcel on which the sign is located.

§ 86-691. Building permits.

[Code 1974, § 84-9]

All signs larger in area than six square feet, including signs on buildings, shall require a building permit.

§ 86-692. Announcing signs.

[Code 1974, § 84-10]

One sign announcing the names of architects, engineers, and/or contractors of a building under construction, alteration, or repair and announcing the character of the building enterprise or the purpose for which the building is intended may be allowed, provided such sign shall not exceed 32 square feet in surface display area per side. Such sign may be a flat-wall sign or freestanding with a maximum height of eight feet above grade. If freestanding, the sign shall be located no closer than 10 feet back of the street right-of-way line.

§ 86-693. Temporary signs advertising philanthropic or Township sponsored events.

[Code 1974, § 84-11]

Temporary signs may be permitted for a period not to exceed 15 cumulative days in a calendar year for purposes of advertising charitable or community events held on Township owned property with Township permission. Such signs shall be located no closer than 10 feet back of the street right-of-way line and shall be no larger than 35 square feet in surface display area per side. Such signs may be illuminated, but no flashing or moving illumination shall be permitted. Such signs shall be permitted in all zoning districts.

§ 86-694. Outdoor advertising structures.

[Code 1974, § 84-12]

Outdoor advertising structures permitted in I districts in accordance with the following limitations:

- (1) Location. Outdoor advertising structures in I districts shall only be located immediately adjacent to principal arterial streets so identified in § **86-367**. Such structures shall be located in accordance with the setback requirements set forth in § **86-367**. No such structure shall be located closer than 660 feet to the right-of-way of a limited access highway.

- (2) Illumination. Outdoor advertising structures in I districts may be illuminated, provided that the source of such illumination is not visible beyond the property lines of the parcel upon which the structure is located.
- (3) Maintenance. Outdoor advertising structures located in I districts shall be adequately maintained. Such maintenance shall include proper alignment of structure, continued readability of message, and preservation of structure with paint or other surface finishing material. If an outdoor advertising structure is not maintained, written notice of any disrepair shall be issued by the Chief Building Inspector to the owner of such structure. If the disrepair is not corrected within 30 days, such structure shall be removed at the owner's expense.
- (4) Size. No outdoor advertising structure located in an I district shall exceed 300 square feet in surface display area per side.
- (5) Required spacing. No outdoor advertising structure located in an I district shall be located within a distance of 300 feet of any other outdoor advertising structure, such distance to be measured along a line parallel to the right-of-way of the highway upon which the outdoor advertising structure fronts.

§ 86-695. Time limits on temporary signs.

Unless a different time limit is specified, all temporary signs shall be removed within five days after the event to which they relate occurs.

§ 86-696. Township-sponsored signage.

[Code 1974, § 84-15; Ord. No. 2010-08, 7-18-2010]

Township-sponsored signage shall be permitted subject to the following regulations:

- (1) Community entrance signs caused to be installed by the Township are permitted in all zoning districts. Such signs shall be no larger than 25 square feet in surface display area on each side.
- (2) Signs announcing, identifying or directing the public to Township-owned or operated public facilities or parks shall be allowed in all zoning districts. Such signs shall be no larger than 25 square feet in surface display area on each side nor exceed 20 feet in height and may be located at each entrance to the public facility or park or at other locations as determined necessary to direct the public to Township facilities, parks, or services, provided that any sign shall be placed at least 10 feet back of the street right-of-way line.
- (3) Vertical banners affixed to streetlight poles used for purposes such as, but not limited to, advertising upcoming Township-sponsored events, identifying a business district, or a seasonal display shall be allowed in all zoning districts.

§ 86-697. through § 86-720. (Reserved)

ARTICLE VIII. Off-Street Parking and Loading

[1] *Cross reference: Traffic and vehicles, ch. 74.*

DIVISION 1. Generally

§ 86-721. Loading and unloading space requirements.

[Code 1974, § 85-2]

- (a) In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage warehouse, department store, wholesale store, and retail store, market, hotel, hospital, laundry, dry-cleaning, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.
- (b) Every building housing such a use and having over 500 square feet of gross floor area shall be provided with at least one truck standing, loading, and unloading space on the premises not less than 12 feet in width, 25 feet in length, and 14 feet in height. One additional truck space of these dimensions shall be provided for every additional 120,000 square feet or fraction thereof of gross floor area in the building.
- (c) Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit orderly and safe movement of truck vehicles.
- (d) Loading space as required under this section shall be provided as area additional to off-street parking space as required under Division 2 of this article and shall not be considered as supplying off-street parking space.

§ 86-722. through § 86-745. (Reserved)

DIVISION 2. Off-Street Parking

§ 86-746. Purpose.

[Code 1974, § 85-1.1]

- (a) It is the purpose of this division that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees, and patrons of each building and premises constructed, altered, or enlarged after the effective date of this chapter. All vehicles shall preferably be stored on the premises occupied by the principal building but may be stored on premises located outside the premises within specifically limited walking distances as scheduled in § **86-750**.
- (b) The proper number of parking spaces for any given use as specified in § **86-755** are based on consideration of the maximum number of motor vehicles that can be expected to be at the premises at the same time or an average day of full use of the premises.

§ 86-747. Floor area defined.

[Code 1974, § 85-1.2]

As used in this division, the term "floor area," as applied to offices, merchandising, or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patient, or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen, and the general public are denied access.

Cross reference: Definitions generally, § **1-2**.

§ 86-748. Requirements for a use not mentioned.

[Code 1974, § 85-1.3]

The requirements for an off-street parking facility for a use not specifically mentioned are those requirements for a use which is mentioned and which is most similar to the use not mentioned shall apply.

§ 86-749. Fractional spaces.

[Code 1974, § 85-1.4]

The number of parking spaces required for any particular building or land use shall be calculated on the basis of specific need. A calculation of the number of spaces needed resulting in a fraction of a space shall be corrected by deleting any space less than 1/2 of a full space or by adding one space for any space over 1/2 of a full space.

§ 86-750. Location of parking area.

[Code 1974, § 85-1.5]

Off-street parking areas shall be located in relation to the use they are intended to serve. Parking shall be on the same property as the use in all districts, except the following uses may have parking off the premises, provided that no parking is farther than 500 feet from an entrance to the building:

- (1) Public and quasipublic buildings, assembly halls, private clubs, associations, or institutions.
- (2) Uses in research or industrial districts.
- (3) Commercial and office uses except hotels, motels or motor hotels, where parking must be on the premises.

§ 86-751. Use of parking areas.

[Code 1974, § 85-1.6]

No commercial repair work, servicing, or selling of any kind shall be conducted on any parking areas except which is specifically permitted by this division by right, by license, or by special use permit. Only those traffic directional signs necessary for the proper functioning of the parking area may be permitted. Traffic signs shall conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices. No other appurtenances such as plastic animals, streamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a building.

§ 86-752. Building additions or other increases in floor area.

[Code 1974, § 85-1.7]

Any increase in effective capacity of any premises use for which off-street parking is required in accordance with this division shall be accompanied by the provisions and maintenance of parking space in proper ratio to the increased capacity.

§ 86-753. Joint use of parking areas.

[Code 1974, § 85-1.8]

- (a) The joint use of parking facilities by two or more nonresidential uses is recommended whenever such use is practicable and satisfactory to each of the uses intended to be served and when all requirements for location, design, construction, and landscaping can be satisfied, except parking setbacks from side or rear property lines shall not apply.
- (b) In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If peak space requirements for individual uses occur at distinctly different times from the peak requirements for other joint uses, the maximum capacity required for joint use will be less than the sum of total individual space requirements.
- (c) A copy of an agreement between joint users shall be filed with the application for a building permit and recorded with the county register of deeds. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.

§ 86-754. Parking restrictions.

[Code 1974, § 85-1.9]

Parking on nonpaved open space is prohibited. Parking in driveways is prohibited, except in one-family residential districts. In one-family residential districts, no motor vehicle parking space shall be provided in the front yard, except on a paved or gravel driveway that occupies no more than 35% of the total area of the front yard.

§ 86-755. Schedule of requirements for parking space.

[Code 1974, § 85-10; Ord. No. 2005-01, 1-30-2005; Ord. No. 2009-03, 4-19-2009]

Parking space shall be provided in accordance with the design standards of this chapter and according to this schedule:

Use	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
Residential	
Single-family dwelling or duplex living unit	2 for each dwelling unit plus 1 additional space for each roomer if any
Multiple-family in RDD, RD, RN, or RC District	2 for each dwelling unit, plus expansion capacity of 25%
Multiple-family in RCC District	2 for each 1 bedroom or efficiency dwelling unit; 3 spaces for each 2- or more bedroom dwelling unit, plus expansion
Housing for the elderly	1 for each 2 units and 1 for each employee or doctor. Should units revert to general occupancy, then 2 spaces per unit shall be provided
Mobile home parks	2 for each mobile home or mobile home site
Fraternity or sorority	1 for each person permitted to occupy the building under the provisions of this chapter
Functional family	1 for each person over the age of 15 years permitted to occupy the building under the provisions of this chapter
Institutional	
Churches or temples	1 for each 5 seats or 10 linear feet of pews in the main room for worship
Hospitals	1 for each 1 bed
Homes for the aged and convalescent homes	1 for each 2 beds

Use	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
Child care centers and adult care centers [Amended by Ord. No. 2014-07, 12-9-2014]	1 per every 5 students or adults plus 1 for every teacher or caregiver
Fire and police stations	1 for each employee on duty during the highest staffed shift plus 25% for visitors
Elementary and junior and high schools	1 for each 1 teacher and administrator in addition to the requirements of the auditorium
Senior high schools	1 for each 1 teacher, and administrator and 1 for each 10 students, in addition to the requirements of the auditorium
Theaters, auditoriums, and concert halls	1 for each 4 seats plus 1 for each 2 employees
Stadium, sports arena or assembly similar place of outdoor	1 for each 3 seats or 6 feet of benches
Museums and art galleries	1 space for every 250 square feet of gallery area, 1 space per employee, plus 1 space for every 4 seats in a theater or auditorium
Dance halls, civic clubs, fraternal orders, union halls or any similar type use	1 space for every 4 persons permitted to occupy the building by local ordinance or state law, plus additional parking for 25% excess capacity
Private golf clubs, ski clubs, swimming clubs or beaches, tennis clubs or similar uses	1 space per 4 persons of maximum anticipated capacity as approved by the Planning Commission, plus additional parking for 25% excess capacity
Golf courses open to the general public, except miniature or "par-three"	6 for each 1 golf hole and 1 for each employee
Golf courses, miniature or "par three"	3 for each 1 hole plus 1 for each 1 employee
Libraries	1 spaces for every 200 square feet of gross floor area (GFA)
Business and Commercial	
Athletic clubs and health spas	1 1/4 spaces for every 4 persons permitted to occupy the building by local ordinance or state law. Accessory uses shall require additional parking
Business or trade schools	1 space for each seat plus 1 space for each teacher or other employee
Commercial centers and shopping malls	
For centers having a gross floor area (GFA) less than 25,000 square feet	5 spaces per 1,000 square feet (minimum) to 5 1/2 spaces per 1,000 square feet (maximum)
For centers having a gross leasable area (GLA) equal to or greater than 25,000 square feet but less than 400,000 square feet	4 spaces per 1,000 square feet (minimum) to 4 1/2 spaces per 1,000 square feet (maximum) but not less than 125 spaces
For centers having a gross leasable area (GLA) equal to or greater than 400,000 square feet but less than 600,000 square feet	4 spaces per 1,000 square feet (minimum) to 5 spaces per 1,000 square feet (maximum)
For centers having a gross leasable area (GLA) equal to or greater than 600,000 square feet	5 spaces per 1,000 square feet (minimum and maximum)
All other retail businesses	

Use	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
For businesses with a gross floor area (GFA) less than 25,000 square feet	5 spaces per 1,000 square feet (minimum) to 5 1/2 spaces per 1,000 square feet (maximum)
For businesses with a gross floor area (GFA) equal to or greater than 25,000 square feet	4 spaces per 1,000 square feet (minimum) to 4 1/2 spaces per 1,000 square feet (maximum)
Motor vehicle, recreational vehicle, boat, or mobile home sales or service establishments	1 for each 200 square feet of useable floor space of sales room and 1 for each 1 vehicle displayed for sale
Dance or music studios	1 space for every 200 square feet of instructional area plus 1 for each teacher
Restaurants, taverns, bars, nightclubs, and brewpubs	1 for each 75 square feet of usable floor area, plus 1 for every 4 seats or 1 for 37 1/2 square feet of usable floor area, whichever is greater
Drive-in and self-service restaurants	1 for every 3 patron seats and 1 for each employee on duty during the highest staffed shift
Drive-up uses, except drive-in restaurants	In addition to the required parking for the principal use, each drive-up lane shall have sufficient stacking room for 3 cars. Each stacking space shall measure a minimum of 20 feet in length. A bypass lane shall be provided
Barber shops, beauty shops	2 spaces for each chair
Laundromats and coin-operated dry cleaners	1 for each 2 washing or dry cleaning machines
Mini-storage establishments	5 spaces for the office, plus 2 spaces for a resident manager. Access to individual storage units shall provide for loading/unloading of vehicles adjacent to units without impeding through internal traffic flow
Enclosed climate controlled storage facilities	10 exterior spaces for the storage facility, plus 5 for the office, plus 1 space for each employee. Access by vehicles to/from and within the facility for loading/unloading shall be designed to promote smooth traffic flow in and out of the structure without impeding external site vehicle movements
Drive-in banks or laundries	3 standing spaces for each drive-in window in addition to normal parking required for banks or laundries
Drive-in carwashes, automatic	15 standing spaces for each washing bay, plus 1 space for each 2 employees
Drive-in carwashes, self-service	3 standing spaces for each washing bay
Gasoline service stations	1 for each bay and 1 for each employee on the largest shift
Bowling alleys	5 for each 1 alley, in addition to any requirement for other uses such as bar, restaurant, or billiard room
Golf courses, miniature or "par three"	3 for each 1 hole plus 1 for each 1 employee
Mortuary establishments	1 for each 50 square feet of usable floor space
Motels, hotels, or other commercial lodging establishments	1 for each 1 occupancy unit plus extra spaces for dining rooms, ball rooms, or meeting rooms as required by this division. Should units revert to multiple-type use then 2 spaces per unit shall be provided
Industrial	
Industrial or research establishments	1 for every 2 employees on the largest working shift

Use	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
Warehousing or wholesale establishments	1 for every 2 employees on the largest working shift or 1 for every 1,700 square feet of useable floor space, whichever is greater
Contractor's establishments	1 for each 1,000 square feet of gross floor area (GFA), but no less than 5
Offices	
General office:	
Minimum	3 spaces per 1,000 square feet of gross floor area
Maximum	4 spaces per 1,000 square feet of gross floor area
Stand-alone medical office	5 spaces per 1,000 square feet of gross floor area

§ 86-756. Design and construction requirements.

[Code 1974, § 85-1.11; Ord. No. 2000-15, 11-9-00; Ord. No. 2004-06, 9-5-2004]

In addition to general design requirements specified in other sections of this division, the following design and construction requirements shall be satisfied in all off-street parking areas, except for single-family parking areas and as noted:

- (1) New or expanded parking lots. No parking lot shall be constructed, expanded, or hard-surfaced unless and until a permit therefor is issued by the Department of Community Planning and Development. Building permits issued for nonresidential structures shall constitute the permit necessary to construct the associated parking. Applications for a permit shall be accompanied with two sets of plans for the development and construction of the parking lot
- (2) Size and layout of off-street parking. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of 1 Tier of Spaces plus Maneuvering Lane (feet)	Total Width of 2 Tiers of Spaces plus Maneuvering Lane (feet)
0° (parallel parking)	12	8	23	20	28
30°	12	9	20	32	52
45°	15	9	20	36.5	58
60°	20	9	20	40	60
90°	24	9	20	44	64
90°	25	10	18	43	61
90°	23	10	20	43	63

- (3) Minimum residential parking space size. A minimum of 180 square feet shall be provided for each vehicle parking space located within a multiple-family residential development.
[Amended 5-5-2020 by Ord. No. 2020-05]
- (4) Marking or designation. Each space shall be clearly marked and reserved for parking purposes.
- (5) Access drives. An access drive shall be provided not less than 25 feet wide and so located as to secure the most appropriate development of the individual property.

- (6) Required surfacing and drainage. The entire parking area, including parking spaces and maneuvering lanes, required under this division shall have asphaltic or concrete surfacing in accordance with specifications approved by the Township Engineer. Such facilities shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Drainage systems must be approved in writing by the Township Engineer. The parking area shall be surfaced within one year of the date the permit is issued.
- (7) Curb and gutter. Concrete curb and gutter shall be required in order to control stormwater flow from the parking area and in order to protect landscaped areas such as landscape islands and other plantings. This section may be waived at the discretion of the Director of Community Planning and Development as follows:
 - a. Procedure. The following procedures shall govern requests for exemptions from Subsection (7) of this section.
 1. The Director of Community Planning and Development shall review a site plan submitted in accordance with and in conjunction with the requirements of this chapter. The site plan may be referred to the County Drain Commissioner for a recommendation.
 2. The site plan shall include an estimate of the volume of runoff.
 3. The applicant shall provide a report indicating that the expected runoff can be absorbed on site.
 - b. Criteria. The following criteria shall be considered in the Director's decision:
 1. The County Drain Commissioner's and/or the Director of Public Works and Engineering's recommendation (if applicable).
 2. The parking lot is drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent properties or towards buildings and to ensure stormwater pretreatment and prevent erosion.
 3. The site plan provides for protection of landscaping by other means acceptable to the Township.
 4. The parking lot has 25 or fewer parking spaces.
 5. Where provided, detention and retention areas shall maintain slopes no steeper than 4:1 (horizontal:vertical).
- (8) Backing onto street. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (9) Lighting. Adequate lighting shall be provided for use when a parking area is in operation. All lighting shall be arranged so that no source of light shall be visible beyond the parcel lot upon which the parking area is located.
- (10) Adjoining a residential district. Where a parking area with a capacity of less than 50 vehicles, or its associated internal access or service drives, adjoins a residential district, a landscaped buffer, at least 20 feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of a masonry wall, plant materials, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than four feet in height. Where a parking area with a capacity of 50 or more vehicles, or its associated internal access or service drives, adjoins a residential district, a landscaped buffer, at least 40 feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of a masonry wall, plant materials, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than four feet in height.
- (11) Adjoining a public street. Where a parking area, or its associated internal access or service drives, adjoins a public street, except parking areas on individual residential driveways, a landscaped

buffer at least 20 feet wide shall be provided between the parking area and the adjacent right-of-way, as measured from the back of the parking lot curb to the right-of-way line. A vertical screen, consisting of a masonry wall, plant material, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than three feet in height, shall be provided to screen the parking area from view along the entire length of this buffer strip. Plantings in this buffer area shall be maintained in a healthy condition. No more than two driveway approaches may be permitted to break this buffer from an arterial or collector street, and no more than one driveway from a local street, except as provided in § **86-441**, the corridor access management overlay district, no more than two driveway approaches may be permitted to break this buffer from an arterial or collector street, and no more than one driveway from a local street.

- (12) Sidewalks. When deemed necessary to provide for the public safety, the Planning Commission may require construction of sidewalks along public streets or highways.
- (13) Bicycle paths. Bicycle paths may be required when deemed necessary to provide for safe pedestrian and nonmotorized vehicular movement throughout the Township and when in conjunction with an adopted plan for parks, open space and pedestrian and bicycle paths.
- (14) Adjoining the same or any other nonresidential district. Where a parking area, or its associated internal access or service drives, adjoins the same or any other nonresidential district, a landscaped buffer, at least 15 feet wide, shall be provided between the parking area and the property line. A vertical screen shall be erected consisting of a masonry wall, plant material, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than three feet in height.

§ 86-757. Frontage roads.

[Code 1974, § 85-1.12; Ord. No. 2004-06, 9-5-2004]

In the interests of public safety a frontage road or service drive shall be required along major streets as designated in § **86-367**. Additional standards pertaining to Grand River Avenue (M-43) are provided in § **86-441**. The following minimum standards shall be utilized in design and construction of frontage roads and service drives:

- (1) Minimum width: 25 feet.
- (2) Setback from right-of-way: 10 feet, except along Grand River Avenue which shall be in conformance with the requirements of § **86-441**.
- (3) Surfacing: Asphalt or concrete surface with concrete curb and gutter.

§ 86-758. Landscaping.

[Code 1974, § 85-1.13; Ord. No. 2008-10, 7-20-2008]

In addition to any landscaping required in any particular district, all parking areas shall be landscaped in accordance with the following provisions:

- (1) Interior landscaping. Interior landscaping shall be installed and designed to control traffic, provide shade, screen views into and within vehicular use areas, and separate the parking, circulation, and service areas, in accordance with the following provisions:
 - a. Landscaped islands or medians, having a minimum width of 10 feet, shall be provided to separate parking bays from internal access drives.
 - b. Landscaped areas shall be provided throughout the parking area in the amount of 200 square feet for each 10 parking spaces, subject to the following:
 1. The nearest point of any parking space shall not be located further than 65 feet from the edge of a landscaped area.

2. No landscaped area shall have a dimension less than 10 feet nor an area less than 200 square feet.
 3. The area in excess of the ten-foot minimum width of medians separating parking bays from internal access drives may be applied to the required parking lot landscaping area.
 4. Required perimeter landscaped buffers shall not be applied to the required parking lot landscaping area.
- c. A minimum of two canopy trees shall be provided for every 10 parking spaces, meeting the following standards:
 1. Canopy trees shall be a minimum of two inches in caliper at time of planting.
 2. Conifer trees shall be a minimum of eight feet in height at time of planting.
 - d. A minimum of 50% of each landscaped area, at time of planting, shall be planted with grass, ground cover, shrubs, or other living vegetation.
 - e. Vehicles shall not be permitted to extend into landscaped areas. Landscaped areas shall be protected from encroachment by the use of curbing, wheel stops, or similar means.
- (2) Building perimeter landscaping. Parking areas and driveways shall be separated from the exterior wall of a building, exclusive of pedestrian entrance ways or loading areas, by a landscaped planting area of at least four feet in width. A minimum of 50% of this landscaped area, at time of planting, shall be planted with grass, ground cover, shrubs, or other living vegetation.
 - (3) Maintenance of landscaping. All landscaped areas shall be maintained in a healthy condition and kept free of refuse and debris. Dead, diseased, or missing vegetation shall be replaced within 30 days, or as soon as weather permits.
 - (4) Snow storage. To protect vegetation, interior landscaped islands less than 20 feet in each dimension shall not be used for snow storage.

§ 86-759. Parking deferral.

[Code 1974, § 85-1.16]

- (a) The purpose of this section is to eliminate unsightly expanses of unused paved areas, unnecessary levels of accelerated stormwater runoff, excess radiated heat from paved surfaces, and the premature loss of open space by permitting such uses to develop with reduced numbers of constructed off-street parking spaces while retaining additional site area for possible future off-street parking use, where appropriate.
- (b) The following provisions apply:
 - (1) For uses requiring a special use permit, other than multiple-family projects, the Planning Commission, or the Township Board on appeal, may defer the construction of all or part of the required off-street parking during its review of the application for a special use permit, provided the requested deferral complies with the standards of this division.
 - (2) For uses subject to site plan review only, the Director of Community Planning and Development, subject to appeal to the Zoning Board of Appeals, may defer the construction of all or part of the required off-street parking during the review of the application for site plan review, provided the requested deferral complies with the standards of this division.
 - (3) Where a parking construction deferral is requested, the applicant shall submit the following information with the application for a special use permit or site plan review:
 - a. A written statement describing the characteristics of the proposed project that justify the requested parking deferral.

- b. The site plan submitted with an application for a special use permit or site plan review for the property shall indicate all required parking, parking lot landscaping, and other information necessary to determine compliance with all requirements of this article. The site plan shall also indicate that area where parking construction will be deferred, the number of parking stalls for which deferral is proposed, and the number of parking stalls to be constructed. The site plan will note that the area where parking will be deferred is to be reserved for future parking, will be maintained as landscaped open space, and may not be used for any other purposes.
- (4) Areas of land where parking construction has been deferred shall be landscaped and maintained with grass or other acceptable plant materials. If that area is not disturbed during construction, it may, with the approval of the Planning Commission, or director for site plan review only, be maintained in its natural vegetative condition existing prior to development, provided the natural vegetation is in keeping with the general appearance of the area.
 - (5) Seasonal overflow parking may be permitted in reserved areas where open-cell grass pavers, or other engineered surfaces capable of maintaining grass growth and supporting vehicles, are used. Use of seasonal overflow parking areas shall not exceed 15 cumulative days in one year.
 - (6) Areas where parking construction has been deferred shall not be used to satisfy interior landscaping, buffer, pervious surface, or stormwater retention or detention requirements of this article or other agency having jurisdiction.
 - (7) That portion of the proposed parking lot which will be constructed shall be landscaped to comply with the parking area landscaping requirements of this article as applied to a parking lot of the size actually constructed.
 - (8) In addition to the requirements in subsections (b)(1)—(7) of this section approval for deferral of parking lot construction shall be granted only upon finding that the proposal will provide adequate off-street parking for the proposed use.
 - (9) In approving a parking deferral, the Planning Commission or Director of Community Planning and Development, or the Township Board or Zoning Board of Appeals on an appeal, may prescribe such conditions regarding the character, location, landscaping, and other features that will secure the objectives and purposes of this article.
 - (10) The approved parking deferral and any conditions related to such deferral shall be described in a parking construction deferral agreement between the Township and the applicant and recorded with the county register of deeds. The parking construction deferral agreement shall include a provision that grants the Township a license to come on the subject property and construct the deferred parking at the property owner's cost if the property owner refuses or neglects to construct the deferred parking as directed by the Township and a provision that the cost for such construction may be added to the tax roll under Chapter **46** of this Code if not timely paid by the property owner.
 - (11) The owner of property for which a parking deferral has been granted shall submit any request to increase or change the use or occupancy of the property to the Director of Community Planning and Development prior to such increase or change. If the Director of Community Planning and Development determines that the increased or changed use may affect the property's parking needs, a request to review the parking deferral shall be submitted to the Planning Commission in accordance with subsection (b)(1) of this section. The Director of Community Planning and Development may approve a request to increase or change a use subject to site plan review in accordance with subsection (b)(2) of this section. Any changes in the approved parking deferral shall be incorporated in a recorded agreement as provided in subsection (b)(10) of this section.
 - (12) The owner of property for which a parking deferral has been granted may, at his discretion, construct all or part of the deferred parking if the need arises.

(13) The Township shall require the full or partial construction of the deferred parking upon a determination of an ongoing demonstrated need for additional parking or a violation of the terms and conditions of the parking construction deferral agreement. An ongoing demonstrated need for additional parking shall include, but not be limited to, inadequate parking on the site for more than three hours or more than 15 days in a thirty-day time period.

(14) A violation of a parking deferral agreement or failure to construct the required parking as ordered shall be considered a nuisance per se as provided in Chapter **46** of this Code.

§ 86-760. Bicycle parking.

[Ord. No. 2010-02, 2-28-2010]

(a) Purpose. The purpose of this section is to provide adequate and safe facilities for the temporary placement and use of bicycles. This section is intended to specify the required type, number and location of bicycle parking spaces on a site. The regulations and requirements are designed to promote and encourage the safety and general welfare of the community by:

- (1) Promoting an alternative and energy efficient mode of transportation.
- (2) Encouraging a healthy lifestyle by promoting and accommodating the use of bicycles.
- (3) Providing adequate and safe facilities for the temporary placement of bicycles.

(b) Applicability.

- (1) Bicycle parking shall be provided for any new building constructed after the effective date of this section. After the effective date of this section, bicycle parking shall also be provided on all sites when an addition to an existing building is constructed that results in the need for additional motor vehicle parking spaces or for any change in the use of a building that results in the need for additional motor vehicle parking spaces.
- (2) This section does not prohibit the voluntary installation of bicycle parking that conforms to the requirements set forth in this section.
- (3) Except as otherwise required, a bicycle parking area shall be treated in a similar manner as a required motor vehicle parking area.

(c) Exemptions. Bicycle parking shall be required for all uses, with the exception of one- and two-family residential uses.

(d) Location.

- (1) A bicycle parking area shall be located such that it is visible, safe, and convenient with adequate lighting provided. Lighting will be based on the provisions set forth in Chapter **38**, Article **VII**, titled outdoor lighting.
- (2) Bicycle parking areas shall be located to maximize accessibility to building entrances.

(e) Design criteria and dimensions. Bicycle parking racks and lockers are encouraged to be unique in design and appearance; however, the bicycle parking area shall be functional, operational, and shall provide for the following:

- (1) A bicycle rack, bicycle locker, or functionally equivalent structure shall be used to secure a bicycle.
- (2) Bicycle parking areas incorporating the standard inverted "U" shaped bicycle rack, or functionally equivalent structure, shall have the following dimensions:
 - a. The minimum height of the bicycle rack shall be 36 inches from the base to the top of the rack.

- b. The minimum length for the bicycle rack shall be two feet.
- c. A bicycle rack shall accommodate at least two bicycles.
- d. The exterior surface of bicycle racks and bicycle lockers shall be nonabrasive, non-marring, and durable.
- e. The bicycle parking area shall comply with the dimensions designated in Figure 1:

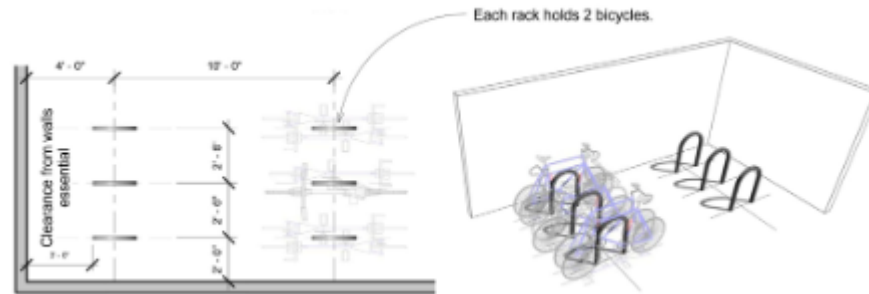


Figure 1: Bicycle Parking Area (Source: David Baker + Partners)

- (3) The bicycle parking area shall be constructed with adequate space to allow operation of the locking mechanism and each bicycle parking space shall be easily accessible. A bicycle parking area shall not interfere with any designated pedestrian sidewalk or pathway, required vehicle parking spaces or vehicle maneuvering lanes, and shall not eliminate any required landscape area.
 - (4) The bicycle parking rack shall be installed so that the rack supports the bicycle in an upright position and allows for the bicycle frame and front wheel to be securely locked.
 - (5) The bicycle parking area shall be hard surfaced with material such as asphalt, concrete, or a brick paving system and shall be adequately maintained and kept free of mud, dust, ice, and snow.
 - (6) The bicycle racks, bicycle lockers or functionally equivalent structures must be securely anchored.
 - (7) Up to 1/2 of the required bicycle parking spaces on the site may be located inside of a building.
- (f) Shared bicycle parking facilities. For sites containing multiple uses or tenants, a single bicycle parking area may be provided as long as the total number of bicycle parking spaces provided is not less than the sum of all of the separate uses combined.
 - (g) Bicycle parking requirements.
 - (1) Unless otherwise provided, one bicycle parking space shall be provided for every ten-motor vehicle parking spaces required. The minimum number of bicycle parking spaces provided shall not be less than two. The maximum number of bicycle parking spaces shall not exceed 50.
 - (h) Reduction of required motor vehicle parking spaces. The number of required motor vehicle parking spaces on a site may be reduced by one motor vehicle parking space for every two bicycle parking spaces installed on a site in compliance with this section. Motor vehicle parking spaces may not be reduced by more than 10% of the total number of required motor vehicle parking spaces.
 - (i) Waiver. An individual may submit a written request to the Director of Community Planning and Development for a waiver from the requirements of this section. The request shall state the reason(s) for the waiver and contain any other applicable information related to the waiver. In making a determination regarding a waiver the Director of Community Planning and Development

may consider characteristics of the site including the type of use, site layout (accessibility, maneuverability, design, and other related elements), or unique circumstances.