

Grand Rapids Charter Township

Zoning Ordinance

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CHAPTER 1
TITLE, PURPOSE AND INTERPRETATION

Section 1.1. Title. This Ordinance shall be known and may be cited as the Grand Rapids Charter Township Zoning Ordinance.

Section 1.2. Purpose. This Ordinance has the purpose and is intended to promote the public health, safety and general welfare; to encourage the use of land in accordance with the character and adaptability of the land and also to limit the improper use of land; to conserve natural resources and energy to meet the needs of the public for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for transportation uses, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and other property interests.

Section 1.3. The Effect of Zoning. Except as stated in this Ordinance, no land, building, structure, or premises within the Township shall be used or occupied, and no building, structure, or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered.

Section 1.4. Scope.

1. The provisions of this Ordinance shall be in addition to all other ordinances and regulations in effect within the Township. This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other ordinances or regulations, except as specifically stated herein, nor shall this Ordinance repeal or affect private restrictions or restrictive covenants, all of which shall continue to have whatever effect may be imparted to them by law.
2. Where this Ordinance imposes greater restrictions, limitations or requirements upon the use of lands, buildings, and structures than are imposed or required by other laws, ordinance, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

Section 1.5. Interpretation. The provisions of this Ordinance shall be liberally construed to promote the purpose set forth in this chapter.

Section 1.6. Legal Basis. This Ordinance is adopted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006.

CHAPTER 2 DEFINITIONS

Section 2.1. Definitions and Rules of Interpretation. For the purposes of this Ordinance, certain words, terms and phrases are herein defined in this chapter. The following rules shall apply in the interpretation of the words, terms and phrases in this Ordinance.

1. Any word, term or phrase that is not defined in this chapter shall have the meaning in common or standard use that is consistent with the context in which the word, term or phrase is used.
2. The particular shall control the general.
3. The word “shall” is mandatory and not discretionary. The word “may” is discretionary and permissive.
4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
5. The word “structure” includes the word “building,” and reference to structure or building includes any part thereof.
6. The word “person” includes any individual, corporation, partnership, incorporated association or other similar entity, unless the context clearly indicates the contrary.
7. The word “dwelling” includes the word “residence,” and the word “lot” includes the word “parcel.”
8. The word “road” refers to both public and private roads, unless the context clearly indicates the contrary; “road” also means “street.”

Section 2.2. Definitions, A-E.

1. **Accessory Building.** A subordinate building detached from the principal building but located on the same parcel of land as the principal building, and which is devoted to an accessory use. A subordinate part of a principal building, such as an attached garage, is not an accessory building.
2. **Accessory Use.** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
3. **Adult Day Care Center.** A facility, other than a private residence, in which one or more adults who are aged, mentally ill, developmentally disabled, or physically handicapped are received for care and supervision for periods of less than 24 hours a day. An adult day care center does not include any establishment commonly

described as an alcohol or a substance-abuse rehabilitation center, or a facility for persons released from or assigned to adult correctional institutions.

4. **Adult Day Care Home.** A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for periods of less than 24 hours per day, five or more days per week and for two or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 *et seq.*, as amended. The adult day care home licensee shall be a member of the household, and an occupant of the residence.
5. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for periods of 24 hours per day, five or more days per week and for two or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 *et seq.*, as amended. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence. In addition, the term shall include a private residence with a capacity of at least one but not more than four adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in a residential setting.
6. **Adult Foster Care Small Group Home.** An adult foster care facility licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 *et seq.*, as amended, in which the adult foster care small group home licensee is a member of the household and an occupant of the residence. The home shall be a private residence providing adults with foster care for 24 hours a day, five or more days per week and for two or more consecutive weeks. It shall have an approved capacity to receive at least seven but not more than 12 adults.
7. **Big-Box Store.** A very large retail store, usually with a physical layout that resembles a large square or box when viewed from above, and including more than 80,000 square feet of gross floor area. The store has a very large off-street parking area, offers a wide variety of merchandise for sale and may provide some services as well. It may offer its merchandise at discounted prices. A big-box store may also be referred to as a super store or super center. It is frequently a part of a national or regional retail merchandise company, with multiple store locations.
8. **Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, activity, process, equipment, goods, materials or other objects or uses commonly included in a building.
9. **Building, Principal.** A building in which the main use of the lot or parcel of land is conducted.
10. **Building Height.** The vertical distance from the grade plane to the top of the highest roof beams of a flat roof, or the mean level of the highest ridge, gable or hip of a sloped roof.

11. **Child Care Center.** A facility, other than a private residence, receiving one or more pre-school or school age children for periods of less than 24 hours per day, for not less than two consecutive weeks (regardless of the numbers of hours of care per day), where the parents or guardians are not immediately available to the child, including facilities described as day care centers, day nurseries, nursery schools, parent cooperative pre-schools, play groups and drop-in centers (as licensed and registered under the Child Care Organizations Act, Act 116 of the Public Acts of 1973, as amended). Child care centers shall not include Sunday schools, vacation bible schools or religious instructional classes.
12. **Church.** A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
13. **Co-Location.** The use of a wireless telecommunication tower or other tall structure permitted to be used for wireless telecommunication purposes, by more than one wireless telecommunication provider.
14. **Cul-De-Sac.** The vehicle turn-around area that constitutes the terminus of a street. A cul-de-sac lot is a lot that has frontage on such a turn-around area.
15. **Distribution Center.** An existing building, or portion of an existing building, and site operated by an establishment engaged in receiving by motor vehicles, unloading, temporary indoor storage and re-loading for trans-shipment or re-delivery to the ultimate consumer or a package delivery service for delivery to the ultimate consumer by motor vehicle of products, merchandise, cargo and other goods, with private office directly associated with the distribution center. A distribution center does not include a truck terminal or a warehouse.
16. **Driveway.** A paved or gravel drive connecting a house, garage, or other building to a street.
17. **Duplex.** A building containing two attached single-family dwelling units separated from each other by an unpierced wall extending from the ground to the roof.
18. **Dwelling.** A building, including a mobile home or manufactured home, designed and used as the permanent residence for one family, but not including hotels, motels, tourist cabins or trailers.
19. **Dwelling, Multiple Family.** A building containing more than two dwelling units, each of which is designed and used by one family and provides independent living, cooking, and kitchen accommodations.
20. **Dwelling, Single Family Detached.** A detached building designed for the occupancy of only one family.

21. **Dwelling, Two Family.** A building containing two attached dwelling units, for one family each.
22. **Dwelling Unit.** A dwelling designed to be occupied by not more than one family, having permanent provisions for living, sleeping, eating, cooking and sanitation.
23. **Essential Services.** The erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company including gas, electrical, steam, communication, safety, water supply systems, or disposal systems, including equipment and accessories in connection therewith necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills, wireless telecommunication antennas or towers, and wind generators on towers.

Section 2.3. Definitions, F-L.

1. **Family.**
 - a. One or more persons related by blood, marriage, or adoption occupying a single dwelling unit and living as a single, non-profit housekeeping unit.
 - b. A collective number of individuals occupying a single dwelling unit under one head whose relationship is of a permanent non-transitory and distinct domestic character and cooking and living together as a single and separate housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order nor include a group of individuals whose association is temporary and/or resort or seasonal in nature nor include state licensed residential facilities as defined by the Zoning Enabling Act of 2006, as amended.
2. **Farm.** A parcel or parcels of land devoted to a farm operation, including the commercial production of farm products, the raising of farm animals, the construction and use of farm buildings and the conducting of productive agriculture as a business and profit-making enterprise. A farm includes, but is not limited to, field crops, truck farming, orchards, nurseries and related dwellings, and the use of farm vehicles and equipment.
3. **Farm Market.** A public or private open air venue or building where local farm products, primarily including fruits, vegetables, and other locally produced goods or crafts, are sold during the growing seasons.
4. **Farm Operation.** A condition or activity which occurs on a farm in connection with the commercial production of farm products. It may include farm-related noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

5. **Fence.** A structure or barrier, constructed of wood, metal or other durable parts, rails, boards, wire mesh, etc., and used to mark a boundary or to define and enclose a specific area for the purpose of protection, privacy or confinement.
6. **Golf Course.** A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse.
7. **Greenhouse.** A building or structure constructed chiefly of glass or plastic, in which produce or plants are grown or sheltered.
8. **Group Day Care Home.** A private home (which is the bona fide permanent residence of the operator of the group day care home) in which more than six but not more than 12 minor children are received for 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, except children related to an adult member of the family by blood, marriage, or adoption, if state-licensed.
9. **Home Occupation.** An occupation which is carried on in a dwelling by the residents of the dwelling and not more than one other person. Such occupation shall be clearly a traditional, customary, incidental, subordinate and secondary use of the dwelling and the parcel of land on which the dwelling is located.
10. **Home for the Elderly and Retired.** A residential building or multiple residential buildings and other property designed and used by senior persons of a specified minimum age, as a place to live and if necessary to receive care appropriate to their age and needs. The facility may include the providing of meals and recreational activities for residents. It may include separate dwellings for independent living by senior residents. Such facilities are sometimes referred to as retirement housing, assisted living, retirement communities, nursing homes, continuing care communities, memory care, congregate housing, life care, elder-care, long term care and senior housing.
11. **Hotel.** A facility offering transient lodging accommodations to the general public, which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.
12. **Indoor Self-Service Storage Facility.** An existing building, or portion of an existing building, consisting of limited-size, individual, enclosed units or spaces that are rented, leased or owned by customers for only storage of personal or business goods, objects, or supplies, but not including individual storage units that have direct pedestrian or vehicular access from outside the building.

13. **Laundry and Dry Cleaning Establishments.** A commercial establishment providing cleaning, dry cleaning and laundry services on-site for businesses and residents.

14. **Lot.** A portion of land exclusive of any streets, separated from other parcels by a legal description as shown in a deed, platted or by a subdivision, or other lawful instrument of conveyance and which may be recorded with the Register of Deeds.

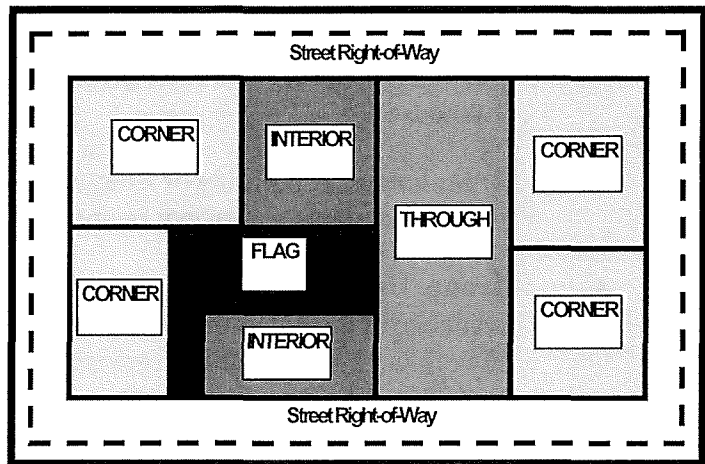


Figure 2.1

15. **Lot Area.** The total area within the boundaries of the lot, excluding any street rights-of-way.

16. **Lot, Corner.** A lot abutting upon two or more streets at their intersection or upon two parts of the same road forming an interior angle of less than 135 degrees.

17. **Lot Coverage.** The part or percent of a lot occupied by buildings and accessory buildings, parking areas, driveways, patios, decks, and other impervious surfaces.

18. **Lot Lines.**

a. **Lot Line, Front.** The boundary line of the lot immediately adjacent to the street right-of-way upon which the lot fronts.

b. **Lot Line, Rear.** The boundary line which is opposite and most distant from the front lot line.

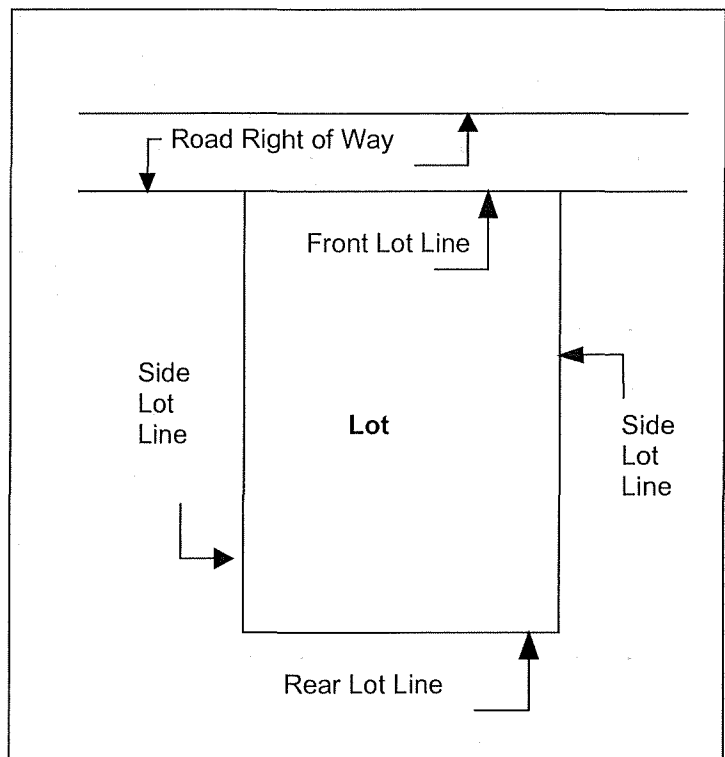


Figure 2.2 Definitions
Page 2-6

- c. **Lot Line, Side.** Any lot boundary which is neither a front lot line nor a rear lot line.
- d. **Lot Width.** The straight line horizontal distance between the side lot lines of a lot, as measured at the minimum required front yard setback.

Section 2.4. Definitions, M-Q.

- 1. **Manufacturing Housing Community.** A parcel or tract of land on which three or more manufactured homes are located on a continual non-recreational dwelling basis and which is offered to the public, and state-licensed for that purpose, together with any building, structure, enclosure, street, equipment, or facility used or intended for use by the occupants of the manufactured homes and their guests and visitors.
- 2. **Manufactured Housing; Manufactured Home.** A structure, transportable in one or more sections which is built on a chassis and designed to be used with or without a permanent foundation, to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems in the structure but does not include recreational vehicles, travel trailers, motor homes or campers.
- 3. **Motel.** An establishment providing temporary sleeping accommodations for the traveling public, with a majority of rooms having direct access to the outside. It may have dining rooms, meeting rooms, a swimming pool and other amenities.
- 4. **Motor Vehicle Repair.** A garage, building or area used for the repair, repainting or refurbishing of cars, trucks and other motor vehicles, and also including boats, trailers and other vehicles.
- 5. **Motor Vehicle Sales.** The display, sale or rental of new and/or used motor vehicles, boats, trailers, and other similar motor vehicles in operable condition.
- 6. **Multi-family Building.** A building containing three or more apartments or dwelling units, for one family each.
- 7. **Nonconforming Use.** A land use which was lawful within a structure or on land at the time of adoption of this Ordinance, or any applicable amendment, and which does not currently conform to the regulations of the district in which it is located, or other applicable current provisions of this Ordinance.
- 8. **Nonconforming Lot.** Any lot or parcel of land lawfully existing at the effective date of this Ordinance, or any relevant amendment, and which does not comply with the current minimum lot area, width or other dimensional requirements of the zone district, or other applicable current provision of this Ordinance.
- 9. **Nonconforming Structure.** Any building, structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or any relevant amendment thereto,

which does not comply with the current minimum requirements of the zone district, for such structure, or other applicable current zone district requirement or other applicable current provisions of this Ordinance.

10. **One Family or Single Family Dwelling.** A detached building designed for or occupied exclusively by one family.
11. **Open Air Business.** A land use occurring substantially out of doors including, if permitted, outdoor display and retail sale of merchandise, rental of equipment and other retail sales or services commonly occurring outside of a permanent building, but not including patio/al fresco dining.
12. **Open Space.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use and enjoyment or for the use and enjoyment of owners, occupants, and their guests.
13. **Parking Lot or Parking Area.** An off-street, ground level land area, usually surfaced and improved, for the temporary parking of motor vehicles.
14. **Parking Space.** A designated space for the parking of a motor vehicle within a public or private parking area or parking lot.
15. **Patio/al Fresco Dining.** The serving and consumption on the premises of food and drink within a designated outdoor area adjacent to and used by a lawful restaurant as a location for dining by customers of the restaurant, weather permitting, and subject to Township regulation as to duration, maximum number of customers to be served and other aspects of the use.
16. **Principal Use.** The primary or predominant use of any lot or parcel.

Section 2.5. Definitions, R-T.

1. **Recreational Vehicle.** Vehicles used primarily for recreational purposes, including, but not limited to, motor homes, travel trailers (but not mobile homes), campers, pop-up campers, watercraft, snowmobiles, motorcycles, all-terrain vehicles, dune buggies, camper tops and other similar recreational vehicles. A recreational vehicle includes the trailers used, or which could be used, to transport them only if, in the terminology or context used in this Ordinance, they are not excluded or excepted from the term recreational vehicle, or if they are referred to separately from the term recreational vehicle. Snowmobiles, motorcycles, or all-terrain vehicles stored or transported on a single trailer designed to carry multiple recreational vehicles shall be deemed to be one recreational vehicle. A recreational vehicle shall not include any type of utility trailer used primarily for hauling residential yard debris or residential yard supplies.

2. **Restaurant.** An establishment where food and drink are prepared, served, and consumed primarily within the principal building or, if permitted, out of doors in an approved location on the premises.
3. **Restaurant, Drive Through Facility.** A restaurant as defined herein offering prepared food and drinks through one or more drive-up windows for consumption on or off premises.
4. **Right-of-Way.** A public or private strip of land acquired or established by reservation, dedication, easement or other legal means, and to be used for the passage of persons, motor vehicles and non-motorized vehicles, and the installation and use of utility lines and similar uses.
5. **Screening or Buffering.** A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms or densely planted vegetation.
6. **Service Station or Gasoline Service Station.** A place where operating fuels or lubrication oils for motor vehicles are offered for sale at retail to the public, including the sale of accessories installed by the proprietor thereof and minor adjustment services, but not including major automotive repairs, motor overhauling, major body damage repairs, or bulk fuel distributing.
7. **Sexually Oriented Business.** A sexually oriented business includes, but is not limited to, an adult bookstore or adult video store; an adult nightclub or cabaret, bar or restaurant; an adult motel; an adult motion picture theater; and other establishments catering to adult patrons and which may involve the actual or depiction of specified anatomical areas and/or specified sexual activities, as those terms are commonly understood, or by means of video, motion pictures, photographic reproductions or other visual media, or in which a person or persons may appear in a state of nudity or in live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas.
8. **Street or Road.** An easement, right-of-way or other interest in land established or used for the purpose of providing access to abutting land. A street or road may be a public street or road or a private street or road.
9. **Structure.** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.
10. **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. Tower includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. Tower includes the structure thereof and any support thereto.

Section 2.6. Definitions, U-Z.

1. **Use.** Any purpose for which a structure or a parcel may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on land.
2. **Usable Floor Area.** In the case of land uses in which required off-street parking spaces are calculated on the basis of usable floor area, the term means that area used or to be used for the sale of merchandise or services, or for other uses to serve patrons, clients or customers. Such floor area which is used or is intended to be used for the storage or processing of merchandise, hallways, stairways, elevator shafts, or restrooms, shall be excluded from the computation of usable floor area.
3. **Use, Temporary.** A use or activity which is permitted only for a limited time and subject to specified regulations in this Ordinance.
4. **Wireless Telecommunications Equipment.** The equipment and systems for transmitting and receiving communications by wireless means, if approved by the Federal Communications Commission, including wireless telecommunication antennas and towers, equipment shelters, and other wireless telecommunication facilities; also including wireless telecommunication antennas mounted on alternative tower structures, private and commercial mobile radio services facilities; personal communication towers and cellular telephone towers. Not included in this definition are AM/FM radio towers, television towers, satellite dishes, and federally licensed amateur radio facilities.
5. **Yard.** The open space on the same lot with a principal building that is unoccupied except as otherwise provided in this Ordinance, and as defined herein.
 - a. **Front Yard.** The minimum distance between the front line of the principal building, excluding steps and unenclosed porches, and the street right-of-way line, unoccupied and extending for the full width of the lot.
 - b. **Rear Yard.** The minimum distance between the rear lot line and the rear line of the principal building, unoccupied and extending for the full width of the lot except for that area occupied by an accessory building.
 - c. **Side Yard.** The minimum distance between the side lot line and the side line of the principal building, unoccupied and extending for the full length of the lot except for the area occupied by an accessory building.

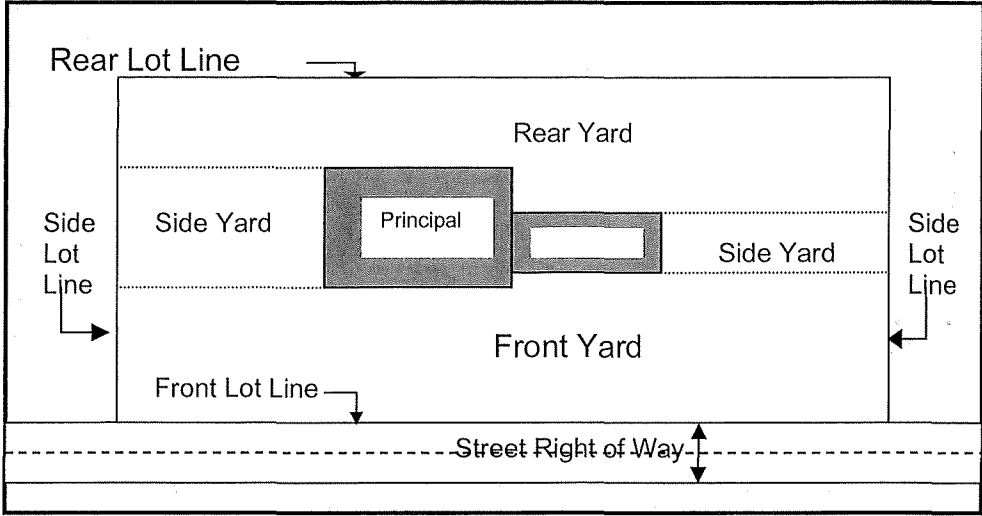


Figure 2.6

CHAPTER 3
ZONING DISTRICTS AND ZONING MAP

Section 3.1. Zoning Districts. For purposes of this Zoning Ordinance, the Charter Township of Grand Rapids is hereby divided into the following zoning districts:

SR	Suburban Residential
R-1	Single Family Residential
R-3	Manufactured Housing Communities
C-2	Suburban Office
C-1	Neighborhood Commercial
C	General Commercial
R-PUD	Residential Planned Unit Development District
OR-PUD	Office-Residential Planned Unit Development District
O-PUD	Office Planned Unit Development District
CS-PUD	Community Service Planned Unit Development District
NC-PUD	Neighborhood Commercial PUD
HC-PUD	Healthcare Mixed Use Planned Unit Development District
	The North East Beltline Overlay District

Section 3.2. Zoning District Reclassification. Upon the effective date of this Ordinance, the new zoning district known as Medium Density Residential PUD shall be classified as PUD-2, Medium Density Residential PUD under this Ordinance. Upon the effective date of this Ordinance, property previously classified as PUD-2, Medium Density Residential - Low Density Office PUD shall be reclassified as PUD-3, Medium Density Residential - Low Density Office PUD under this Ordinance. Upon the effective date of this Ordinance, property previously classified as PUD-3, Low Density Office PUD shall be reclassified as PUD-4, Low Density Office PUD under this Ordinance. **[Editor's Note: Some districts repealed or renamed by Ord. No. 503.]**

Section 3.3. Zoning Map. The locations and boundaries of the zoning districts are hereby established as shown on a map, as amended from time to time, entitled "Zoning Map of the Charter Township of Grand Rapids, Kent County, Michigan," which is hereby made a part of this Ordinance. The official zoning map of the Township shall be maintained in the Township offices. It shall be revised and updated periodically so as to reflect amendments adopted by Township ordinance. When amendments are made in the zoning map, they shall be accomplished by means of an amendment in this section of the Zoning Ordinance. Where uncertainty exists as to the boundaries of any zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
4. Boundaries indicated as approximately following the centerline of creeks, streams, or rivers shall be construed as following such creeks, streams, or rivers, or in the event of change in the location of creeks, streams, or rivers, shall be construed as moving with the creek, stream, or river.
5. Boundaries indicated as approximately following property lines, section lines or other lines of government survey shall be construed as following such property lines, section lines, or other lines or government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

Section 3.4. Lands Not Included Within a District. In any case where, for whatever reason, lands have not been included within a zoning district on the zoning map, such lands shall be deemed to be included in the R-1 Single Family Residential District.

CHAPTER 4
GENERAL PROVISIONS RELATING TO ALL DISTRICTS

Section 4.1. Zoning Affects Every Structure and Use. Except as hereinafter specified, no building, structure, or premises shall hereafter be used or occupied, and no structure or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with the regulations herein specified for the district in which it is located.

Section 4.2. Required Lot Area and Required Lot Width. No existing lot, or existing adjacent lots in common ownership, shall be so divided or reduced so as to make the area thereof or the width thereof less than the minimum lot area or minimum lot width required under the terms of this Ordinance. If an existing lot, or existing adjacent lots in common ownership, already have less than the minimum lot area and/or the minimum lot width required under the terms of this Ordinance, the lot area thereof and/or the lot width thereof shall not be further divided or reduced for the purpose of building construction.

Section 4.3. Existing Parcels of Land.

1. If a lot or other parcel of land in single ownership in the R-1 District was described in an instrument recorded in the county register of deeds records at the time the minimum lot area and minimum lot width requirements of the zone district became effective and such lot or parcel does not comply with the minimum lot area and/or minimum lot width requirement of the district in which the lot or parcel is located, the lot or parcel may nevertheless be used for a single family, detached dwelling if the lot or parcel has an area of at least 90 percent of the minimum lot area requirement and a width of at least 90 percent of the minimum lot width requirement, so long as the single family detached dwelling is located on the lot or parcel in such a manner that all minimum yard requirements and bulk limitations are complied with; provided, however, that subsection 3 of this section shall apply with respect to certain lots or parcels of land as to which development approval has been granted by the Township prior to the effective date of this subsection.

2. If a lot or other parcel of land in single ownership in the SR District was described in an instrument recorded in the county register of deeds records at the time the minimum lot area and minimum lot width requirements of the SR District became effective, and if such lot or parcel does not comply with the minimum lot area and/or minimum lot width requirement of the SR District, the lot or parcel may nevertheless be used for a single family, detached dwelling if the lot or parcel has an area of at least 8,400 square feet and a width of at least 70 feet, if such lot or parcel is served by a public or community water supply system and a public or community sanitary sewer system; provided, however, that if the lot or parcel is not served by such public or community systems, then the provisions of subsection 1 of this section shall apply; and further provided, however, that subsection 3 of this section shall apply with respect to certain lots or parcels of land as to which development approval has been granted by the Township prior to the effective date of this subsection.

3. Notwithstanding the provisions in subsections 1 and 2 of this section, lots, building sites or other parcels of land to which the Township has granted development approval prior to October 15, 2003, shall have such rights of use and development as are provided in the Township action approving them. Township approval shall mean, as a minimum, inclusion within an approval planned unit development project having an effective date prior to October 15, 2003 and/or inclusion within a final preliminary plat or a site condominium project plan having been granted final approval by the Township Board. With respect to exempt land divisions regulated under the state Land Division Act, approval shall mean written authorization by a township official having the authority to approve exempt land divisions and evidence that such lot or proposed lot as approved met the requirements for building development under the zoning provisions in effect prior to October 15, 2003.

Section 4.4. Infill Development in Existing Plats of Record or Site Condominiums of Record. A review of existing platted subdivision and site condominium developments in the Township had demonstrated that the average width and area of the lots or units in these developments are generally substantially in excess of the minimum width and/or area requirements of the zoning district in which the developments are located. Although many of these developments have been substantially built over with homes, there are many vacant lots still existing in several of the developments. As a result, there exists the potential that larger vacant lots or units in these developments could be further divided into smaller lots or units that meet the minimum requirements of the zoning district, yet be much smaller and/or narrower than surrounding lots or units. To prevent this type of out-of character infill development, the Township has adopted these infill development provisions to ensure that infill development is compatible with existing and established patterns of residential development.

1. **Infill Development Within Existing Platted Subdivisions or Site Condominiums of Record.** The following infill development provisions shall apply to all platted lots or site condominium units in all residential districts that were of record as of the effective date of the Zoning Ordinance amendment adding this section:
 - a. **Minimum Lot Width for Infill Development.** Notwithstanding the minimum lot width requirement of the zoning district in which a lot or unit is located, if the minimum lot width of that zoning district is less than the average lot width of all existing lots or units abutting the lot and those located on both sides of the street on which the lot or unit fronts, extending 500 feet in both directions (the “average width”), then the average width shall be the minimum lot width for that lot or unit.
 - i. For the purpose of calculating the minimum width of an infill development lot or unit that will be served by both public water and public sewer, only the first 139 feet of width of such existing lots or units shall be used when calculating the average width.

- ii. For the purposes of calculating the minimum width of an infill development lot or unit that will be served only by public water or only by public sewer, only the first 159 feet of width of such existing lots or units shall be used when calculating the average width.
 - iii. For the purpose of calculating the minimum width of an infill development lot or unit that will be served neither by public water nor public sewer, the entire width of such existing lots or units shall be used when calculating the average width.
- b. **Minimum Lot Area for Infill Development.** Notwithstanding the minimum lot area requirement of the zoning district in which a lot or unit is located, if the minimum lot area of that zoning district is less than 90 percent of the average lot or average unit area of all lots or units abutting that lot or unit (the “average area”), then 90 percent of the average area shall be the minimum lot area for that lot or unit.
- i. For the purpose of calculating the minimum area of an infill development lot or unit that will be served by both public water and sewer, only the first 16,799 square feet of area of such abutting lots or units shall be used when calculating the average area.
 - ii. For the purpose of calculating the minimum area of an infill development lot or unit that will be served only by public water or only public sewer, only the first 23,999 square feet of area of such abutting lots or units shall be used when calculating the average area.
 - iii. For the purpose of calculating the minimum area of an infill development lot or unit that will be served neither by public water nor public sewer, the entire lot area of such abutting lots or units shall be used when calculating the average area.

Section 4.5. Fences, Walls and Screens.

- 1. **Applicability.** This section shall apply to all residential, commercial, office and planned unit development zoning districts except as otherwise noted. These regulations do not apply to temporary fences to enclose construction sites.
- 2. **Location and Height Requirements.**
 - a. **Front Yard.** Within the front yard of a lot or other parcel of land (i.e., that part of the lot or other parcel consisting of the distance between the front line of the principal building and as that line is extended to each side property line) and the street right-of-way line, only the following fences and walls are permitted except as stated in Section 4.5.2.c as to lots and other parcels having more than one front yard:

- i. A substantially open decorative fence such as picket, split rail, wrought iron, or similar type fence with a maximum height of 36 inches and with posts not exceeding 42 inches. A substantially open decorative fence shall mean a fence which is at least 50 percent open when viewed from the street side. Chain link and woven wire fences are prohibited in the front yard.
 - ii. Any solid decorative fence or wall not exceeding 30 inches in height.
- b. **Side and Rear Yard.** A maximum fence or wall height of six feet is permitted in the side yard and the rear yard in all residential or residential PUD zones. In commercial and office zones, the maximum height of a fence or wall in the side yard and rear yard shall be eight feet, except as otherwise permitted.
- c. **Front Yards of Lots Having More than One Front Yard.**
 - i. As provided in Section 4.20, a corner lot has two front yards; a corner lot that has three street frontages has three front yards. Fences and walls in all of such front yards shall comply with Section 4.5.2.a except as stated in paragraph ii of this Section 4.5.2.c.
 - ii. In the case of a corner lot or a lot with three street frontages, the zoning administrator may permit a fence or wall to be located in one of such front yards that is higher than the maximum fence or wall height stated in Section 4.5.2.a, not to exceed the height permitted in a side or rear yard. Any such approval by the administrator may include conditions as to the required location of the fence or wall, the type of fence or wall, any required associated landscaping and other conditions which may serve to mitigate any potential adverse effects of the fence or wall. In determining to permit such a fence or wall of a height greater than that otherwise permitted, the zoning administrator shall consider and apply the factors stated in Section 4.5.2.d.
- d. In determining to approve a fence or wall in one of the front yards of a corner lot or a corner lot having three street frontages, in accordance with Section 4.5.2.c.ii, the zoning administrator shall consider and apply the following factors, among others:
 - i. The type of street which the applicable front yard faces, whether county primary street, platted street, private road or otherwise.
 - ii. The average typical daily vehicle traffic volume on the applicable frontage street.

- iii. The distance back from the street right-of-way line that the proposed fence or wall would be installed.
 - iv. The distance the proposed fence or wall would be located from adjacent or nearby dwellings or other buildings on other land.
 - v. The type of fence or wall proposed and its resulting visual impact, given its proposed location.
 - vi. The extent to which the location and visual impact of the proposed fence or wall would be generally consistent with other fences or walls, if any, on adjacent lots or other parcels.
 - vii. The identified need of the property owner for the installation of the proposed type of fence or wall at the proposed location.
 - viii. The potential changes in the type, height and location of the proposed fence or wall that could be made, yet still reasonably accomplish the property owner's need and desire for the fence or wall.
- e. A fence, wall or any planting shall not be erected, planted or maintained in such a way as to create a sight obstruction for persons using street intersections.
 - f. Fences or walls shall not be erected within any public street right-of-way or private street right-of-way.

3. Design, Construction, Appearance and Other Matters.

- a. Any fence or wall shall be of uniform design, construction and appearance and sturdily constructed to withstand normal weather conditions.
- b. All fences and walls shall be erected and maintained so as not pose a safety hazard.
- c. Fences and walls which exceed the maximum height otherwise permitted may be permitted if the zoning administrator determines, upon evidence submitted by the applicant, that such fence is necessary for a special purpose, such as for swimming pools, tennis courts or athletic fields.
- d. Fences and walls included as part of special land uses shall comply with such fence or wall requirements as determined by the Planning Commission.
- e. Barbed-wire fences and above ground electrically charged fences are prohibited in all zoning districts except that they may be permitted for approved farm uses and for the keeping of horses as approved by the Zoning Board of Appeals.

- f. The height of a fence or wall shall be measured as the vertical distance from the highest point of the fence or wall to the finished grade of the ground immediately beneath the fence or wall, excluding any artificially constructed earthen berms.
- g. A fence or wall shall be constructed and installed such that the finished side of the fence or wall faces outward toward the adjacent lot, other parcel of land or street.

Section 4.6. Height Exceptions. In all districts the measured height limitation may be exceeded by the following structures: Church steeples and church buildings, parapet walls not exceeding four feet in height, chimneys and water towers. In addition, botanical conservatory buildings may be 75 feet in height, provided that such buildings are located on a parcel at least 50 acres in size, school buildings not exceeding 90 feet in height provided the front, side and rear yards shall not be less than the height of the building wall abutting on such yard.

Section 4.7. Essential Services. The provision of essential services shall be permitted in every district; provided that installation, alteration or maintenance of essential service buildings and other major essential service structures shall be subject to review and approval as special land uses under Chapter 24.

Section 4.8. House Trailers, Mobile Homes and Motor Homes.

- 1. Except as provided in subsection 2 hereof, a house trailer, mobile home, or motor home shall not be considered to be a building or accessory to permitted uses hereunder, nor used as a dwelling unit and shall only be allowed in the manner and the area designated in Chapter 9.
- 2. All other provisions of this Ordinance to the contrary notwithstanding, mobile homes shall be permitted as dwelling units and may be located outside licensed mobile home parks in any SR or R-1 Residential Zone District, subject to compliance with the requirements of this Ordinance applicable to all dwelling units set forth in Section 4.13, all specific requirements applicable to dwelling units located within the specific zone district and the following:
 - a. The mobile home shall be located so that no wheels, towing mechanisms nor any part of the undercarriage are exposed.
 - b. The mobile home shall meet all standards of the United States Department of Housing and Urban Development Mobile Home Construction & Safety Standards in effect at the time the mobile home is located in the Township.

Section 4.9. Incomplete Buildings. No basement, cellar, garage, damaged or incomplete structure shall be used as a dwelling.

Section 4.10. Nuisances. No property, premise, structure, or use shall be used, erected, or conducted in such a manner as to cause a nuisance to adjacent property or uses.

Section 4.11. Surety and Performance Bonds. For any project under its jurisdiction for which zoning approval is sought, the Planning Commission may require the posting of a performance bond or bank letter of credit. The amount of surety shall cover the estimated cost of specified improvements associated with the project and shall be used to insure faithful completion of the improvements. The form and substance of the surety shall be acceptable to the Township and shall be deposited with the Township Clerk.

Section 4.12. Maps, Drawings, and Renderings. Whenever this Ordinance requires the Township Board, Planning Commission, Site Plan Review Committee, or Zoning Board of Appeals to review or approve a proposed use or activity, the Boards, commission or committee may require the submission of maps, drawings, renderings, and such other information as will assist them in their review or approval of the proposed use or activity.

Section 4.13. Requirements for All Dwelling Units Outside of Manufactured Housing Communities.

1. There shall be a foundation of material approved under the Township Building Code around the entire exterior perimeter of all dwellings or additions thereto. Said foundation shall have a minimum depth of 42 inches below grade and shall provide a maximum exposed foundation above grade of 16 inches and a minimum exposed foundation above grade of eight inches.
2. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling four feet in depth with a vapor barrier consisting of two inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The building inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.
3. All dwelling units shall provide a minimum height between the floor and ceiling of 7.5 feet.
4. All dwelling units shall provide storage areas (either within a basement or in an attic, or in a separate, fully enclosed structure, of not less than 15 percent of the living area of the dwelling unit, exclusive of storage space for automobiles). Said storage areas shall not be counted in determining whether the dwelling unit complies with the minimum floor area requirements of this Ordinance.
5. The minimum width of any dwelling unit shall be 22 feet for at least 67 percent of its length.
6. All dwelling units shall provide a minimum of two separate points of ingress and egress.
7. All dwelling units shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one foot between a door and the surrounding grade.

8. All dwelling units shall be connected to a sanitary sewer system and water supply system approved by the county health department.

Section 4.14. Wireless Communication Facilities/towers and Antennas.

1. Communication antennas and towers exceeding 35 feet in height shall be regulated as special land uses and are subject to the procedures, general standards and specific requirements for such uses as contained in Chapter 24.
2. The construction, use, maintenance, operation, repair and removal of antennas and towers not exceeding 35 feet in height shall comply with the following requirements:
 - a. The antenna or tower shall be permanently secured to a stable foundation.
 - b. No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation.
 - c. An antenna or tower shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or depth of the required rear or side yard setback, whichever is the greater.
 - d. An antenna may be mounted on the roof of a principal or accessory building, but it shall not exceed a height of ten feet, as measured from its foundation.
 - e. All antennas and towers must be grounded to protect against damage from lightening.
 - f. An antenna or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses.
 - g. Amateur radio antennas operating under a license issued by the Federal Communications Commission shall be subject to the provisions of this section, unless such provisions would preclude or prevent the operation of the antenna, then such provisions shall not apply.
 - h. Satellite dish antenna less than one meter across (39.37 inches) shall be exempt from these regulations.

Section 4.15. Resubmission of Matters to the Planning Commission. Unless otherwise specified in this Ordinance, for a period of 90 days following a decision by the Planning Commission, no reconsideration of that decision shall be given unless the Planning Commission, in its sole discretion, determines that there has been a material change in applicable facts and circumstances.

Section 4.16. Accessory Buildings.

1. Accessory buildings are permitted in any zoning district in accordance with this section, and Section 4.16A.

- a. An accessory building is a secondary or subordinate building detached from the principal building but located on the same parcel of land as the principal building.
 - b. A garage attached to a dwelling, as an integral part of the dwelling, is not an accessory building.
 - c. An accessory building may be designed, constructed and used for only a permitted accessory use.
2. An accessory building shall not be constructed or used on any parcel of land on which there is no principal building.
 3. An accessory building shall not be designed, constructed or used for residential or living quarters, in whole or in part.
 4. An accessory building shall be constructed with durable, hard-sided materials that are weather- and rust-resistant. They shall be regularly maintained so as to reasonably retain their original appearance and be free from structural defects. Accessory buildings shall not consist, in whole or in part, of flexible construction materials, such as a plastic tarp or other type of flexible fabric fastened over a frame of poles or otherwise.
 5. No mobile home, trailer, vehicle, tank, junk object, salvage materials or similar items shall be used, in whole or in part, as an accessory building or storage structure, except for temporary tool sheds or trailers and the like located on a construction site and used only for and during the construction of a building or other structure on the site.
 6. An accessory building used in a permitted bona fide farm or farm operation is permitted if the farm operation is conducted in accordance with generally accepted agricultural and management practices adopted by the Michigan Commission of Agriculture.
 7. An accessory building used for the keeping of horses in the SR District shall be subject to the approval of the Zoning Board of Appeals. Such an accessory building shall be located at least 75 feet away from all property lines.
 8. Minimum yard and location requirements for accessory buildings.
 - a. An accessory building shall not be located forward of the front wall of the principal building.
 - b. An accessory building shall be set back from a side lot line for at least the minimum required side-yard setback for a principal building in the zone district.

- c. An accessory building shall be located no closer to the rear lot line than the principal building is permitted to be, except that if the accessory building is 200 square feet or less in building-footprint area, then the accessory building may be located at least five feet away from the rear lot line.
- d. If an accessory building is located on a corner lot, it shall be set back from each street frontage in accordance with Section 4.20.
- e. An accessory building located in a side yard or a rear yard shall not occupy more than 30 percent of the area of the side yard or the rear yard, respectively.
- f. An accessory building shall be located no closer than 10 feet away from the principal building, except in the R-3, C-2, C-1 and C Districts.
- g. In the case of a waterfront lot, the rear line of which is at or adjacent to a lake or other body of water, an accessory building located in the rear yard shall be set back at least 40 feet from the water's edge, except for boathouses and pump houses.
- h. In the SR and R-1 Districts, the maximum number of accessory buildings that shall be permitted on a parcel of land is as follows:

Parcel Size	Maximum Number of Permitted Accessory Buildings
Less than one acre	Two accessory buildings
More than one acre, up to two acres	Two accessory buildings, one of which may be no larger than 200 square feet
More than two acres	Three accessory buildings, one of which may be no larger than 200 square feet

- i. In the SR and R-1 Districts, the maximum accessory building footprint area of all accessory buildings on a parcel of land, and the maximum height of an accessory building shall be as follows:

Parcel Size	Total Maximum Area of all Accessory Buildings Combined	Maximum Accessory Building Height from Ground to Midpoint of Roof
One acre or less	720 square feet or five percent of the area of the parcel, whichever is less	16 feet
1.01 acres up to two acres	1,008 square feet	18 feet
2.01 acres up to three acres	1,200 square feet	18 feet
3.01 acres up to four acres	1,500 square feet	18 feet

4.01 acres and larger	1,500 square feet, but any greater area shall be permitted only if approved under subparagraph (j)	18 feet, but any greater height shall be permitted only if approved under subparagraph (j)
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- j. A proposed total maximum area of all accessory buildings exceeding 1,500 square feet and/or a building exceeding such size that would have a height of more than 18 feet to the midpoint of the roof, on a parcel of land of 4.01 acres or more shall be permitted only if approved by the zoning administrator (in consultation with the site plan review committee, if desired by the administrator), if the zoning administrator determines that all of the following criteria are satisfied:
 - i. That the use or uses of all the accessory buildings on the property would fully comply with the permitted accessory building uses for the zone district.
 - ii. That the location(s) of the accessory building or buildings would be sufficiently set back from property lines so that no serious adverse effects on adjacent or nearby lands or streets would result.
 - iii. That the location(s) of the accessory building or buildings would be sufficiently separated from any other existing accessory buildings on the parcel of land, and that the total number of accessory buildings on the parcel of land would not exceed the maximum number permitted under the terms of subparagraph h of this section.

Section 4.16A Accessory Uses.

- 1. Accessory uses, including approved uses in permitted accessory buildings, are permitted in accordance with this section, and Section 4.16.
 - a. An accessory use is a use that is incidental and subordinate to a principal use on the same parcel of land.
 - b. An accessory use is, in addition, a use that is related to, and has some similarities to, the principal use on the parcel of land. It is a use that, by its nature, can be reasonably regarded as a normal or expected component or feature of the principal use.
- 2. The following customary residential accessory uses and equipment are permitted on lands in the SR and R-1 Districts and on other residentially used lands: children’s playground equipment; doghouses; outdoor fire pits and grills; bird-feeding stations; swimming pools; garden features such as trellises and pergolas; and other customary residential accessory uses, except that accessory buildings shall comply with Section 4.16. Fences and walls are subject to Section 4.5

3. One commercial motor vehicle not exceeding one ton in capacity may be parked or stored on a parcel of land in the SR or R-1 District or on any other residentially used parcel.
4. Not more than one recreational vehicle owned by the occupant of a dwelling may be stored (but not occupied) on the same parcel of land where the occupant's dwelling is located. The recreational vehicle may be parked or stored in the side yard or the rear yard, but not within any minimum required side yard or required minimum rear yard for an accessory building. A recreational vehicle may not be stored in the front yard, except that a recreational vehicle may be parked in a driveway for not more than 48 consecutive hours. A recreational vehicle shall be parked or stored only on a hard-surfaced area.
5. A home occupation may be established and conducted in compliance with Section 4.17.
6. Domestic animals limited to house pets for the enjoyment of the occupants of a dwelling are permitted, but not for resale purposes. If such house pets are housed outside the dwelling, any such housing shall not be located between the street and the dwelling, and shall be maintained in a clean and healthful condition.
7. Horses, not for commercial purposes, may be permitted in the SR and R-1 Districts, provided that not more than three horses shall be permitted for each dwelling. The minimum lot area for such purpose shall be three acres for the first horse and at least one additional acre for each additional permitted horse, not to exceed three horses per dwelling on the site. No piles or accumulations of manure or other refuse shall be permitted.
8. A roadside produce stand shall, if otherwise permitted, be located only in the SR District and shall be used for the display and sale of only produce grown on the property. Such an accessory building is not subject to the accessory building setback requirements otherwise provided, but it shall be set back at least 35 feet from the nearest street right-of-way line. At least five off-street parking spaces shall be provided at the site of the roadside produce stand.

Section 4.17. Home Occupations. Home occupations are permitted in residential dwellings in the SR District, R-1 District, R-PUD District, and the CS-PUD District, subject to all of the following requirements:

1. A home occupation shall be conducted only within the principal dwelling unit, and shall not be conducted in any other building.
2. A home occupation shall be conducted only by persons who are occupants of the dwelling unit and not more than one other person.
3. Not more than 500 square feet or 20 percent of the floor area of a dwelling unit, whichever is the lesser amount, may be used for a home occupation.

4. There shall be no exterior alteration in the residential character of the dwelling as a result of a home occupation.
5. A home occupation shall not result in an adverse or disrupting effect on other properties or on the residential character of the neighborhood by way of noise, odor, vibration, dust, electronic interference, traffic, safety or other attribute or emission.
6. Not more than two motor vehicles attributable to the home occupation are permitted on the premises where a home occupation is conducted. All vehicles attributed to the home occupation and otherwise associated with the premises shall be parked off street either in a garage or on an improved driveway or apron surfaces.
7. A home occupation shall not result in a greater volume or type of traffic than is normally experienced in a residential neighborhood.
8. Mechanical equipment used in a home occupation shall be only that which is similar in power and type to mechanical equipment normally used for household purposes and hobbies.
9. There shall be no sign pertaining to the home occupation, but there may be one non-illuminated name plate, of an area not greater than two square feet, stating only the name of the person engaged in the home occupation.
10. If articles or materials used in the home occupation are stored, they shall be stored only within the dwelling unit. No outdoor storage or storage within detached accessory buildings shall be permitted.
11. Orders for goods, merchandise, supplies or products made electronically or at off the premises sales events may be filled on the premises provided that delivery and pickup activities do not adversely impact traffic, safety, parking, the general residential character of the premises and adjoining property.
12. Such uses as medical clinics, dental clinics, barber shops and beauty shops with more than one chair, animal hospitals, kennels, real estate offices, group day care homes and motor vehicle servicing, repair and maintenance businesses shall not be permitted as home occupations.

Section 4.18. Parking and Storage of Unlicensed Vehicles, Commercial Vehicles, Recreation Vehicles and Equipment and Trailers.

1. **Parking and Storage of Unlicensed Vehicles.** Automotive vehicles and trailers of any kind or type without current license plates may not be stored on residentially zoned property unless it is within an enclosed building. In residential districts vehicles shall be owned by the owner or occupant of the lot where the vehicle is parked or stored.

2. **Parking of Commercial Vehicles.** In residential districts the parking of commercial vehicles is prohibited unless it is compliance with the following.
 - a. No more than one commercial vehicle is permitted.
 - b. Regularly manufactured vehicles such as pickup trucks, cargo vans stake trucks, or utility body trucks may not exceed a rated capacity of one ton. All other commercial vehicles are prohibited.
 - c. The vehicle must be owned by a person residing at the address where the vehicle is being parked or the vehicle must be driven by such person as a function of his or her employment.
 - d. Parking of commercial vehicles on vacant parcels is prohibited.
3. **Parking of Recreational Vehicles.** Not more than one recreational vehicle owned by the occupant of the dwelling may be stored (but not occupied) on the lot where the owner's dwelling is located. The recreational vehicle may be stored in the side or rear yard of the dwelling, but not within any portion of the minimum side yard or the rear yard required for an accessory building on the lot. The recreational vehicle may not be stored in the front yard. A recreational vehicle that is parked in the driveway for more than 48 consecutive hours shall be deemed to be stored on the lot for the purposes of this subsection.

Section 4.19. Frontage. All lots or parcels created after the effective date of this section (January 19, 2000) shall have a minimum frontage of 60 feet on a public road or an approved private road as regulated by Chapter 27 and shall meet the minimum lot width required for the district in which the lot or parcel is located; provided, however, that lots or parcels located on a cul-de-sac shall have at least 33 feet of frontage if located on a public street and shall have at least 20 feet of frontage if located on an approved private street; or as provided for shared driveways in Section 27.2.

Section 4.20. Corner Lots.

1. General provisions for residential uses on residential corner lots are as follows:
 - a. Corner lots have more than one required front yard, and the front setback shall be measured from all front lot lines.
 - b. For corner lots with two front yards, the remaining setbacks shall be a rear and a side setback as determined by the Zoning Administrator. For a corner lot with three front setbacks, the remaining setback shall be a rear setback.
 - c. If the width of the lot is less than 100 feet, the secondary front yard may be reduced one foot for each increment of two feet that the lot is lesser than 100 feet wide. Notwithstanding the foregoing, no secondary front yard shall be less than 25 feet.

- d. The width of a corner lot shall be determined by the entire length of that front line which is opposite the rear lot line.
2. General provisions for non-residential corner lots or for permitted non-residential uses on residential corner lots are as follows:
 - a. Corner lots have more than one required front yard, and the front setback shall be measured from all front lot lines.
 - b. For corner lots with two front yards, the remaining setbacks shall be a rear and a side setback as determined by the site plan review committee prior to final site plan approval. For a corner lot with three front setbacks, the remaining setback shall be a rear setback.
 - c. The width of a corner lot shall be determined by the entire length of that front line which is opposite the rear lot line.

Section 4.21. Double Fronting Lots. A building on a lot having frontage on two non-intersecting streets shall maintain applicable front yard setbacks from both streets.

Section 4.22. Outdoor Lighting. Outdoor lighting located on privately owned property shall be so arranged that it will not be intrusive on nearby dwellings or interfere with the vision of driver on adjacent streets.

Section 4.23. Temporary Use Permit for Patio/Al Fresco Dining (12 Patrons or Fewer). The Zoning Administrator may approve a temporary use permit for patio/al fresco dining for 12 patrons or fewer in the C, C-1 and C-2 Districts and in an existing development approved under the terms of the OR-PUD, O-PUD, CS-PUD, NC-PUD, and HC-PUD Districts, in accordance with this section.

1. The temporary use permit shall be approved only for a patio/al fresco dining area that will accommodate only 12 patrons or fewer and which is an accessory or incidental use to a permitted restaurant, coffee shop, ice cream shop or other permitted establishment that offers food for consumption on the premises.
2. The temporary use, if approved, shall be located only in an area owned, leased or otherwise under the legal control of the owner or operator of the restaurant or other establishment, and shall be under its operational control.
3. The temporary use permit shall be applied for on a form provided by the Township, and the application or renewal fee, if any, shall be paid. The application shall include the following:
 - a. A written summary of the current restaurant use and the proposed patio/al fresco dining use.

- b. A detailed description and drawing to scale of the outdoor area to be used for patio/al fresco dining.
 - c. Other specific information regarding the number of dining tables and chairs and other outdoor furniture or equipment.
 - d. Measures to be taken, if any, to assure adequate separation between the dining area and motor vehicle and pedestrian circulation.
 - e. If alcoholic beverages are to be consumed in the dining area, proof of the necessary state license for such purpose.
 - f. Other information necessary for the administrator to make an informed decision as to the requested temporary permit.
4. After receiving and evaluating a complete application, the Zoning Administrator shall approve the temporary use permit, shall deny it or approve it with conditions. If the application for the permit is denied, the Administrator shall state the reasons for the denial in writing.
5. The temporary use permit shall be for a duration of not longer than one year and may be renewed for subsequent periods of one year or less, if such renewals are approved by the Administrator. The temporary use permit may include terms and conditions, which may include the following:
- a. The permitted number of patrons who may be accommodated and who will at any time be utilizing the patio/al fresco dining area, not to exceed 12 such patrons.
 - b. A limitation on the days and hours of operation of the dining area.
 - c. Limitation or prohibition on amplified recorded music or other sound amplification or live musical or other performance in or for the patio/al fresco dining area.
 - d. Limitations or prohibition on outdoor lighting.
 - e. Measures to be taken to avoid conflicts with motor vehicle and pedestrian circulation and other safety measures, if needed.
 - f. Measures to be taken for control and removal of trash and debris; details on removal and storage of dining tables and chairs when not in use during the cold-weather months.
 - g. Measures to be taken to avoid other serious adverse effects on adjacent or nearby lands, by reason of excessive noise or other effects.
 - h. Other terms and conditions.

6. In determining whether to approve an application for the temporary use permit, the Zoning Administrator shall consider the following:
 - a. Whether the patio/al fresco dining would be harmonious and generally compatible with adjacent and nearby land uses.
 - b. Whether the dining area and the tables, chairs and other aspects of the use will be established, arranged and operated in an orderly and safe manner, such as to avoid conflicts with motor vehicle and pedestrian circulation on or near the site of the establishment.
 - c. Whether the use would result in serious adverse effects on adjacent or nearby land uses, by reason of excessive sound, outdoor lighting, smoke, fumes or other adverse effects.
 - d. Whether the use would interfere with or discourage the orderly development and use of adjacent and nearby commercial buildings and other lands and approved uses.
 - e. Whether any required state and county licenses for the restaurant use and the patio/al fresco dining have been obtained and are in force.
 - f. Other considerations as to the reasonable establishment and operation of the proposed use.
7. An applicant may apply for a renewal of a previously-approved temporary use permit. The renewal may be for a duration of up to one year.
 - a. In considering whether to approve the application for renewal, the Zoning Administrator shall consider whether and to what extent the applicant has complied with the previous permit, whether complaints have been received by the Township as to operations under the previous permit and other factors bearing on whether the permit should be renewed.
 - b. A renewal may be denied or limited if, based on previous performance, the Administrator determines that serious adverse effects would result if the use continues under a renewed permit.
 - c. In approving a renewal, the Administrator may impose the same conditions as approved previously, or revised or additional conditions, or any of them.
8. With respect to applications for the temporary use permit for patio/al fresco dining as a part of an approved dining establishment in a planned unit development, any such temporary use permit may be granted and may be renewed by the Zoning Administrator in accordance with the terms of this section; no amendment of the planned unit development ordinance shall be required, nor shall the issuance of the permit be deemed a major or minor amendment in the planned unit development,

except that the approved patio/al fresco dining shall be deemed permitted in the planned unit development, to the extent and according to the terms approved by the Administrator.

9. The Zoning Administrator may refer to the Planning Commission an original or renewal application for the temporary use permit, for consideration and decision by the Commission. In such a case, the application shall be approved, denied or approved with conditions by the Planning Commission at a public meeting, but a public hearing or special public notice shall not be required. In the consideration and decision of such an application, the Planning Commission shall consider the criteria stated in subsection 6 of this Section 4.23.

Section 4.24. Limited and Temporary Outdoor Displays and Sales; Outdoor Vending Machines.

1. **Limited Outdoor Displays and Sales.** In the C and C-1 Districts, and in a development approved under the terms of the CS-PUD, NC-PUD, and HC-PUD Zoning Districts, the outdoor display and sale of goods is permitted upon obtaining a zoning compliance permit from the Zoning Administrator and complying with the following:
 - a. The goods shall be offered for sale as part of the business of the occupant of the building at which the limited outdoor displays are taking place, and shall be goods permitted for sale in the zoning district.
 - b. The display of goods shall occupy an area extending not more than eight feet in front of a building wall, located on not more than two sides of the building, and occupying an area not greater than one-third of the length of any side of the building, or 50 linear feet in total for all sides of the building so used, whichever is less; provided, however, that in approving the requested zoning compliance permit, the Zoning Administrator may permit the display of goods to occupy an area on the business property other or greater than as stated above.
 - c. All sales transactions shall take place inside the building.
 - d. Materials so displayed shall be brought indoors when the business is closed, except for heavy materials such as bagged landscape materials, softener salt, and similar bulk materials which cannot be readily moved.
2. **Outdoor Vending Machines.** In the C and C-1 Districts, and in an existing development approved under the terms of the CS-PUD, NC-PUD, and HC-PUD Zoning Districts, outdoor vending machines are permitted upon obtaining a zoning compliance permit from the Zoning Administrator and complying with the following:
 - a. The machine shall be located on a lot upon which a business is being conducted from a permanent structure.

- b. Not more than four newspaper vending machines which are not electrically operated and which are not greater than five feet in height may be permitted on a lot.
 - c. Not more than two electrically operated vending machines (or such greater number as may be permitted by the Zoning Administrator) may be permitted on the lot, for the sale of food, beverages, ice or other items or objects commonly purveyed by means of vending machines may be permitted on the lot. Vending machines shall have a width and depth not greater than four feet, and a height not greater than seven feet and ice machines may have a width not greater than six feet, or such greater width, depth and/or height as may be permitted by the Zoning Administrator.
 - d. Electrically operated vending machines shall be located such that the backs of the machines shall be placed against a building wall, if practicable, and they shall be otherwise located as determined by the Zoning Administrator, but not to interfere with pedestrian or vehicular traffic or emergency access vehicles and personnel.
 - e. Advertising on outdoor vending machines shall be limited to advertising the products sold in the machines.
3. **Temporary Seasonal Outdoor Sales; Special Sales Event.** In addition to outdoor sales and displays as permitted in subsections 1 and 2 above, the Zoning Administrator may approve a temporary use permit for temporary seasonal outdoor sales or special sales events in the C-1 and C-2 Districts, and in an existing development approved under the terms of the CS-PUD, NC-PUD, and HC-PUD Districts, in accordance with this section.
- a. A temporary use permit may be approved for seasonal outdoor sales being conducted as part of a business operated in a structure located on the same lot for a period of up to six months during any calendar year (“seasonal outdoor sales”). The area devoted to such sales shall be fenced or otherwise conducted within a confined location, which occupies an area not greater than 50 percent of the indoor sales area of the associated business, but not greater than 3,000 square feet, unless a greater area is permitted by the Zoning Administrator under the terms of the temporary use permit.
 - b. In addition to outdoor sales and displays as permitted in subsections 1, 2, and 3.a above, an outdoor sales event may be conducted on an occupied or unoccupied parcel of land, without regard to whether the sales event is being conducted by a business located on the parcel. The outdoor sales event may be held not more than twice during any calendar year, for periods not to exceed ten days each on the parcel of land (“special sales event”). Merchandise sold or activities conducted at a special sales event shall be of the nature and type permitted to be sold or carried out in the zoning district.

- c. A temporary use permit for seasonal outdoor sales or special sales events under subsection 3 shall be applied for on a form provided by the Township, and the application and renewal fee, if any, shall be paid. The application shall include the following:
 - i. A written summary of the current use of the property and the proposed seasonal outdoor or special event sales area.
 - ii. A detailed description and drawing to scale of the outdoor area to be used for outdoor sales.
 - iii. An identification of the location and number of parking spaces available for such use, and identification of the entry and exit points for vehicles.
 - iv. Measures to be taken to assure adequate separation between the outdoor sales area, parking areas and pedestrian circulation.
 - v. Proposed dates and hours of operation.
 - vi. Identification of any signage or any display intended to call attention to the use.
- d. After receiving and evaluating a complete application, the Zoning Administrator shall approve the temporary use permit, shall deny it, or approve it with conditions. If the application for the permit is denied, the Administrator shall state the reasons for the denial in writing.
- e. In determining whether to approve an application for the temporary use permit, the Zoning Administrator shall consider the following:
 - i. Whether there is sufficient parking to serve the temporary outdoor seasonal sales or special sales event, in addition to parking requirements for existing buildings and structures.
 - ii. Whether the outdoor sales would be harmonious and generally compatible with adjacent and nearby land uses.
 - iii. Whether the outdoor sales area, parking and pedestrian access, and other aspects of the use will be established, arranged and operated in an orderly and safe manner, such as to avoid conflicts with motor vehicles and pedestrian circulation on or near the site of the outdoor sales.
 - iv. Whether the use would result in serious adverse affects on adjacent or nearby land uses, by reason of excessive sound, outdoor lighting, smoke, fumes or other adverse effects.

- v. Whether the use would interfere with or discourage the orderly development and use of adjacent and nearby commercial buildings, and other lands and approved uses.
 - vi. Other considerations as to the reasonable establishment and operation of the proposed use.
- f. The temporary use permit may include terms and conditions, which may include the following:
- i. A requirement that the sales area for seasonal outdoor sales be located at the side or rear of the building to the extent feasible, and comply with setbacks applicable to a building in the district.
 - ii. Limitations on the days and hours of operation.
 - iii. Limitation or prohibition of amplified recorded music or other sound amplification in connection with the outdoor sales.
 - iv. Limitation or prohibition of additional outdoor lighting.
 - v. In the case of seasonal outdoor sales, no additional signage shall be permitted on the property or elsewhere for or as a result of the outdoor sales; provided, however, that for a special sales event, additional signage may be approved up to the extent that would be available for a permitted business use in the zone district, except that portable or temporary signs may be permitted.
 - vi. Measures to be taken to avoid conflicts with motor vehicle and pedestrian circulation and other safety measures, if necessary.
 - vii. Measures to be taken for the control and removal of trash and debris, and for storage of display racks, tables and other sales equipment and materials during periods when the outdoor sales are not occurring.
 - viii. Measures to be taken to avoid other serious adverse affects on adjacent or nearby lands, by reason of excessive noise or other affects.
 - ix. Other terms and conditions, to carry out the intent of this section and the Zoning Ordinance.
4. **Duration; Renewal.** A temporary use permit for seasonal outdoor sales or up to two identified special sales events shall be for a duration of not longer than one year, and may be renewed for subsequent periods of one year or less, if approved by the Zoning Administrator. An applicant seeking renewal shall submit an application for

the renewal of a previously-approved temporary use permit. The renewal may be for a duration of up to one year.

- a. In considering whether to approve the application for renewal, the Zoning Administrator shall consider whether and to what extent the applicant has complied with the previous permit, whether complaints have been received by the Township as to operations under the previous permit and other factors bearing on whether the permit should be renewed.
 - b. A renewal may be denied or limited if, based on previous performance, the Administrator determines that serious adverse effects would result if the use continues under a renewed permit.
 - c. In approving a renewal, the Administrator may impose the same conditions as approved previously, or revised or additional conditions, or any of them.
5. **Planned Unit Development.** A temporary use permit may be granted and may be renewed by the Zoning Administrator for outdoor sales in a planned unit development in accordance with the terms of this section; no amendment of the Planned Unit Development Ordinance shall be required, nor shall the issuance of the permit be deemed a major or minor amendment in the planned unit development, except that the approved outdoor sales shall be deemed permitted in the planned unit development, to the extent and according to the terms approved by the Administrator.
6. **Referral to Planning Commission.** The Zoning Administrator may refer to the Planning Commission or to the Site Plan Review Committee an original or renewal application for the temporary use permit, for consideration and decision by the Commission. In such a case, the application shall be approved, denied or approved with conditions by the Planning Commission or by the Site Plan Review Committee at a public meeting, but a public hearing or special public notice shall not be required. In the consideration and decision of such an application, the Planning Commission or the Site Plan Review Committee shall consider the criteria stated in subsection 3 of this Section 4.24.
7. **Multi-Tenant Buildings.** The provisions of this Section 4.24 shall be available only for a tenant space which has at least 50 feet of linear frontage, or frontage of such lesser distance as may be permitted by the Zoning Administrator, and such provisions shall be applied separately to each tenant space having such minimum or otherwise approved frontage.
8. **Outdoor Dining.** Outdoor dining shall be regulated by provisions made in this ordinance for patio/al fresco dining.

Section 4.25. Marihuana Establishments Prohibited.

1. The establishment and/or operation of any and all marihuana establishments, as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, is completely prohibited in all zoning districts, irrespective of any means of approval, whether by special land use, variance or otherwise. This prohibition includes, but is not limited to, the following marihuana establishments:
 - a. Marihuana grower.
 - b. Marihuana safety compliance facility.
 - c. Marihuana processor.
 - d. Marihuana microbusiness.
 - e. Marihuana retailer.
 - f. Marihuana secure transporter.
 - g. Any other marihuana-related business that is subject to licensing by the State Department of Licensing and Regulatory Affairs under Michigan Initiated Law 1 of 2018 or the Rules promulgated thereunder.
2. This Section does not limit any rights, privileges, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008.
3. This Section does not restrict or prohibit the lawful transportation of marihuana through or within the Township by a marihuana secure transporter who is licensed to operate in another municipality.

CHAPTER 6
SR SUBURBAN RESIDENTIAL DISTRICT

Section 6.1. Description and Purpose. The SR Suburban Residential District is intended to provide primarily for low density residential uses, consisting of single family, detached dwellings and permitted accessory uses. It is expected that many of the lands included in the district will be served by a public sanitary sewer system and a public water supply system. Certain non-residential uses, including churches and other houses of worship, and public and private schools, may be permitted if approved by the Planning Commission as special land uses.

Section 6.2. Permitted Uses. Land, buildings and structures in the SR District shall be used only for the purposes stated in Table 6.2, as follows:

Table 6.2 Permitted Uses	
Permitted Land Use	Regulation or Exception
1. Single-family detached dwellings	
2. Farms and farm operations	Including general and specialized farming, to be conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture; minimum parcel size, 10 acres
3. Greenhouses, plant nurseries, orchards, vineyards and similar uses	Permitted only as a part of a farm operation; minimum parcel size, 10 acres
4. Adult day care homes	No more than six residents; must be state-licensed
5. Adult foster care family homes	No more than six residents; must be state-licensed
6. Family child care homes	No more than six minor children, for less than 24 hours per day; must be state-licensed

Section 6.3. Special Land Uses. The special land uses specified in Table 6.3 may be permitted if approved by the Planning Commission under Chapter 24.

Table 6.3 Special Land Uses	
Special Land Use	Regulation or Exception
1. Churches and other places of worship	All buildings must be set back at least 50 feet from property lines.
2. Publicly-owned athletic grounds; athletic grounds owned by non-profit entities	May not be operated as commercial enterprises; maximum parcel area, 10 acres. All buildings must be set back at least 50 feet from property lines.
3. Parochial and private non-profit schools; public and private colleges and universities	Such schools may not be operated as commercial enterprises.

4.	Private and public parks	Minimum parcel area, 5 acres; all buildings must be set back at least 25 feet from property lines.
5.	Commercial landscaping	Retail and wholesale sales not permitted unless approved by Planning Commission; if permitted, may be only minor and incidental sales.
6.	Adult foster care small group home	For 7-12 residents only; must be State-licensed
7.	Group child care home	For 7-12 minor children; must be State-licensed
8.	Homes for the elderly or retired	Only on a parcel of at least 10 acres
9.	Public libraries, museums and art galleries	
10.	Hospitals; out-patient medical facilities	
11.	Cemeteries, crematories	
12.	Country clubs and golf courses	
13.	Essential services buildings	
14.	Wireless communication facilities	Including antennas and towers, not exceeding 35 feet in height
15.	Removal and processing of sand, gravel and other mineral resources	
16.	Major regional cultural facilities	Including botanical gardens, arboretums, public or semi-public zoos, nature preserves
17.	Farm markets	Only on a farm property of at least 25 acres

Section 6.4. Other Land Uses. The other land uses stated in Table 6.4 may be permitted as follows:

Table 6.4 Other Land Uses	
Land Use	Regulatory Section of Ordinance
1. Accessory buildings and uses	Sections 4.16 and 4.16A
2. Home occupations	Section 4.17
3. Outdoor lighting	Section 4.22
4. Landscaping	Chapter 29
5. Signs	Chapter 30
6. Fences, walls and screens	Section 4.5
7. Private roads	Chapter 27
8. Off-street motor vehicle parking	Chapter 28
9. Recreation vehicle parking	Section 4.18
10. Site condominiums	Chapter 25
11. Mobile homes	Section 4.8
12. Wireless communication facilities	Section 4.14.2 (height no more than 35 feet)
13. Nonconforming buildings and uses	Chapter 32

Section 6.5. Lot Area, Lot Width and Building Setback Requirements.

Table 6.5.1 Parcel Served by Approved Private Well and Septic Tank		
Minimum required lot area		18,000 square feet
Minimum required lot width		100 feet measured at the minimum required front yard setback line
Minimum required building setbacks		
	Front yard	35 feet. See Table 6.5.6
	Side yards	Two side yards totaling 18 feet, the smallest must be at least seven feet
	Rear yard	50 feet

Table 6.5.2 Parcel Served by Either Public/Community Water System or Public/Community Sewage Disposal System, but not Both		
Minimum required lot area		12,000 square feet
Minimum required lot width		85 feet measured at the minimum required front yard setback
Minimum required building setbacks		
	Front yard	35 feet. See Table 6.5.6
	Side yards	Two side yards totaling 18 feet, the smallest must be at least seven feet
	Rear yard	40 feet

Table 6.5.3 Parcel Served by Both Public/Community Water System and Public/Community Sewage Disposal System		
Minimum required lot area		10,200 square feet
Minimum required lot width		85 feet measured at the minimum required front yard setback line; provided, however that the provisions of Section 4.3 shall apply to certain existing lots or parcels
Minimum required building setbacks		
	Front yard	35 feet. See Table 6.5.6
	Side yards	Two side yards totaling 18 feet, the smallest must be at least seven feet
	Rear yard	25 feet

Table 6.5.4 Yard Regulations; Maximum Building Height		
1.	Front, rear and side yards	Must be maintained across entire width and length of parcel except for permitted accessory buildings; yards may not be used for storage of materials, rubbish, debris or dismantled or unused vehicles or machinery or parts thereof
2.	Maximum building height	35 feet

Table 6.5.5 Minimum Floor Area of Dwelling

1.	Single story dwelling with full basement	960 square feet on first floor
2.	Two-story dwelling with full basement	650 square feet on first floor above grade; 1,200 square feet in total above grade
3.	All other dwellings	1,200 square feet of total living area

Table 6.5.6 Exception to Required Minimum Front Yard Building Setback

Required minimum front yard building setback as stated in Tables 6.5.1, 6.5.2 and 6.5.3	Exception: If all dwellings located within 200 feet on either side of a proposed dwelling have front-yard building setbacks that are less than 35 feet, than the required minimum front yard building setback of a proposed dwelling may be the same as the average of the actual setbacks of the existing dwellings within the above-stated distance, but no such altered minimum front yard building setback shall be less than 20 feet.
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Section 6.6. Other Regulations.**Table 6.6 Other Regulations**

Land Use	Regulatory Provision in Ordinance
1. Existing parcels	Section 4.3
2. Infill development	Section 4.4
3. Height exceptions	Section 4.6
4. Dwellings outside manufactured home parks	Section 4.13
5. Minimum street frontage	Section 4.19
6. Corner lots	Section 4.20
7. Parking of unlicensed or commercial vehicles	Section 4.18

**CHAPTER 7
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

Section 7.1. Description and Purpose. This district is intended primarily for single family dwellings. Certain agricultural activities are also permitted.

Section 7.2. Permitted Uses. Land, buildings and structures in the R-1 District shall be used only for the purposes stated in Table 7.2, as follows:

Table 7.2 Permitted Uses	
Permitted Land Use	Regulation or Exception
1. Single-family detached dwellings	
2. Farms and farm operations	Including general and specialized farming, to be conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture; minimum parcel size, 10 acres
3. Greenhouses, plant nurseries, orchards, vineyards and similar uses	Permitted only as a part of a farm operation; minimum parcel size, 10 acres
4. Adult day care homes	No more than six residents; must be state-licensed
5. Adult foster care family homes	No more than six residents; must be state-licensed
6. Family child care homes	No more than six minor children, for less than 24 hours per day; must be state-licensed

Section 7.3. Special Land Uses. The special land uses specified in Table 7.3 may be permitted if approved by the Planning Commission under Chapter 24.

Table 7.3 Special Land Uses	
Special Land Use	Regulation or Exception
1. Churches and other places of worship	All buildings must be set back at least 50 feet from property lines.
2. Publicly-owned athletic grounds; athletic grounds owned by non-profit entities	May not be operated as commercial enterprises; maximum parcel area, 10 acres. All buildings must be set back at least 50 feet from property lines.
3. Parochial and private non-profit schools; public and private colleges and universities	Such schools may not be operated as commercial enterprises.
4. Private and public parks	Minimum parcel area, 5 acres; all buildings must be set back at least 25 feet from property lines.
5. Commercial landscaping	Retail and wholesale sales not permitted unless approved by Planning Commission; if permitted, may be only minor and incidental sales.

6.	Adult foster care small group home	For 7-12 residents only; must be state-licensed
7.	Homes for the elderly or retired	Only on a parcel of at least 10 acres
8.	Public libraries, museums and art galleries	
9.	Hospitals; out-patient medical facilities	
10.	Cemeteries, crematories	
11.	Country clubs and golf courses	
12.	Essential services buildings	
13.	Wireless communication facilities	Including antennas and towers, not exceeding 35 feet in height
14.	Removal and processing of sand, gravel and other mineral resources	
15.	Major regional cultural facilities	Including botanical gardens, arboretums, public or semi-public zoos, nature preserves

Section 7.4. Other Uses. The other land uses stated in Table 7.4 may be permitted as follows:

Table 7.4 Other Land Uses

Land Use	Regulatory Section of Ordinance
1. Accessory buildings and uses	Sections 4.16 and 4.16A
2. Home occupations	Section 4.17
3. Outdoor lighting	Section 4.22
4. Landscaping	Chapter 29
5. Signs	Chapter 30
6. Fences, walls and screens	Section 4.5
7. Private roads	Chapter 27
8. Off-street motor vehicle parking	Chapter 28
9. Recreation vehicle parking	Section 4.18
10. Site condominiums	Chapter 25
11. Mobile homes	Section 4.8
12. Wireless communication facilities	Section 4.14.2 (height no more than 35 feet)
13. Nonconforming buildings and uses	Chapter 32

Section 7.5. Lot Area, Lot Width and Building Setbacks.

Table 7.5.1 Parcel Served by Approved Private Well and Septic Tank

Minimum required lot area	18,000 square feet
Minimum required lot width	100 feet measured at the minimum required front yard setback line
Minimum required building setbacks	
Front yard	35 feet. See Table 7.5.7
Side yards	Two side yards totaling 18 feet, the smallest must be at least seven feet
Rear yard	50 feet

Table 7.5.2 Parcel Served by Either Public/Community Water System or Public/Community Sewage Disposal System, but not Both

Minimum required lot area		12,000 square feet
Minimum required lot width		80 feet measured at the minimum required front yard setback
Minimum required building setbacks		
	Front yard	35 feet. See Table 7.5.7
	Side yards	Two side yards totaling 18 feet, the smallest must be at least seven feet
	Rear yard	40 feet

Table 7.5.3 Parcel Served by Both Public/Community Water System and Public/Community Sewage Disposal System

Minimum required lot area		8,400 square feet
Minimum required lot width		70 feet measured at the minimum required front yard setback line
Minimum required building setbacks		
	Front yard	35 feet. See Table 7.5.7
	Side yards	Two side yards totaling 18 feet, the smallest must be at least seven feet
	Rear yard	25 feet

Table 7.5.4 Yard Regulations; Maximum Building Height

1.	Front, rear and side yards	Must be maintained across entire width and length of parcel except for permitted accessory buildings; yards may not be used for storage of materials, rubbish, debris or dismantled or unused vehicles or machinery or parts thereof
2.	Maximum building height	35 feet

Table 7.5.5 Minimum Floor Area of Dwelling

1.	Single story dwelling with full basement	960 square feet on first floor
2.	Two-story dwelling with full basement	650 square feet on first floor above grade; 1,200 square feet in total above grade
3.	All other dwellings	1,200 square feet of total living area

Table 7.5.6 Other Regulations

Land Use		Regulatory Provision in Ordinance
1.	Existing parcels	Section 4.3
2.	Infill development	Section 4.4
3.	Height exceptions	Section 4.6
4.	Dwellings outside manufactured home parks	Section 4.13
5.	Minimum street frontage	Section 4.19

6.	Corner lots	Section 4.20
7.	Parking of unlicensed or commercial vehicles	Section 4.18

Table 7.5.7 Exception to Required Minimum Front Yard Building Setback

Required minimum front yard building setback as stated in Tables 7.5.1, 7.5.2 and 7.5.3	Exception: If all dwellings located within 200 feet on either side of a proposed dwelling have front-yard building setbacks that are less than 35 feet, then the required minimum front yard building setback of a proposed dwelling may be the same as the average of the actual setbacks of the existing dwellings within the above-stated distance, but no such altered required minimum front yard building setback shall be less than 20 feet.
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CHAPTER 9
“R-3” MANUFACTURED HOUSING COMMUNITY (MHC) DISTRICT

Section 9.1. Description and Purpose. The Manufactured Housing Community District is established to provide for higher density single family detached, residential dwelling units. This district allows the provision of a diversified and affordable housing type within the Township. Through the Manufactured Housing Community District, manufactured homes are intended to serve as an alternative housing type to other forms of residential development.

In recognition of the need for well located and properly developed areas to accommodate manufactured housing communities, regulations are hereby prescribed for such use with appropriate construction and site development standards.

The regulations established by state law, Michigan Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission rules, and the provisions of this district shall govern all manufactured housing communities in the Township. Regulations of this district are intended to insure that manufactured housing communities meet the development standards established by this Ordinance and to promote the health, safety, and welfare of the Townships residents.

Section 9.2. Permitted Uses. No building or part of a building in this district shall hereafter be used, erected, altered or converted, or land used, in whole or in part, except as follows:

1. State-licensed manufactured housing communities, as regulated by Sections 9.4 and 9.5 of this Ordinance.
2. Manufactured homes within a state-licensed manufactured housing community, as regulated by Sections 9.4 and 9.5 of this Ordinance.
3. Uses that are customarily incidental to a manufactured housing community, including:
 - a. Recreational facilities for use of manufactured housing community residents.
 - b. Solid waste collection and storage facilities for the manufactured housing community.
 - c. Laundry and restroom facilities.
 - d. Open space and recreational uses.
 - e. Meeting rooms, group kitchen and food service facilities when designed solely for the use of residents of the manufactured housing community.
 - f. Office, maintenance and storage buildings when designed solely for the operation and maintenance of the manufactured housing community.
 - g. Temporary buildings or trailer offices, but only when incidental to construction of a manufactured housing community.

Section 9.3. Authorized Special Land Use. The use of land and structures listed in this section may be permitted as special land uses within the R-3 District if approved by the Planning Commission as provided under the procedures of Chapter 24 and subject to all general and specific standards, applicable to the use stated therein:

1. Storage warehouses for use by residents of a manufactured housing community which are accessible by means of the internal roads of a manufactured housing community.

Section 9.4. Manufactured Housing Community Design Requirements. All manufactured housing communities shall comply with the following design requirements:

1. **Access and Roads.**

- a. The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
- b. Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
- c. All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials ("AASHTO").
- d. An internal road that has no exit at one end shall terminate in a cul-de-sac with a minimum turning radius of 50 feet of traveled street surface. Parking shall not be permitted within the turning area. Maximum cul-de-sac length shall be 750 feet, unless fire hydrants are installed in the community at a maximum spacing of 500 feet, in which case the maximum cul-de-sac street length shall be 1,300 feet.
- e. A safe site distance of 250 feet shall be provided at all intersections.
- f. Offsets at intersections or intersections of more than two internal roads are prohibited.
- g. All internal roads shall be two-way and shall have driving surfaces that are not less than the following widths:
 - i. Two-way, no parking 21 feet
 - ii. Two-way, parallel parking, one side 31 feet
 - iii. Two-way, parallel parking, two sides 41 feet

- h. All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as follows:
 - i. All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
 - ii. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
 - iii. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority having jurisdiction. The intersection of the public road and ingress and egress road shall not have squared corners.
- i. An orderly street-name system and unit-addressing system shall be established by the community owner and the plan of such system shall be subject to the approval of the Township Fire Department. Manufactured home address numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.
- j. Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.
- k. School bus stops, if provided, shall be located in an area that is approved by the school district.

2. **Driveways.**

- a. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
- b. The minimum width of driveways shall be ten feet. The entrance to the driveway shall have such flare or radii and horizontal alignment as will provide safe and convenient ingress and egress.

3. **Resident Vehicle Parking.**

- a. All home sites shall be provided with two parking spaces.

- b. If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
 - i. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
 - ii. The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 20 feet and the length shall be not less than 20 feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk.
- c. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of ten feet and a clear length of 20 feet.
- d. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

4. Visitor Parking Facilities.

- a. A minimum of one parking space for every three home sites shall be provided for visitor parking.
- b. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
- c. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

5. Sidewalks.

- a. Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.

- b. All common sidewalks shall be constructed in compliance with all of the following requirements:
 - i. Sidewalks shall have a minimum width of four feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 *et seq.* of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.
 - ii. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
- c. An individual sidewalk with a minimum width of three feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

6. **Lighting.**

a. **Minimum Illumination Standards.**

- i. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
- ii. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candles.
- iii. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candles.

b. **Outdoor Lighting Regulations and Maximum Illumination.**

- i. All outdoor light fixtures shall be shielded with I.E.S. full cut-off fixtures.
- ii. All outdoor light fixtures shall be installed and placed to ensure that light does not spill onto adjacent properties or roadways above an illumination level of 0.1 foot-candle and does not produce an unacceptable glare.
- iii. Outdoor light fixtures shall not exceed a height of 30 feet above the ground, directly below the fixture.
- iv. An outdoor light fixture shall not have a light source which is greater than 400 watts.

7. **Utilities.**

- a. All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, the meters shall be located in a uniform manner on the housing sites.
- b. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Following approval by the Michigan Department of Environmental Quality, the approved plans for the community water system shall be submitted to the Township Engineer, for informational purposes only; provided, however, that if the community water system is connected to the Township water system, the means and method of connection shall be subject to prior review and approval by the Township Engineer.
- c. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.
- d. All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards. Following approval by the Michigan Department of Environmental Quality, the approved plans for the community sanitary sewage system shall be submitted to the Township Engineer, for informational purposes only; provided, however, that if the community sanitary sewage system is connected to the Township sanitary sewage system, the means and method of connection shall be subject to prior review and approval by the Township Engineer.
- e. All storm water drainage systems shall be constructed in accordance Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Kent County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

8. **Site Size, Spacing and Setback Requirements.**

a. **Home Site Area.** The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by 20 percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 9.4.10 of this Ordinance.

b. **Required Distances Between Homes and Other Structures.**

i. Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

(a) For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.

(b) For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.

(c) Seven feet from the parking space on an adjacent home site; and ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.

(d) Fifty feet from permanent community-owned structures, such as either of the following:

(1) Club houses.

(2) Maintenance and storage facilities.

(e) One hundred feet from a baseball or softball field, or other recreational field.

(f) Twenty-five feet from the fence of a swimming pool.

- ii. Attached or detached structures or accessories that may not be used for living purposes for the entire year shall be a minimum of ten feet from an adjacent home or its adjacent attached or detached structures.
- iii. A home, including an accessory, shall be set back all of the following minimum distances, where applicable:
 - (a) Seven feet from the edge of the back of the curb or the edge of an internal road paving surface.
 - (b) Seven feet from a parking space on an adjacent homesite or parking bay off a home site.
 - (c) Seven feet from a common sidewalk.
 - (d) Twenty-five feet from a natural or man-made lake or waterway.
- iv. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
 - (a) Support pillars that are installed adjacent to the edge of an internal road shall be set back four feet or more from the closest edge of the internal road and two feet or more from the closest edge of a common sidewalk.
 - (b) Roof overhangs shall be set back four feet or more from the edge of the internal road.

c. Setbacks From Property Boundary Lines.

- i. Homes, permanent buildings and facilities, and other structures (except as noted below) shall not be located closer than 25 feet from the property boundary line of the community.
- ii. Club houses, maintenance and storage facilities, and pools and their related amenities (including fencing of maintenance and storage facilities) shall not be located closer than 50 feet from the boundary lines of an adjoining property that is zoned or used for residential purposes. Athletic fields shall not be located closer than 100 feet from the boundary lines of an adjoining property that is zoned or used for residential purposes.
- iii. If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the

center of the public road, then the 50 feet shall be measured from the road right-of-way line.

9. **Screening/Landscaping.** Manufactured housing communities shall be landscaped as follows:
- a. If a manufactured housing community abuts an existing residential use, the community shall be required to provide landscape screening along the boundary abutting the residential use.
 - b. If the community abuts a non-residential development, it need not provide screening.
 - c. In all cases, however, a community shall provide landscape screening along the boundary abutting a public right-of-way.
 - d. The landscaping shall consist of evergreen trees and/or shrubs at least three feet in height at planting which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
 - e. Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.
 - f. All grass and shrubbery within a manufactured housing community shall be kept mowed and maintained in a neat and attractive manner. Any dead, diseased or damaged plant or grass materials within the common areas of a community shall be replaced with comparable plantings within six months.
10. **Open Space Requirements.** Manufactured housing communities shall provide open space in accordance with the following requirements:
- a. A community that contains 50 or more home sites shall not have less than 2 percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreational uses.
 - b. Community recreation uses within the required open space may include, but are not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
 - c. Required setbacks may not be used in the calculation of open space area.

11. **Site-Constructed Buildings and Dwellings.**
- a. Site-constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of application for a building permit.
 - b. The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
 - c. Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single family residential purposes.
 - d. Site-built single family dwellings may be located in a community as follows:
 - i. One single family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
 - ii. Two single family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
 - iii. Any such single family dwellings permitted under this section shall comply in all respects with the height regulations and minimum floor requirements of the R-1 Single Family Residential District.
12. **Signs.** There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16 square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.
13. **RV Storage.** If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately locked, fenced, permanently buffered and surfaced in accordance with Rule R125.1922(1).
14. **Minimum Community Area.** A manufactured housing community shall not be located on a parcel of land less than 15 acres in size.

15. **Compliance with Regulations.** The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

Section 9.5. Manufactured Homes Within Manufactured Housing Communities; Operation of Communities.

1. **Home Size.** Manufactured homes within a community shall not contain less than 890 square feet, as measured by the outside dimensions, nor have an outside width of less than 13 feet.
2. **Installation.** The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
3. Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
 - a. All skirting shall be installed prior to the issuance of a certificate of occupancy, and shall be installed within 60 days following the placement of the home on the home site, unless weather does not permit compliance with this schedule. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 30 days after weather permits proper installation.
 - b. Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
 - c. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

4. **Storage of Personal Property.**

- a. Except as otherwise noted in this Ordinance, no personal property, including unattached tires, shall be stored outside or under any mobile home, or within carports which are open on any side. This provision does not preclude the normal seasonal outside placement and use of personal property such as, but not limited to, children's play equipment, patio furniture, bikes and similar items.
 - b. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
 - c. Storage sheds with a maximum area of 144 square feet may be placed upon any individual mobile home site for the storage of personal property. Storage sheds shall be constructed with durable, weather- and rust-resistant materials, and shall be maintained so as to reasonably maintain their original appearance and so as to be free from mechanical and structural defects.
5. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
6. A manufactured home shall be used only as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.
7. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.
8. New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.
9. The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community. Streets shall be maintained in reasonable repair so that they are reasonably safe and convenient for vehicular travel. The owner or operator shall also be responsible for picking up trash and garbage within the confines of the community.
- a. Where community dumpsters are provided, they shall be set back not less than 50 feet from the boundary line of the community.

- b. The owner and operator of the community shall be responsible for ensuring that all community garbage dumpsters do not overflow and that they do not create offensive odors at community home sites or on adjacent properties.
10. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.
11. Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
12. Each home site shall have approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials, and that garbage collection areas do not create offensive odors on community home sites or on adjacent properties.
13. Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.
14. If mailbox clusters are used in lieu of individual mail boxes on individual sites, the clusters shall be located a minimum of 200 feet from any intersection of an interior community road and a public right-of-way, or as otherwise approved by the local post office providing mail service in the community.

Section 9.6. Review and Approval of Preliminary Manufactured Housing Community Plans.

1. **Review.** Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval, showing compliance with all requirements of the R-3 District.
2. **Application.** All plans submitted to the Planning Commission for review under this section shall contain the following information:
 - a. The date, north arrow and scale. The scale shall not be less than 1"=50' for property under three acres and at least 1"=100' for those three acres or more.
 - b. All site and/or property lines are to be shown in dimension.

- c. The location and height of all existing and proposed structures on and within the subject property, and existing within one hundred feet of the subject property.
- d. The location and typical dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
- e. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
- f. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.
- g. The name and address of the property owner and developer.
- h. The location of all community rubbish receptacles and landscaping and the location, height, and type of fences and walls.
- i. Location of all fire hydrants, if applicable.
- j. The number of manufactured housing sites proposed.
- k. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.
- l. Utility and other easements.
- m. Existing wetlands.
- n. Proposed sign locations.
- o. Demonstration that all required setbacks and separation distances will be met.

Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

3. **Fee.** Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.

4. **Decision.**

- a. The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in

Sections 9.4 and 9.5 of this Ordinance, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the ordinance and regulations, it shall be approved.

- b. The plan shall be approved, approved with conditions, or denied within 60 days after received by the Township, unless the applicant consents to allow a longer period of review. The 60-day review period, or other review period of alternate duration consented to by the applicant, shall not commence, in any case, until the lands for which the plan have been submitted have been zoned in the R-3 District.

CHAPTER 10
C-2 SUBURBAN OFFICE DISTRICT

Section 10.1. Description and Purpose. This district recognizes existing office developments at various locations in the Township and is intended to serve as a transitional area along major roadways and at major intersections to buffer adjacent residential land uses. It is also to serve as a useful and reasonable alternative to intensive retail and service uses particularly at the major intersections.

Section 10.2. Permitted Uses. Land, buildings and structures in the C-2 District shall be used only for the purposes stated in Table 10.2, as follows:

Table 10.2 Permitted Uses	
Permitted Land Use	Regulation or Exception
1. Professional offices of doctors, dentists, lawyers, accountants, realtors, architects, engineers, financial consultants and other professionals	Offices of doctors and other healthcare professionals may also include incidental sales of medical or dental aids
2. Executive and administrative offices	
3. Offices of local, state, federal, school district and other governmental offices and agencies	
4. Banks and other financial institutions	Such uses may be with or without drive-through facilities
5. Medical and dental laboratories	
6. Churches and other places of religious assembly	
7. Funeral homes or mortuaries	Not including residential living quarters
8. Professional studios for art, music, dance, photography and similar cultural use	
9. Travel agencies	
10. Cafeterias, coffee shops, sandwich shops in multi-tenant office buildings	Must be clearly incidental and oriented toward serving employees, clients or guests of building tenants; full-service restaurants are not permitted
11. Print and copy shops and fitness centers in multi-tenant office buildings	Must be clearly incidental and oriented toward serving building tenants
12. Any other principal use determined by the Planning Commission to be similar in character to the above listed uses	

Section 10.3. Special Land Uses. The special land uses specified in Table 10.3 may be permitted if approved by the Planning Commission under Chapter 24.

Table 10.3 Special Land Uses	
Special Land Use	Regulation or Exception
1. Patio/al fresco dining facilities	
2. Cemeteries and crematories	Must be state-licensed
3. Hospitals; out-patient medical facilities	
4. Homes for the elderly or retired	Only on a parcel of at least 10 acres
5. Child day care centers	Must be state-licensed
6. Adult day care centers	Must be state-licensed
7. Public libraries; public museums	
8. Essential services buildings	
9. Colleges and universities	
10. Parks, athletic grounds and athletic facilities	In addition to required principal building setbacks, all buildings must be at least 50 feet away from any property line
11. Wireless communications facilities	Including antennas and towers exceeding 35 feet in height; also including associated transmitters and equipment shelters

Section 10.4. Other Land Uses. The other land uses stated in Table 10.4 may be permitted as follows:

Table 10.4 Other Land Uses	
Land Use	Regulatory Provision of Ordinance
1. Accessory buildings and uses	Sections 4.16 and 4.16A
2. Outdoor lighting	Section 4.22
3. Landscaping	Chapter 29
4. Signs	Chapter 30
5. Fences, walls and screens	Section 4.5
6. Private roads	Chapter 27
7. Off-street motor vehicle parking	Chapter 28
8. Wireless communication facilities	Section 4.14.2 (height no more than 35 feet)
9. Patio/al fresco dining temporary use	Section 4.23
10. Outdoor displays and sales	Section 4.24
11. Nonconforming buildings and uses	Chapter 32

Section 10.5. Minimum Yard and Maximum Height Requirements.

Table 10.5 Minimum Yard and Maximum Height Requirements	
1. Front yard	100 feet
2. Side yards	Each side yard 30 feet, except that the side yard next to a street on a corner lot shall be the same as the required front yard.
3. Rear yard	50 feet, except the rear yard shall be 75 feet if adjacent to any residential zone or residential use.
4. Building height	35 feet

Section 10.6. Other Regulations.

Table 10.6 Other Regulations	
Land Use	Regulatory Provision in Ordinance; Exception
1. All business, service or processing shall be conducted wholly within a completely enclosed building, unless authorized as a special land use.	Except patio/al fresco dining approved by the zoning administrator under Section 4.23 or outdoor sales permitted under Section 4.24.
2. Height exceptions	Section 4.6
3. Minimum street frontage	Section 4.19
4. Corner lots	Section 4.20
5. Existing parcels	Section 4.3
6. Marihuana establishments are prohibited	Section 4.25

CHAPTER 11
C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

Section 11.1. Description and Purpose. The C-1 Neighborhood Commercial District is intended to serve the convenience shopping needs of Township residents and to a lesser extent the needs of through vehicular traffic. Commercial uses that generate higher traffic volumes and/or that are intended to attract regional customers are not encouraged to locate within this zoning district.

Section 11.2. Permitted Uses. Land, buildings and structures in the C-1 District shall be used only for the purposes stated in Table 11.2, as follows:

Table 11.2 Permitted Uses	
Permitted Land Use	Regulation or Exception
1. Restaurants, cafes, delicatessens	Excluding drive-in or drive-through facilities
2. Food catering establishments	
3. Motor vehicle service stations	Including incidental repair services and car washing; all work to be wholly within a completely enclosed building
4. Enclosed car washes	May be automatically or manually operated
5. Food and grocery stores	Including bakeries, butcher shops, fruit and vegetable markets, confectionary stores and the like
6. Clothing stores	
7. Convenience stores; miscellaneous retail shops	Not including pawn shops
8. Flower shops	May be with or without greenhouses
9. Drug stores and pharmacies	May be with or without drive-through facilities
10. Hardware stores	Including sales of paint, glass, wallpaper and similar products
11. Business services	Including advertising, credit reporting, direct mail, photocopying, graphic design, building maintenance, employment, data processing, parcel-delivery and similar services
12. Beauty and barber shops, travel agencies, fitness centers, shoe-repair shops, and the like	
13. Funeral homes or mortuaries	Not including residential living quarters
14. Laundry and dry cleaning	Including pick-up and drop-off facilities
15. Dance, art, music and other professional studios	
16. Animal hospitals, veterinary clinics	Including boarding, but all animal runs must be totally enclosed unless otherwise permitted as a special land use
17. Banks and other financial institutions	With or without drive-through facilities

18.	Professional offices of doctors, dentists, lawyers, accountants, realtors, engineers and other professionals	Including incidental sales of medical or dental aids
19.	Corporate, executive, administrative or sales offices	
20.	Municipal, state or other governmental agencies	
21.	Medical and dental laboratories	
22.	Churches and other places of religious assembly	
23.	Other land uses designed to primarily serve residents of the surrounding area and determined by the Planning Commission to be similar in character to the above-listed uses	

Section 11.3. Special Land Uses. The special land uses specified in Table 11.3 may be permitted if approved by the Planning Commission under Chapter 24.

Table 11.3 Special Land Uses		
	Special Land Use	Regulation or Exception
1.	Patio/al fresco dining facilities	
2.	Cemeteries and crematories	Must be state-licensed
3.	Hospitals; out-patient medical facilities	
4.	Homes for the elderly or retired	Only on a parcel of at least 10 acres
5.	Public libraries and public museums	
6.	Country clubs and golf courses	
7.	Essential services buildings	
8.	Colleges and universities	
9.	Parks, athletic grounds and athletic facilities	In addition to required principal building setbacks, all buildings must be at least 50 feet away from any property line
10.	Child day care centers	Must be state-licensed
11.	Adult day care centers	Must be state-licensed

Section 11.4. Other Land Uses. The other land uses stated in Table 11.4 may be permitted as follows:

Table 11.4 Other Land Uses		
	Land Use	Regulatory Provision of Ordinance
1.	Accessory buildings and uses	Section 4.16 and 4.16A
2.	Outdoor lighting	Section 4.22
3.	Landscaping	Chapter 29
4.	Signs	Chapter 30
5.	Fences, walls and screens	Section 4.5

6.	Private roads	Chapter 27
7.	Off-street motor vehicle parking	Chapter 28
8.	Wireless communication facilities	Section 4.14.2 (height no more than 35 feet)
9.	Patio/al fresco dining temporary use	Section 4.23
10.	Outdoor displays and sales	Section 4.24
11.	Nonconforming buildings and uses	Chapter 32

Section 11.5. Minimum Yard and Maximum Height Requirements.

Table 11.5 Minimum Yard and Maximum Height Requirements		
1.	Front yards	50 feet
2.	Side yard	10 feet for each side yard, unless a commercial building directly abuts another commercial building
3.	Rear yard	25 feet
4.	Building height	35 feet

Section 11.6. Other Regulations.

Table 11.6 Other Regulations		
	Land Use	Regulatory Provision in Ordinance; Exception
1.	All business, service or processing shall be conducted wholly within a completely enclosed building, unless authorized as a special land use.	Except patio/al fresco dining approved by the zoning administrator under Section 4.23
2.	Height exceptions	Section 4.6
3.	Minimum street frontage	Section 4.19
4.	Corner lots	Section 4.20
5.	Existing parcels	Section 4.3
6.	Marihuana establishments are prohibited	Section 4.25

CHAPTER 12
C GENERAL COMMERCIAL DISTRICT

Section 12.1. Description and Purpose. This district is established to provide areas in which the principal uses of the land are devoted to high activity businesses serving the day-to-day needs of the larger community and highway-oriented markets. This district allows a wide range of service and retail uses.

Section 12.2. Permitted Uses. Land, buildings and structures in the C District shall be used only for the purposes stated in Table 12.2 as follows:

Table 12.2 Permitted Uses	
Permitted Land Use	Regulation or Exception
1. Hotels and motels	
2. Restaurants, cafes and delicatessens	With or without drive-in or drive-through service
3. Food catering establishments	
4. Motor vehicle service stations	Including incidental repair services and car washing; all work to be primarily within a completely enclosed building
5. Enclosed car washes	May be automatically or manually operated
6. Motor vehicle repair shop, motor vehicle body-shop	All work to be conducted within a completely enclosed building
7. Motor vehicle rental	
8. New motor vehicle parts and motor vehicle accessory stores	
9. General merchandise, department and variety stores	Not including so-called big-box stores or pawn shops
10. Food and grocery stores	Including bakeries, butcher shops, fruit and vegetable markets, confectionary stores and the like
11. Clothing stores	
12. Furniture and home furnishings; home and office supply stores, and similar items	
13. Retail stores for household appliances, radio, television and electronics, computers and software, videos, personal communication devices, musical instruments and office supplies	Not including so-called big-box stores

14. Miscellaneous retail stores	Including used merchandise except in pawn shops, sporting goods, books, stationery, hobbies, toys and games, cameras, gifts, novelties, luggage and leather goods, catalog and mail order, and similar items sold at retail; not including so-called big-box stores or pawn shops
15. Pet shops	Not including boarding of pets
16. Flower shops	With or without greenhouses
17. Drug stores and pharmacies	With or without drive-through facilities
18. Lumber and other building materials stores	Including paint, glass, wallpaper, and hardware stores
19. Business services	Including advertising, credit reporting, direct mail, photocopying, graphic design, building maintenance, employment, data processing, parcel-delivery and similar services
20. Beauty and barber shops, travel agencies, fitness centers, shoe-repair shops, and the like	
21. Funeral homes and mortuaries	Not including residential living quarters
22. Laundry and dry cleaning	Including pick-up and drop-off facilities
23. Dance, art, music and other professional studios	
24. Animal hospitals, veterinary clinics	Including boarding, but all animal runs must be totally enclosed unless otherwise permitted as a special land use
25. Theaters	Not including drive-in theater
26. Bowling alleys	
27. Banks and other financial institutions	With or with drive-through facilities
28. Professional offices of doctors, dentists, lawyers, accountants, realtors, engineers and other professionals	Including incidental sales of medical or dental aids
29. Corporate, executive, administrative or sales offices	
30. Municipal, state or other governmental agencies	
31. Medical and dental laboratories	
32. Churches and other places of religious assembly	
33. Show rooms, offices for plumbing, heating and cooling contractors, electricians, decorators and similar trades	All operations must be conducted within a completely enclosed building
34. Co-located wireless communication antennas and equipment	If located in conjunction with existing towers, structures, or wireless communication facilities

35.	Other land uses that generally provide commodities or services to more than one neighborhood and determined by the Planning Commission to be similar in character to the above-listed uses	
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Section 12.3. Special Land Uses. The special land uses specified in Table 12.3 may be permitted if approved by the Planning Commission under Chapter 24.

Table 12.3 Special Land Uses		
	Special Land Use	Regulation or Exception
1.	Motor vehicle sales	New and/or used motor vehicles
2.	Patio/al fresco dining facilities	
3.	Building supply stores	Including outdoor display, sales or storage
4.	Cemeteries and crematories	
5.	Hospitals; out-patient medical facilities	
6.	Homes for the elderly or retired	Only on a parcel of at least 10 acres
7.	Public libraries and public museums	
8.	Essential services buildings	
9.	Colleges and universities	
10.	Parks, athletic grounds and athletic facilities	In addition to required principal building setbacks, all buildings must be at least 50 feet away from any property line
11.	Child day care centers	Must be state-licensed
12.	Adult day care centers	Must be state-licensed
13.	Sexually oriented businesses	
14.	Distribution center in an existing building	As defined
15.	Indoor self-service storage facility in an existing building	As defined

Section 12.4. Other Land Uses. The other land uses stated in Table 12.4 may be permitted as follows:

Table 12.4 Other Land Uses		
	Land Use	Regulatory Provision of Ordinance
1.	Accessory buildings and uses	Sections 4.16 and 4.16A
2.	Outdoor lighting	Section 4.22
3.	Landscaping	Chapter 29
4.	Signs	Chapter 30
5.	Fences, walls and screens	Section 4.5
6.	Private roads	Chapter 27
7.	Off-street motor vehicle parking	Chapter 28

8.	Wireless communication facilities	Section 4.14.2 (height no more than 35 feet)
9.	Patio/al fresco dining temporary use	Section 4.23
10.	Outdoor displays and sales	Section 4.24
11.	Nonconforming buildings and uses	Chapter 32

Section 12.5. Minimum Yard and Maximum Height Requirements.

Table 12.5 Minimum Yard and Maximum Height Requirements		
1.	Front yards	75 feet
2.	Side yard	30 feet for each side yard
3.	Rear yard	50 feet, except 75 feet if adjacent to any residential zone
4.	Building height	35 feet

Section 12.6. Other Regulations.

Table 12.6 Other Regulations		
	Land Use	Regulatory Provision in Ordinance; Exception
1.	All business, service or processing shall be conducted wholly within a completely enclosed building, unless authorized as a special land use.	Except patio/al fresco dining approved by the zoning administrator under Section 4.23
2.	Height exceptions	Section 4.6
3.	Minimum street frontage	Section 4.19
4.	Corner lots	Section 4.20
5.	Existing parcels	Section 4.3
6.	Marihuana establishments are prohibited	Section 4.25

CHAPTER 13
PLANNED UNIT DEVELOPMENTS DISTRICTS
PURPOSE AND PROCEDURES

Section 13.1. Purpose and Intent. The Planned Unit Development (PUD) Zoning Districts are intended to permit some degree of flexibility in the use, area, height, bulk, and placement requirements for PUD developments, but it is intended as well that each PUD district afford reasonable protection to uses within and near the PUD district.

All zoning decisions made pursuant to this chapter shall give due consideration to the maintenance of reasonable conditions for PUDs concerning density of land uses, effects on nearby and adjacent lands, general appearance and character of the surrounding area, reasonable compatibility with nearby land uses, effects on surrounding property values, water supply and sanitary-sewage disposal, storm water management, groundwater quality, ease of providing public safety services, traffic congestion, pedestrian safety, blighting influences, and other considerations pertaining to the effects or possible effects of a PUD.

It is the intent of this chapter to provide for the consideration and approval of PUDs for the following general purposes:

1. To encourage innovation and creativity in land use planning and development.
2. To promote and enhance housing and recreational opportunities for the public.
3. To encourage the use of lands in ways which are most in accord with their character and adaptability.
4. To promote and encourage the conservation and preservation of natural resources and natural features.
5. To encourage the efficient use of land by facilitating economic and suitable arrangements for buildings, streets, utilities, and other land use features.
6. To encourage the availability of open space, as a part of the development of residential lands, and to promote the development of passive and recreational land uses.
7. To provide for and promote coordinated, flexible, and comprehensive planning and development of lands within the Township for the benefit of property owners and to serve the public interest.

Section 13.2. PUD Zoning District Authorization – Ratification and Incorporation of Existing PUD Projects. A PUD zoning district may be approved in any location within Grand Rapids Charter Township by the Township Board in accordance with the procedures of this Ordinance. The granting of a planned unit development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this chapter, including all aspects of the final plan and conditions imposed,

shall constitute part of the Zoning Ordinance. All existing planned unit development projects granted rezoning and which were in full effect prior to the effective date of the comprehensive new Zoning Ordinance are approved, ratified and incorporated unchanged as parts of the comprehensive new Zoning Ordinance.

Section 13.3. Pre-Application Conference. Prior to the submission of an application for a PUD rezoning, the Planning Commission may require a conference with the applicant to discuss the project, review procedures, and inform the applicant of Township plans for the area near the proposed PUD in order that the applicant may accomplish his or her objectives for the use of the land consistent with the intent and purposes for a PUD in the Township.

Section 13.4. Application.

1. **Application.** An application for a PUD rezoning, along with an application fee (as set by resolution of the Township Board), shall be submitted to the Township zoning administrator. The application shall contain the following information:
 - a. The applicant's name, address, and phone number.
 - b. Proof that the applicant is the owner of the property or has a legal or financial interest in the property (such as a purchase agreement).
 - c. The name and address of all persons, firms, or corporations having a legal or equitable interest in the property.
 - d. The address of the property.
 - e. Legal description or permanent parcel number of the property.
 - f. Project description.
 - g. Size of the property in acres.
 - h. Signature of the applicant and owner of the property.
2. **Narrative.** A narrative shall also be provided by the applicant describing the following:
 - a. Overall objectives of the proposed PUD.
 - b. Gross residential densities and percent of proposed PUD area to be covered by buildings and parking facilities.
 - c. Acres allocated to each proposed use.
 - d. Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services.

- e. Method providing storm drainage.
 - f. Method and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas.
 - g. School district.
 - h. Environmentally sensitive areas.
 - i. Phases, if any, in which the project is to be constructed.
 - j. Expected commencement date of construction and length of time for construction of proposed project and for each phase thereof.
3. **Preliminary Development Plan.** The preliminary development plan shall contain the following information, unless specifically waived by the Planning Commission:
- a. Date, north arrow, and scale which shall not be less than 1"=100'.
 - b. Locational sketch of site in relation to surrounding area.
 - c. Legal description of property.
 - d. Size of parcel.
 - e. All lot or property lines with dimensions.
 - f. Location of all buildings within 100 feet of the property lines.
 - g. Location of all existing and proposed structures on the site.
 - h. Delineation of dwelling-unit density for residential developments; lot coverage (percentage) for all other types of developments.
 - i. Location and dimensions of all existing and proposed streets, sidewalks or other pedestrian walkways, driveways, parking areas, including total number of spaces and typical dimensions.
 - j. Size, location, and uses of all areas devoted to open space.
 - k. Existing vegetation and proposed landscaped areas and buffer strips.
 - l. All wetland areas or bodies of water.
 - m. Existing topographical contours at a minimum of two-foot intervals.
 - n. Delineation of areas of cutting and filling.

4. Upon receipt of the application, application fee, narrative, and preliminary development plan, the Township Planner shall forward a copy of the application and plan to each member of the Planning Commission, the Township Engineer, Township Fire Chief, and others as deemed appropriate by the Planning Commission to allow for proper review of the proposed PUD.
5. The application, narrative and preliminary development plan and, subsequently, the final development plan and the rezoning of the land to a PUD district, shall be considered and acted upon in accordance with the PUD provisions of this Ordinance, and the applicable provisions of the Michigan Zoning Enabling Act of 2006.

Section 13.5. Developmental Impact Statement.

1. The Planning Commission may require the applicant to prepare and submit a developmental impact statement, describing in detail the effect and impact on the environment, whether adverse or otherwise, that the proposed development and land use will have, or may have, upon or with respect to the following matters:
 - a. The property included in the PUD and the surrounding and neighboring lands, including topographical contours and soil conditions.
 - b. Environmental factors such as: streams, rivers, wetlands, and the quality of surface and ground waters.
 - c. Traffic congestion.
 - d. Local school systems.
 - e. Population in the surrounding area and the Township.
 - f. Additional costs to governmental units and school districts.
 - g. Aesthetic qualities and blighting influences, if any, upon surrounding properties.
 - h. Noise, vibration, dust and dirt, litter, gas smoke, odor, light, and glare.
 - i. Public safety services.
 - j. Drainage.
 - k. Surrounding property values.
 - l. Sanitation, including water supply and sewage disposal.
 - m. General appearance and character of the area.
 - n. Historical structures and places.

- o. Archaeological sites and artifacts.
 - p. Wildlife and trees and forests.
 - q. Such other matters as the Planning Commission may request to be included.
2. The developmental impact statement shall, if requested by the Planning Commission, include statements and comments from the following public agencies or officials concerning any aspects of the proposed land use within their respective responsibilities and jurisdictions: County Health Department, County Road Commission, County Drain Commissioner, County Planning Commission, Department of Natural Resources, Department of Environmental Quality, Intermediate School District and local Board of Education, County Sheriff's Department, local Fire Department, and other agencies as determined appropriate by the Planning Commission.

Section 13.6. Phasing. A development may be phased as delineated on the preliminary development plan, subject to the following requirements:

- 1. If the development is sufficiently large so as to not practically allow full site plan review for each building site, the Planning Commission may allow, at its discretion, a preliminary development plan with only overall layout design elements illustrated. Overall design elements include but are not limited to vehicular and pedestrian access and circulation, general building size, general parking requirements and layout, proposed grading, open spaces, utilities, and storm water management facilities. Final site plans will then be reviewed and approved by the full Planning Commission or the site plan review committee, as determined by the Planning Commission, at time of their review and recommendation on the final development plan.
- 2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces.
- 3. Development shall be started and shall be diligently pursued in the manner and sequence shown on the approved preliminary development plan.

Section 13.7. Advisory Public Hearing. In its discretion, the Planning Commission may convene an advisory public hearing to receive comments concerning the preliminary development plan. If the Planning Commission decides to hold an advisory public hearing, public notice of the hearing shall be given in accordance with Section 33.8 of this Ordinance.

Section 13.8. Planning Commission Recommendation.

- 1. After reviewing the application, narrative and preliminary development plan, the Planning Commission shall provide the applicant with any requirements, recommendations, changes, modifications, additions or supplements in or to the

application, narrative and/or preliminary development plan and the proposed development.

2. If the Planning Commission determines that a Developmental Impact Statement, as described in Section 13.5, is required, the Commission shall so notify the applicant.
3. If the Planning Commission determines that the application, narrative and preliminary development plan satisfy the requirements of Section 13.4 with respect to such documents, the Planning Commission shall so inform the applicant and authorize the preparation of a final development plan in accordance with Sections 13.9 and 13.10.

Section 13.9. Submission of Final Development Plan. After receiving the recommendations and suggestions of the Planning Commission on the preliminary development plan, the applicant shall submit not less than 11 sets of a final development plan to the Township zoning administrator. The zoning administrator shall forward a set of the plans to each member of the Planning Commission, the Township engineer, Township fire chief, and others as determined by the Planning Commission, for their review of the proposed PUD.

Section 13.10. Final Development Plan. The final development plan shall be labeled as such and shall include all of the information required for submission of the preliminary development plan and all additional information which was requested by the Planning Commission as a result of its review of the preliminary plan. The final plan shall incorporate all recommendations of the Planning Commission pursuant to the Commission's review of the preliminary plan, or shall indicate how the final plan fails to incorporate the Commission's recommendations. The final plan shall also include and reflect all changes in preliminary plan data since the submission of the preliminary plan. In addition, the final plan submittal shall include the following:

1. A survey or other dimensioned professional drawing of the property requested for rezoning, prepared and sealed by a professional surveyor, engineer, architect or similar licensed land use professional.
2. A site plan based on the survey which shows the size and location of proposed buildings, streets, drives, parking lots, water and sanitary sewer lines, storm sewer lines, all storm water management facilities, landscaping, proposed grading, and other proposed site improvements.
3. Architectural drawings and specific statements as to the type and style of construction and materials to be used in proposed buildings along with the height and area of each building.
4. Projected time for completion of entire project.
5. Proposed phasing, if any, and the projected time for completion of each phase.

6. Any other information required by the Planning Commission to assist in its evaluation of the proposed project and the effects of the project on the surrounding properties.

Section 13.11. Public Hearing on the Final Development Plan. The Planning Commission shall hold a public hearing on the final development plan and the request for rezoning. Notice of the hearing shall be given in accordance with Section 33.8 of this Ordinance.

Section 13.12. Final Planning Commission Recommendations.

1. If the Planning Commission finds, after public hearing, that the final development plan and rezoning request meet all of the applicable standards and requirements of this Ordinance, it shall recommend approval of the PUD and rezoning to the Township Board.
2. If the Planning Commission finds that the plan and rezoning request do not meet all of the applicable standards and requirements of this Ordinance, but determines that it is appropriate under the circumstances to recommend approval subject to certain specified conditions or contingencies, the Planning Commission shall advise the Township Board of its findings and the conditions or contingencies which it has determined should be imposed if the request to rezone the property is approved.
3. If the Planning Commission finds, after public hearing, that the final development plan and rezoning request do not meet all of the applicable standards and requirements of this Ordinance, it may recommend denial of the PUD and rezoning to the Township Board.

Section 13.13. Standards for Approval. In making a recommendation to approve a PUD, the Planning Commission must find that the proposed PUD meets the following standards:

1. Granting the PUD rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
2. The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of PUD as approved.
3. The PUD will be compatible with the comprehensive land use plan of the Township and consistent with the intent and purposes of this chapter.
4. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.
5. The PUD is designed and laid out to preserve natural resources and natural features, to the fullest extent possible.

Section 13.14. Final Approval.

1. The Planning Commission shall forward the PUD final development plan and its recommendation thereon to the Township Board.
2. The Township Board shall review the PUD development plan, the record of the Planning Commission proceedings and the recommendations submitted by the Planning Commission.
3. The Township Board shall convene a public hearing on the PUD development plan and the proposed ordinance to rezone the land to the PUD district.
4. Notice of the public hearing shall be given by publication of a notice in a local newspaper of general circulation in the Township stating the date, time, place and purpose of the public hearing. The notice shall be published at least 15 days prior to the date of the public hearing. Public notice shall also be given by the mailing of the same or a similar notice by first-class U.S. mail to the owners of all lands within 300 feet of the lands proposed for PUD rezoning, as the names and addresses of the owners of such lands are shown in the current Township property tax assessment roll, as supplemented by any recent changes.
5. In making a decision on the PUD development plan and the application for PUD rezoning, the Township Board shall determine the following:
 - a. Whether the final development plan complies with the standards, conditions, and requirements of this chapter.
 - b. Whether the PUD promotes the intent and purposes of this chapter.
 - c. Whether the PUD will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project.
6. After the public hearing and after its review and consideration of the PUD plan and the proposed PUD ordinance, the Township Board shall approve, approve with conditions or deny the PUD final development plan and the PUD ordinance. The PUD ordinance, if adopted, shall include the basis for the decision to approve the PUD rezoning and all terms and conditions imposed with respect to the development of the land. The PUD ordinance, if adopted, shall be an amendment in the zoning map.
7. Reasonable conditions may be imposed upon the Township Boards approval of a PUD. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure

compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed:

- a. Shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the PUD under consideration, residents and landowners immediately adjacent to the proposed PUD, and the community as a whole;
- b. Shall be related to the valid exercise of the police power, and purposes which are affected by the proposed PUD; and
- c. Shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the ordinance for the proposed PUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action and shall remain unchanged except upon mutual written consent of the Township Board and the landowner. The Township Board shall maintain a record of conditions which are changed.

Section 13.15. General Provisions Applicable to all PUD Districts. In addition to the standards applicable to specific PUD districts as provided elsewhere in this Ordinance, the following provisions shall apply to all PUD districts:

1. **Application Fees.** The Township Board shall by resolution establish a fee schedule for PUD applications under this chapter.
2. **Performance Guarantees.** The Township Board may require an applicant for PUD rezoning to post a performance bond or letter of credit with the Township Clerk to insure that the development will be executed in performance with the final development plan.
3. **Occupancy.** The Township Board is empowered to require that all required improvements be constructed and completed prior to the issuance of any occupancy permits or occupancy of any buildings. The Board may grant an occupancy permit or permission to occupy buildings before all required improvements are completed if:
 - a. The applicant provides a performance bond or letter of credit, the form and substance of which shall be acceptable to the Township, in an amount equal to the cost of the improvements yet to be completed;
 - b. The improvements will be completed within one year from the date the permit is issued; and
 - c. The health, safety, and welfare of the residents or occupants of the PUD will not be impaired by the delay in completion of the improvements.

4. **Expiration of Plan Approvals and Commencement of Construction.**

- a. A final development plan shall expire six months after the Planning Commission has held a Public Hearing and made a recommendation to the Township Board unless the first phase of the project, or the entire property in the PUD if development does not occur in phases, is submitted to the Township Board for final approval.
- b. Construction shall commence and proceed meaningfully toward completion within two years after the effective date of the PUD rezoning by the Township Board for the first phase of the project, or the entire property in the PUD if development does not occur in phases. If construction is not commenced within the applicable two-year period, approval of the final development plan shall lapse, any building permits issued for the PUD shall be void and the Planning Commission may initiate proceeding to rezone the subject property. Upon good cause shown, the Township Board may extend the time for one additional year if the applicant requests an extension prior to the expiration of the two-year period.

5. **Construction in Compliance with Final Development Plan.** Any building permit issued for construction pursuant to PUD rezoning shall be valid only so long as there is compliance with the final development plan as accepted by the Township Board. Any deviation from that plan shall operate to automatically invalidate the building permit and shall be a violation of this Ordinance.

Section 13.16. Changes to an Approved PUD.

1. An approved final development plan and any conditions imposed upon final PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant, and as otherwise provided by this section.
2. Except for changes determined to minor changes as provided by Section 13.16.3, changes to an approved final development plan or to any conditions imposed on final PUD approval shall be reviewed and approved, approved with conditions, or denied by the Planning Commission and the Township Board pursuant to the procedures provided by this chapter for an original request for PUD approval.
3. Minor changes to a final development plan may be approved by the Zoning Administrator without review and approval by the Planning Commission and the Township Board. For purposes of the section, “minor changes” means changes which meet the following qualifications:
 - a. For residential buildings, a reduction or increase by not more than 5 percent in the size of structures, provided that there is no increase in the number of dwelling units.

- b. For non-residential buildings, a reduction or increase by no more than 5 percent (or 5,000 square feet, whichever is less) in gross floor area.
- c. A revision in floor plans, if consistent with the character of the use.
- d. The alteration of vertical elevations by no more than 5 percent.
- e. The relocation of building footprints by no more than five feet, unless a specific setback or separation distance was imposed as a condition of PUD approval.
- f. An increase in area of areas designated on the final plan as “not to be disturbed.”
- g. The substitution of plant materials included in the final development plan, provided they are substituted by similar types of landscaping on a 1-to-1 or greater basis, as determined by the Zoning Administrator.
- h. Improvements made to access and circulation systems, such as the addition of acceleration/deceleration lanes, boulevards, curbing, pedestrian/bicycle paths.
- i. Changes made to exterior materials, if the changes provide for the use of materials of equal or higher quality than those originally approved, as determined by the Zoning Administrator.
- j. A reduction in the size of signs, or an increase in sign setbacks.
- k. The internal rearrangement of parking spaces in a parking lot, if the total number of parking spaces provided is not reduced and circulation hazards or congestion are not created by the redesign.
- l. A change in the name of the PUD or in the names of streets within the PUD.
- m. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the PUD which are deemed by the Zoning Administrator to be not material or significant in relation to the entire PUD and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

If the Zoning Administrator approves a minor change, the approval shall be in writing. The Zoning Administrator shall forward a copy of the written approval to the Planning Commission for its records.

4. The Zoning Administrator may refer any decision regarding any proposed change to a Final Development Plan to the Planning Commission and Township Board for review and approval [regardless of whether the change may qualify as a minor change under Section 13.16.3]. In making a determination as to whether a change is a minor change, or whether to refer a change to the Planning Commission and Township Board for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

CHAPTER 14 STANDARDS APPLICABLE TO ALL PUD DISTRICTS

Section 14.1. Standards for PUD Review. In addition to the standards applicable to each specific type of PUD district and all other standards of this Ordinance, development plans for all PUD districts shall also meet the standards and conditions contained in this chapter.

Section 14.2. Streets, Curbs, Gutters, and Sidewalks. All public streets within a PUD shall comply with the applicable standards of the Kent County Road Commission. Private streets shall comply with the standards for private streets as set forth in this Ordinance. Curbs, gutters, and sidewalks may be required if it is determined that the improvements are necessary for reasons of public safety. All sidewalks and pedestrian walkways shall comply with the standards for them set forth by Township ordinances and by the Kent County Road Commission.

Section 14.3. Traffic Generation. The amount and type of traffic generated by the proposed project shall not exceed the capacity of existing streets, or streets proposed as a part of the proposed project, to safely absorb that additional traffic, giving due regard to the hours of prime traffic generation. The proposed project shall be designed so that all additional traffic generated by the proposed project will not create a substantial detrimental effect on neighboring properties or on the health, safety, and welfare of the Township residents including the residents of the project.

Section 14.4. Traffic Circulation. Within each project the streets and pedestrian walkways shall be designed so as to facilitate safe pedestrian and vehicular traffic flow patterns with due regard to the prevention of any hazardous design or construction based upon traffic engineering standards normally applied in the Township.

Section 14.5. Traffic and Emergency Access. All points of ingress and egress to the project shall be located and designed to maximize safety. Within each development, buildings, and streets shall be located to maximize access for emergency vehicles. A PUD which abuts the East Beltline shall be designed in accordance with the 1992 Plan for the East Beltline Area and the 1998 North East Beltline Joint Development Plan as adopted by the Planning Commission.

Section 14.6. Landscaping. Landscaping shall be provided for greenbelts, front yards and parking lots as required by Chapter 29.

Section 14.7. Environmental Effects. Each project shall be designed to have a minimal adverse effect on the environment, as documented by the developmental impact statement if one is required. Special emphasis shall be placed on maintaining the quality of ground water, streams, and rivers. Trees shall be preserved wherever feasible.

Section 14.8. Schools. Whether a project can be served by existing schools and school related facilities and the impact upon schools if the property is developed in accordance with the PUD plans or in accordance with the conventional zone district requirements shall be considered. In addition, streets and pedestrian walkways shall be designed and located in any project to facilitate the ability of students to make the best and safest use of existing schools and school related facilities.

Section 14.9. Public Facilities. The impact which a project will have on public safety services protection services and on water and sewer facilities and the costs for such services shall be considered and each project shall be designed and located to facilitate use of, access to, or the logical expansion or extension of existing facilities in order to minimize any adverse financial or other impact upon the Township and to promote public health and safety.

Section 14.10. Water, Sewer and Drainage Systems. A PUD shall be served by a public or private water or sanitary sewer systems which shall be approved by the Kent County Health Department and the Township Engineer. A PUD shall also have a drainage system for surface water run-off which shall be approved by the Kent County Drain Commission and the Township Engineer.

Section 14.11. Height Limitations. A building or structure within a PUD shall not exceed 35 feet in height as measured from the established grade plane of the building. A greater height may be permitted by the Township Board if it finds that a greater height is appropriate for the PUD, will not have adverse effects on adjoining properties, and can be adequately served by the Township Fire Department.

Section 14.12. Yard Areas. The front yard, side yards, and rear yard shall be kept clear and unobstructed and shall not be used for the storage or disposal of any materials, except in approved locations within the PUD.

Section 14.13. Street Plans. A PUD shall be designed to comply with the location for future streets as set forth in the comprehensive land use plan for the Township, and shall also be designed in accordance with the 1992 Plan for the East Beltline Areas and 1998 North East Joint Development Plan as adopted by the Planning Commission if the development is adjacent to the East Beltline.

Section 14.14. Location of Buildings and Structures and Parking Areas. The PUD shall be designed so the location of buildings, structures, and parking areas within the development maximize the preservation of the natural topography and other natural features of the site and shall minimize any adverse impact upon adjacent or neighboring property.

Section 14.15. Outdoor Lighting. Subject to all other provisions of this Ordinance, outdoor lighting, when permitted, shall be designed and located to avoid casting any direct or reflected glare upon neighboring property or upon adjacent structures within the proposed project.

Section 14.16. Signs. Signs shall comply with the provisions of Chapter 30.

Section 14.17. Off-Street Parking and Loading. Except as provided by this section, a PUD shall meet the off-street parking area and off-street loading/unloading space requirements provided by Chapter 28 of this Ordinance for each use within the PUD. The Planning Commission may recommend approval of, and the Township Board may in its discretion approve, a proposed PUD which provides for less than the otherwise required off-street parking area and/or off-street loading and unloading space, if the applicant demonstrates to the satisfaction of the Planning Commission and the Township Board that less than the required parking area or loading/unloading space will meet the projected needs of the PUD due to:

1. The nature, size, density, location or design of the proposed project, including the design of the developments plan for circulation, parking, and loading/unloading;
2. The availability of vacant or otherwise undeveloped land within the PUD development which, as shown on the proposed development plan, will remain available to provide additional off-street parking area or loading/unloading space if additional area or space for those purposes is subsequently determined to be necessary by the Township Board to meet the needs of the PUD;
3. The unique parking and loading/unloading needs of the residents, occupants or users of the project; or
4. Any other factors reasonably related to the need for parking area or loading/unloading space for the proposed project.

Section 14.18. Open Spaces.

1. Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance.
2. The Township Board may require, upon recommendation of the Planning Commission, that natural amenities such as, but not limited to, ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitat, ponds, streams, and wetlands shall be preserved as part of the open space system.

Section 14.19. Marihuana Establishments Prohibited. In accordance with Section 4.25 of this ordinance, marihuana establishments, as defined and used in Michigan Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, are prohibited in all planned unit development districts.

CHAPTER 15
RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD) DISTRICT

Section 15.1. Description and Purpose. The R-PUD zone is intended to provide locations for both single family detached and attached dwellings, either as separate developments or within the same development. The flexible provisions of the R-PUD zone are expected to provide an incentive for the development of residential projects which promote the character of the land and which are compatible in appearance and use with neighboring properties.

Section 15.2. Permitted Uses. Except as otherwise provided by this chapter, land in the Residential Planned Unit Development District may be used only for the following purposes:

1. Single family detached dwelling units.
2. Two family attached dwelling units (duplexes).
3. Multi-family buildings with a maximum of four dwelling units per building.
4. Uses, structures, and buildings which are customarily incidental to the permitted principal uses and which are approved by the Township Board.
5. A home occupation, subject to the provisions of Section 4.16 of this Ordinance.

Section 15.3. Uses Permitted Subject to Specific Authorization of Township Board. The following uses are also permitted within the R-PUD zone when specifically authorized by the Township Board upon the recommendation of the Planning Commission. The uses shall be developed in accordance with standards provided for PUDs and the specific standards applicable to each use as set forth elsewhere in this Ordinance, except that the Township Board in its discretion may vary those specific standards in order to achieve the intent and purposes of the PUD:

1. Churches and other places of religious assembly.
2. Retirement housing.
3. Group day care homes.
4. Child care centers.
5. Adult day care centers.
6. Parks, playgrounds, and similar recreational uses.
7. Multi-family buildings with more than four dwelling units per building; subject to Section 15.6.4.

Section 15.4. Yard, Building and Area Requirements. The lot area, lot width, building setback, and yard requirements applicable within a PUD shall be determined for the PUD by the Planning Commission and Township Board, based on the application of site-planning criteria to

achieve integration of the project with the characteristics of the project area. In making these determinations, the criteria considered shall include the following:

1. Overall design of the project relative to its compatibility with nearby existing or proposed land uses.
2. Number and type of dwelling units.
3. Proximity to adjacent existing and future land uses.
4. Preservation of existing vegetation or other natural features on site.
5. Topography of the site.
6. Provision of water, sanitary sewer and storm sewer.

Section 15.5. Permitted Dwelling Unit Density.

1. Based upon the recommendations of the Planning Commission, the Township Board shall determine the dwelling unit density for a PUD in the R-PUD Zoning District. In determining the maximum permitted dwelling unit density, the Planning Commission and the Township Board shall be guided by the application of site-planning criteria to achieve integration of the PUD with the characteristics of the area, and shall consider other land use criteria, including the impacts of the density of the proposed PUD on existing densities in the area and the intent and purpose of the R-PUD zoning district.
2. The permitted dwelling unit density of a PUD shall not exceed five dwelling units per acre; provided, however, that such permitted dwelling unit density shall be a maximum of eight dwelling units per acre if the open space areas in the PUD are equal to at least 50 percent of the total area of the proposed PUD.
3. The total number of dwelling units permitted within a PUD shall be computed by multiplying the maximum permitted dwelling unit density (dwelling units per acre) by the total area of the PUD, excluding land within public or private road rights-of-way, other public easements, flood-plains, wetlands, and areas permanently inundated by water.

Section 15.6. Required Conditions.

1. **Open Space.** Each PUD shall provide and maintain open space areas as provided by this section.
 - a. A PUD shall contain open space areas equal to a minimum of 20 percent of the total area proposed for PUD rezoning.

- b. The open space shall be maintained by the developer or homeowners association and shall be set aside for the common use of the home or lot owners within the PUD.
 - c. For purposes of this section, open space shall be deemed to be only those areas having a minimum dimension of 50 feet by 100 feet, unless smaller dimensions are approved by the Planning Commission for linear “no disturb zones” established for the purposes of screening and tree preservation.
 - d. Unless specifically authorized by the Planning Commission and Township Board, lot area calculated in meeting minimum lot or building site area requirements or which support public or private street rights-of-way, driveways and parking areas will not be included in open space percentage calculations. In addition, unless specifically waived or modified by the Township, the following guidelines shall apply:
 - i. All areas included in the calculation of percentage of open space must be protected by agreement, deed or easement as indicated in the following subsection e.
 - ii. Sidewalks, pathways and other active or passive recreational facilities will be considered in the open space calculation where they are an integral part of a larger open space area.
 - iii. Lakes and other areas permanently inundated by water, wetlands and floodplain areas and other areas determined to be non-buildable will be included in the open space percentage calculation.
 - e. Prior to approval of a final development plan, the applicant shall provide to the Planning Commission an open space agreement or restrictive covenants, as determined appropriate and sufficient by the Commission. The agreement (or covenants) shall include a legal description of the PUD area, a legal description of the area to be set aside as common open space, and a plan for permanent maintenance of the open space. Upon approval of the final development plan, the applicant shall record the open space agreement with the Kent County Register of Deeds. The agreement shall be binding upon the applicant-developer and all successors and assigns of the grantor and grantee of all lots or parcels within the project area. In the case of PUD site condominium, the Open Space Agreement may be included in the master deed.
2. **Unit Size.** Except as provided by Section 15.6.2.d, each dwelling unit located within a PUD shall contain the following minimum amount of floor area:
- a. Single family detached dwelling:
 - i. Single-story dwelling unit, with basement – 1,040 sq. ft on first floor.

- ii. Two story dwelling unit - 720 sq. ft. on first floor, but not less than 1,040 total sq. ft. for each dwelling unit.
 - iii. All other single family detached dwelling units – 1,200 sq. ft. total sq. ft. for each dwelling unit.
 - b. Two family dwelling - 860 sq. ft. for one unit, but not less than 1,920 total sq. ft. for both dwelling units.
 - c. Multi-family dwelling:
 - i. One bedroom - 750 sq. ft. for each dwelling unit.
 - ii. Two or more bedrooms - 860 sq. ft for each dwelling unit.
 - iii. Studio apartment, in which all living space is in one area, except for bathroom or closet areas – 525 sq. ft. for each dwelling unit.
 - d. The Planning Commission may recommend approval of, and the Township Board may in its discretion approve, a PUD which provides for less than the otherwise required minimum amount of floor area for dwelling units as specified by Sections 15.6.2.a, b and c, if the applicant demonstrates to the satisfaction of the Planning Commission and the Township Board that providing less than the required floor area:
 - i. Is necessary to meet the unique needs of the PUD due to the nature, size, density, location, or design of the development, or the unique needs of the intended residents or occupants of the dwelling units in the development;
 - ii. Will be consistent with other applicable local, state or federal laws regarding minimum dwelling unit floor area requirements; and
 - iii. Will not have adverse effects on the residents, occupants or other users of the PUD, on the use or enjoyment of adjacent property, or otherwise result in a detriment to the public health, safety or welfare.
- 3. **Parking.** All parking within a PUD shall be provided off-street. Except as otherwise approved under Section 14.17 of this Ordinance, there shall be a minimum of two off-street parking spaces for each dwelling unit. At least one of the parking spaces for each dwelling unit shall be within 200 feet of that unit and at least one of the parking spaces for each dwelling unit shall be in a carport or garage within the PUD.
- 4. **Multi-Family Buildings with more than Four Dwelling Units per Building.** A multi-family building containing more than four dwelling units shall be subject to specific authorization by the Township Board under Section 15.3.7 and shall comply

with the following requirements, in addition to all other requirements applicable to the PUD:

- a. A multi-family building with more than four dwelling units shall not be approved unless the PUD includes open space areas complying with Section 15.6.1 such open space areas shall be equal to at least 30 percent of the total land area proposed for PUD rezoning. The above-stated 30 percent requirement shall not be subject to modification or waiver.
- b. A multi-family building with more than four dwelling units shall not be approved unless the floor area of each of the units within the building exceeds by at least 25 percent the minimum floor area specified for a multi-family dwelling unit by Section 15.6.2.c. This requirement shall not be subject to modification or waiver.
- c. The building shall be designed with a scale, design elements, landscaping and other features, and be located, to minimize the perceived mass of the building and its visual and other impact on nearby lands or other buildings within the PUD.

CHAPTER 17
OFFICE-RESIDENTIAL PLANNED UNIT DEVELOPMENT (OR-PUD) DISTRICT

Section 17.1. Description and Purpose. The OR-PUD zone is intended to provide locations for higher density residential uses than allowed in R-PUD Zone District. The OR-PUD Zone District will also allow specified residential and office uses within the same project, provided that the mixing of residential and office uses are done in a manner which protects the residential uses from the operational characteristics of the offices. In such mixed-use projects, integration of the two uses in a unified development that offers compatibility of building height and architecture and buffers residents from parking lot lights and vehicle noise and movement will be of paramount importance. It is specifically not the intent of this zone to permit large-scale projects consisting entirely of office uses. When adequate lot depth does not exist to facilitate residential use by itself or in conjunction with an office use, development projects consisting of appropriately scaled office sites absent of a residential component may be considered. In such instances, joint access and traffic cross flow arrangements between adjacent highway frontage properties will be encouraged as will site and building designs that buffer and compliment adjacent and/or nearby residential uses and lots.

Section 17.2. Permitted Uses. Except as otherwise provided by this chapter, land in the Office-Residential Planned Unit Development (OR-PUD) District may be used only for the purposes provided below:

1. Residential uses, as follows:
 - a. Single family detached dwelling units.
 - b. Two family attached dwelling units (duplexes).
 - c. Multi-family buildings with a maximum of four dwelling units per building.
 - d. Uses, structures, and buildings which are customarily incidental to the permitted principal uses and which are approved by the Township Board.
 - e. A home occupation, subject to the provisions of Section 4.16 of this Ordinance.
2. Office uses, subject to the requirements under Section 17.7, as follows:
 - a. Professional offices of doctors, dentists, lawyers, accountants, realtors, architects, engineers, business or financial consultants or other professionals, and corporate, executive, administrative, or sales offices Including incidental sales of medical or dental aids.
 - b. Banks and other financial institutions. Drive-up windows and automated tellers are permitted provided they are clearly accessory to the indoor banking operations and are physically integrated with the principal building. Freestanding automated teller machines are prohibited.

3. Uses, structures, and buildings which are customarily incidental to the permitted principal uses and which are approved by the Township Board.

Section 17.3. Uses Permitted Subject to Specific Authorization of Township Board. The following uses are also permitted within the OR-PUD zone when specifically authorized by the Township Board upon the recommendation of the Planning Commission. The uses shall be developed in accordance with standards provided for PUDs and the specific standards applicable to each use as set forth elsewhere in this Ordinance, except that the Township Board in its discretion may vary those specific standards in order to achieve the intent and purposes of the PUD:

1. Churches and other places of religious assembly.
2. Retirement housing.
3. Group day care homes.
4. Child care centers.
5. Adult day care centers.
6. Parks, playgrounds, and similar recreational uses.
7. Restaurants, subject to the requirements under Section 17.8.
8. Patio/al fresco dining facilities, except that such facilities approved under a temporary use permit issued by the Zoning Administrator under the terms of Section 4.23 shall be deemed approved according to the terms of such permit.

Section 17.4. Yard, Building and Area Requirements for All Uses. The lot area, lot width, building setback, and yard requirements applicable within a PUD shall be determined for PUD by the Planning Commission and Township Board, based on the application of site-planning criteria to achieve integration of the project with the characteristics of the project area. In making these determinations, the criteria considered shall include the following:

1. Overall design of the project relative to its compatibility with nearby existing or proposed land uses.
2. Number and type of dwelling units.
3. Proximity to adjacent existing and future land uses.
4. Preservation of existing vegetation or other natural features on site.
5. Topography of the site.
6. Provision of water, sanitary sewer, and storm sewer.

Section 17.5. Permitted Density.

1. Based upon the recommendations of the Planning Commission, the Township Board shall determine the density for a PUD in the OR-PUD Zoning District. In no case, however, shall the density of a project exceed ten dwelling units per acre. In determining the maximum allowable density, the Planning Commission and the Township Board shall be guided by the application of site planning criteria to achieve integration of the project with the characteristics of the project area, and shall consider factors including the impacts of the density of the proposed PUD on existing densities in the area and the intent and purpose of the OR-PUD Zoning District.
2. The total number of dwelling units permitted within a PUD shall be computed by multiplying the maximum permitted density (units per acre) by the total acreage of the PUD property, excluding land within public or private road rights-of-way and public easements, flood-plain and wetland areas, and areas permanently inundated by water. The Michigan Department of Environmental Quality shall make the final determination of the Existence of wetlands and floodplain areas on a parcel.

Section 17.6. Required Conditions.

1. **Open Space.** Each PUD shall provide and maintain open space areas as provided by this section:
 - a. A PUD shall contain open space areas equal to a minimum of 20 percent of the total area proposed for PUD rezoning.
 - b. The open space shall be maintained by the developer or homeowners association and shall be set aside for the common use of the home or lot owners within the PUD.
 - c. For purposes of this section, open space shall be deemed to be only those areas having a minimum dimension of 50 feet by 100 feet, unless smaller dimensions are approved by the Planning Commission for linear “no disturb zones” established for the purposes of screening and tree preservation.
 - d. Unless specifically authorized by the Planning Commission and Township Board, lot area calculated in meeting minimum lot or building site area requirements or which support public or private street rights-of-way, driveways and parking areas will not be included in open space percentage calculations. In addition, unless specifically waived or modified by the Township, the following guidelines shall apply:
 - i. All areas included in the calculation of percentage of open space must be protected by agreement, deed or easement as indicated in the following subsection e.

- ii. Sidewalks, pathways and other active or passive recreational facilities will be considered in the open space calculation where they are an integral part of a larger open space area.
 - iii. Lakes and other areas permanently inundated by water, wetlands and floodplain areas and other areas determined to be non-buildable will be included in the open space percentage calculation.
 - e. Prior to approval of a final development plan, the applicant shall provide to the Planning Commission an open space agreement or restrictive covenants, as determined appropriate and sufficient by the commission. The agreement (or covenants) shall include a legal description of the PUD area, a legal description of the area to be set aside as common open space and a plan for permanent maintenance of the open space. Upon approval of the final development plan, the applicant shall record the open space agreement with the Kent County Register of Deeds. The agreement shall be binding upon the applicant-developer and all successors and assigns of the grantor and grantee of all lots or parcels within the project area. In the case of a PUD site condominium, the open space agreement may be included in the master deed.
- 2. **Unit Size.** Except as provided by Section 17.6.2.d, each dwelling unit located within a PUD shall contain the following minimum amount of floor area:
 - a. Single family detached dwelling:
 - i. Single story dwelling unit, with basement – 1,040 sq. ft. on first floor.
 - ii. Two story dwelling unit - 720 sq. ft. on first floor, but not less than 1,040 total sq. ft. for each dwelling unit.
 - iii. All other single family detached dwelling units – 1,700 sq. ft. total sq. ft. for each dwelling unit.
 - b. Two family dwelling - 860 sq. ft. for one unit, but not less than 1,910 total sq. ft. for both dwelling units.
 - c. Multi-family dwelling:
 - i. One bedroom - 750 sq. ft for each dwelling unit.
 - ii. Two or more bedrooms - 860 sq. ft for each dwelling unit.
 - d. The Planning Commission may recommend approval of, and the Township Board may in its discretion approve, a PUD which provides for less than the otherwise required minimum amount of floor area for dwelling units as specified by Sections 17.6.2.a, b and c, if the applicant demonstrates to the

satisfaction of the Planning Commission and the Township Board that providing less than the required floor area:

- i. Is necessary to meet the unique needs of the PUD due to the nature, size, density, location or design of the development, or the unique needs of the intended residents or occupants of the dwelling units in the development;
 - ii. Will be consistent with other applicable local, state or federal laws regarding minimum dwelling unit floor area requirements; and
 - iii. Will not have adverse effects on the residents, occupants, or other users of the PUD, on the use or enjoyment of adjacent property, or otherwise result in a detriment to the public health, safety or welfare.
3. **Parking.** All parking within a PUD shall be provided off-street. Except as otherwise approved under Section 14.17 of this Ordinance, there shall be a minimum of two off-street parking spaces for each dwelling unit. At least one of the parking spaces for each dwelling unit shall be within 200 feet of that unit and at least one of the parking spaces for each dwelling unit shall be in a carport or garage within the PUD.
4. **Yard Areas.** Yard areas shall be landscaped according to the provisions of Chapter 29 or used for off-street parking and for loading and unloading in accordance with the purposes of the PUD.

Section 17.7. Required Conditions for Office Uses. Office uses located within a PUD shall be subject to the following requirements and limitations:

1. The area devoted to permitted office uses (building and pavement) shall not exceed 50 percent of the total buildable site area requested for PUD rezoning, unless a greater percentage is approved by the Township Board upon the recommendation of the Planning Commission. In determining whether to approve use of more than 50 percent of the total buildable site area for office uses, the following criteria shall be considered:
 - a. The location of the site in relation to other existing or proposed office and residential uses in the vicinity.
 - b. The demand for offices uses in the vicinity of the proposed site (the Planning Commission or Township Board may require a market study for this criterion).
 - c. The size and shape of the site.
2. All permitted office uses shall be conducted entirely within a completely enclosed building.

3. Except as otherwise approved under Section 14.17 of this Ordinance, off-street parking and off-street loading and unloading space shall be provided as required by this Ordinance.

Section 17.8. Required Conditions for Restaurant Uses. Restaurant uses located within a PUD shall be subject to the following criteria, requirements and limitations:

1. In determining whether to permit a restaurant as part of a PUD and, if so, the maximum permitted size of the restaurant, the following criteria shall be considered:
 - a. The number and proximity of other restaurant uses in the general vicinity and their nature.
 - b. The number of workers and residents within the PUD and those in the nearby areas that are likely to frequent the facility.
 - c. The relative impact the restaurant will have on vehicle trips in and out of the site and on traffic on nearby roadways.
2. In addition to the criteria in Section 17.8.1, to be permitted in a PUD, a proposed restaurant may be required to meet the following standards:
 - a. The restaurant will provide food or beverages only for consumption on the premises or for takeout but shall not have a drive-in, drive-through or drive-up facility;
 - b. The restaurant is designed for and will primarily serve those living or working within the PUD and other nearby commercial and residential developments;
 - c. The restaurant is designed and will be located so that it is visually and functionally an integral part of the PUD and/or other nearby commercial and residential developments by way of pedestrian and secondary vehicle access linkages; and
 - d. The restaurant is consistent with the purposes and intent of a PUD as provided by this Ordinance.
3. Except as otherwise approved under Section 14.17, off-street parking and off-street loading and unloading shall be provided as required by this Ordinance.

CHAPTER 18
OFFICE PLANNED UNIT (O-PUD) DISTRICT

Section 18.1. Description and Purpose. The O-PUD zone is intended to allow developers of both individual and multi-office building projects the flexibility to design a development which respects the natural features of a site, which can be compatible in appearance and operation with nearby planned or existing residential areas, and where traditional office zoning regulations would constrain or prohibit the development of a parcel suited for office use. It is also the intent of the O-PUD zone to allow, following review and approval of the Township Board, restaurant, retail, and service uses of a limited size in conjunction with permitted offices uses to provide on-site office workers with convenience goods and services.

Section 18.2. Permitted Uses. Except as otherwise provided by this chapter, land in the Office Planned Unit (O-PUD) District may be used only for the purposes provided below:

1. Office uses, subject to the requirements under Section 18.5, as follows:
 - a. Professional offices of doctors, dentists, lawyers, accountants, realtors, architects, engineers, business or financial consultants or other professionals and corporate, executive, administrative, or sales office including incidental sales of medical or dental aids.
 - b. Banks and other financial institutions. Drive-up windows and automated tellers are permitted provided they are clearly accessory to the indoor banking operations and are physically integrated with the principal building. Freestanding automated teller machines are prohibited.
2. Uses, structure and buildings which are customarily incidental to the permitted principal uses and which are approved by the Township Board.

Section 18.3. Uses Permitted Subject to Specific Authorization of Township Board. The following uses are also permitted within the O-PUD zone which specifically authorized by the Township Board upon the recommendation of the Planning Commission. The uses shall be developed in accordance with standards provided for PUDs and the specific standards applicable to each use as set forth elsewhere in this Ordinance, except that the Township Board in its discretion may vary those specific standards in order to achieve the intent and purposes of the PUD:

1. Restaurants (including without limitation, coffee and baked goods shops; delicatessens and similar types of sandwich shops; and ice cream and yogurt shops), subject to the requirements under Section 18.6.
2. Retail and service stores which are designed primarily to provide convenience goods and services to on-site office workers (including, without limitation, personal service establishments; dry cleaning stores; tailors and shoe repair shops; financial institutions; card and gift shops; and stores offering convenience items or convenience foods in a prepackaged form), subject to the requirements under Section 18.6.

3. Child care centers.
4. Adult day care centers.
5. Patio/al fresco dining facilities, except that such facilities approved under a temporary use permit issued by the Zoning Administrator under the terms of Section 4.23 shall be deemed approved according to the terms of such permit.

Section 18.4. Yard, Building and Area Requirements for All Uses. The lot area, lot width, building setback, and yard requirements applicable within a PUD shall be determined for the PUD by the Planning Commission and Township Board, based on the application of site planning criteria to achieve integration of the project with the characteristics of the project area. In making these determinations, the criteria considered shall include the following:

1. Overall design of the project relative to its compatibility with nearby existing or proposed land uses.
2. Number, type and size of buildings.
3. Proximity to adjacent existing and future land uses.
4. Preservation of existing vegetation or other natural features on site.
5. Topography of the site.
6. Provision of water, sanitary sewer and storm sewer.

The front yard, side yards, and rear yard shall be kept clear and unobstructed and shall not be used for the storage or disposal of any materials, except in approved locations within the PUD, but shall be screened or landscaped or used for off-street parking and for loading and unloading in accordance with the purposes of the PUD.

Section 18.5. Required Conditions for Office Uses. Office uses located within a PUD shall be subject to the following requirements and limitations:

1. All permitted office uses shall be conducted entirely within a completely enclosed building.
2. Except as otherwise approved under Section 14.17 of this Ordinance, off-street parking and off-street loading and unloading space shall be provided as required by this Ordinance.

Section 18.6. Required Conditions for Restaurant, Retail or Service Uses. Restaurant, retail and service uses located within a PUD shall be subject to the following criteria, requirements and limitations:

1. In determining whether to permit a restaurant, retail or service use as part of a PUD and, if so, the type of restaurant or use and the maximum permitted size of the restaurant or use, the following criteria shall be considered:
 - a. The proximity of off-site restaurants and of similar retail or service uses, as applicable;
 - b. The number of people working at the offices within the PUD; and
 - c. The impact that the restaurant, retail or service use will have on vehicle trips in and out of the development and on traffic on nearby roadways.
2. In addition to the criteria in Section 18.6.1, to be permitted in a PUD, a proposed restaurant, retail or service use must meet all of the following standards:
 - a. If the proposed use is a restaurant, the restaurant will provide food or beverages only for consumption on or off the premises and will not have a drive-in, drive-through or drive-up facility;
 - b. The use is designed for and will primarily serve those working within the PUD;
 - c. The use is designed and will be located so that it is visually and functionally an integral part of the PUD;
 - d. The use will not substantially increase traffic volumes within the PUD or on adjacent roadways, or result in unsafe traffic situations;
 - e. The use will be located and designed to provide safe and efficient pedestrian access for office employees and persons visiting the office uses; and
 - f. The use is consistent with the purposes and intent of a PUD as provided by this Ordinance.
3. Except as otherwise approved under Section 14.17, off-street parking and off-street loading and unloading space shall be provided as required by this Ordinance.

CHAPTER 19
COMMUNITY SERVICE PLANNED UNIT DEVELOPMENT (CS-PUD) DISTRICT

Section 19.1. Purpose. The CS-PUD zone is intended for a variety of land uses. This zone is not intended to be developed with a single type of land use. Permitted uses would include, but not be limited to multi-family, service uses, retail and institutional uses such as churches and governmental buildings. The retail or service uses would be developed concurrently with permitted non-commercial uses in order to achieve a development with multiple uses.

Uses in a CS-PUD zone intended to serve the surrounding community and provide commercial and service uses of a convenient to nearby residents. CS-PUD Zoning Districts should be developed with a unified architectural theme with emphasis on pedestrian circulation and on building design and placement which relate more to on-site uses rather than off-site uses and passing traffic.

Section 19.2. Uses Permitted. Except as otherwise provided by this chapter, land in the Community Service Planned Unit Development District may be used only for the purposes (or a combination of the purposes) provided below subject to the limitations for commercial uses as set forth in Section 19.3.1.

- a. Retail shops and stores including but not limited to:
- Antique sales
 - Art gallery and artist supply store
 - Bakeries
 - Book stores
 - Card shops
 - Clothing store
 - Florist
 - Grocery store
 - Hardware store
 - Ice cream shop
 - Butcher shop
 - Pharmacy

- Photocopy and printing shop
 - Video rental and sales
- b. Personal service establishments including but not limited to:
- Barber shops
 - Beauty shops
 - Dry cleaning and laundry
 - Health and physical fitness establishments
 - Shoe repair shop
 - Tailor shop
- c. Professional offices of doctors, dentists, lawyers, accountants, realtors, architects, engineers, business or financial consultants or other professionals and corporate, executive, administrative or sales offices including incidental sales of medical and dental aids.
- d. Government and public service uses such as government offices, public libraries, public and private museums.
- e. Medical and dental clinics.
- f. Sit down and carry out restaurants, delicatessens, and coffee houses. Those uses with drive-in or with drive-through facilities are not permitted.
- g. Banks and credit unions and other financial institutions.
- h. Animal hospitals, veterinary clinics including boarding provided that all animal runs shall be totally enclosed.
- i. Retirement and elderly housing.
- j. Multi-family housing subject to the applicable requirements of Chapter 15.
- k. Child care centers.
- l. Mortuaries and funeral homes.
- m. Churches and other places of religious assembly.

- n. Other principal uses which are determined by the Planning Commission (a) to be similar in character and operation to the permitted uses described above; (b) to be closely complementary and to enhance permitted uses; and (c) to be compatible with the intent and purposes of the CS-PUD District.
- o. Uses, structures, and buildings that are customarily incidental to the permitted principal use including the outdoor storage and sale of merchandise when accessory and contiguous to the principal building.
- p. The following uses are specifically prohibited in the CS-PUD Zoning District:
 - Open air businesses, except patio/al fresco dining or outdoor sales permitted or approved under the terms of Sections 4.23 or 4.24.
 - Movie theaters
 - Retail building supply stores
 - Warehouse type stores and buying clubs
 - Automobile service and gas stations
 - Vehicle wash establishments
 - Motor vehicle sales
 - Manufactured homes sales or service
 - Recreational vehicle sales or service
 - Motels and hotels
 - Restaurants with drive-in or drive-through facilities
 - Convenience stores
- q. A home occupation, subject to the provisions of Section 4.16 of this Ordinance.

Section 19.3. Site Development Standards and Conditions. Except as otherwise provided in this chapter, development plans for the use of land within a CS-PUD Zoning District shall at a minimum comply with the standards and conditions provided in this section as well as the standards and conditions applicable to all PUD districts as set forth in Chapter 14 and any other applicable provisions of this Ordinance.

1. **Mixed Land Uses Requirement.**

a. **CS-PUD A Option.**

1. A maximum of one-third of the gross acreage of a CS-PUD A development site may be devoted to permitted commercial uses and required parking.
2. The commercial uses shall be constructed concurrently with the non-commercial uses, so that substantially proportional amounts of commercial uses and non-commercial uses shall exist at all times, as calculated by the area of the development site devoted to each use category. For example, a development site that, upon completion, will have the minimum two-thirds non-commercial area shall, at all times during development, have two-thirds of the developed area devoted to non-commercial and one-third devoted to commercial. Reasonable non-material adjustments in this requirement may be permitted in the CS-PUD approval process.
3. For purposes of this subsection, commercial uses are those permitted in the CS-PUD zone, as stated in Sections 19.2.a through h. The uses specified in Section 19.2.p are prohibited.
4. The Planning Commission may recommend to the Township Board and the Board in its discretion may approve an increase of not more than 5 percent in the maximum commercial acreage requirement of Section 19.3.1.a.i if the Planning Commission and the Township Board find, based on facts presented by the applicant, that all of the following criteria are met:
 - (a) Even if the increase is approved, the resulting CS-PUD development will be consistent with the purpose and intent of the CS-PUD Zone District as provided by Section 19.1 and by other applicable provisions of this Zoning Ordinance;
 - (b) Even if the increase is approved, non-commercial uses will predominate in the mix of land uses proposed for the CS-PUD development;
 - (c) The increase is justified due to the nature, size, density, location or design of the proposed CS-PUD development.

b. **CS-PUD B Option.**

1. A maximum of 50 percent of the gross acreage of a CS-PUD B development site may be devoted to permitted commercial uses and required off-street parking.

2. The commercial uses shall be constructed concurrently with the non-commercial uses, so that substantially proportional amounts of commercial uses (including required off-street parking) and non-commercial uses shall exist at all times, as calculated by the area of the development site devoted to each use category. For example, a development site that, upon completion, will have 50 percent non-commercial area shall, at all times during development, have 50 percent of the developed area devoted to non-commercial and 50 percent devoted to commercial. Reasonable non-material adjustments in this requirement may be permitted in the CS-PUD approval process.
 3. For purposes of this subsection, commercial uses shall be those permitted in the CS-PUD District, as stated in Section 19.2, excluding, however, churches and other places of religious assembly. The uses specified in Section 19.2.p are prohibited.
 4. In the calculation of land area devoted to non-commercial use, legally dedicated, unimproved open space shall be included. Such open space shall remain in a natural state (except for necessary utilities) and shall not be located within street rights-of-way or within the boundaries of any individual lot or unit. The open space shall be available for passive use by all residents of a development. Such open space meeting these requirements shall constitute not less than 10 percent of the gross acreage of the development site, but not more than 25 percent of the gross acreage of the development site.
- c. Except where expressly stated in this section, all requirements of this chapter are applicable to the CS-PUD A Option and the CS-PUD B Option.

2. **Area and Yard Requirements.**

- a. In order to be rezoned to the CS-PUD District and be subject to the CS-PUD A Option, a site must contain at least ten acres in area. This requirement may be reduced by the Planning Commission if, in its discretion, it is determined that the PUD can be developed on a smaller parcel in accordance with the intent and standards of the CS-PUD District.
 - b. In order to be rezoned to the CS-PUD District and to be developed under the CS-PUD B Option, a site must contain at least 40 acres in area.
3. **Building Setbacks.** The setback from all lot lines including the right-of-way lines for public and private roads abutting the site or serving the interior of the site shall be determined for the PUD by the Planning Commission and Township Board, based on the application of site planning criteria to achieve integration of the development with the characteristics of the site area. In making these determinations, the criteria considered shall include the following:

1. Number, type and size of buildings.
2. Proximity to adjacent existing and future land uses.
3. Preservation of existing vegetation or other natural features on site.
4. Topography of the site.
5. Provision of water, sanitary sewer, and storm sewer.
6. Overall design of the development relative to its compatibility with nearby existing or proposed land uses.

The front yard, side yards, and rear yard shall be kept clear and unobstructed and shall not be used for the storage or disposal of any materials, except in approved locations within the PUD, but shall be screened or landscaped or used for off-street parking and for loading and unloading in accordance with the purposes of the PUD.

4. **Landscaping, Buffer Areas and Open Space.** Landscaping shall be provided for greenbelts, front yards and parking lots as required by Chapter 29.
5. **Access and Circulation.** The control of traffic is an important consideration in the development of a CS-PUD zoned parcel. The following standards shall be used by the Planning Commission in determining access to a site:
 - a. For a site located on the East Beltline a driveway or driveways may be allowed onto the Beltline if it is demonstrated through a traffic impact study that the traffic flow on the East Beltline will not be seriously disrupted.
 - b. Driveways permitted on the East Beltline shall be provided according to the standards contained in the Grand Rapids Charter Township 1992 Plan for the East Beltline and the 1998 North East Beltline Joint Development Plan.
 - c. Driveways serving the site from adjoining streets other than the East Beltline shall be at least 300 feet from the East Beltline right-of-way.
 - d. A traffic impact study shall be submitted with the Preliminary Development Plan. The study shall provide data and findings for on site and off site traffic control measures, information on the amount of traffic generated by proposed uses, the impact of traffic on adjacent and nearby streets, and other traffic information as required by the Planning Commission.
 - e. As a condition of approval of any CS-PUD, the Planning Commission shall find, based on the results of the traffic impact study and other information, that safe and efficient traffic flow will be maintained on adjacent and nearby streets once the proposed use is established.

- f. Interior roadways and parking lots shall be designed so that traffic circulates with a minimum of conflict. Entrance points to parking areas shall be placed so as to avoid vehicles backing up onto adjacent roadways.
 - g. Service drives shall be provided as recommended in the 1992 Plan for the East Beltline and the 1998 North East Beltline Joint Development Plan.
6. **Building Size, Placement, Appearance.**
- a. For a site on the East Beltline, a proposed commercial use shall not be of a size which would attract substantial numbers of users who would otherwise not utilize the Beltline or adjacent streets to reach the development. In order to determine compliance with this standard the Planning Commission in reviewing the size of a proposed commercial use may require a market study to demonstrate the area which a proposed commercial use is designed to serve.
 - b. The building floor to land area ratio for all buildings on the site shall not exceed 0.20. This ratio shall be determined by dividing the sum of the gross floor area for all buildings by the gross site area excluding land within existing road rights-of-way.
 - c. Buildings and structures shall have a unified, attractive, architectural theme reflective of the character of the area. Buildings shall be designed to avoid massive walls or facades which would be out of character and scale with existing nearby buildings which are located within the Township.
 - d. Buildings shall be located so they do not detract from or predominate the existing view along Township roadways and shall be oriented toward the interior of the site rather than toward passing traffic. When a CS-PUD area abuts land zoned for residential use building setbacks should be such that the privacy and quiet of nearby residents is not adversely affected.
7. **Off-street Parking and Loading.** Except as otherwise approved under Section 14.17 of this Ordinance, off-street parking and loading spaces shall be provided as required by Chapter 28 of this Ordinance.
8. **Lighting.** All outdoor lighting fixtures including but not limited to pole mounted or building mounted lights, shall be subject to the following regulations:
- a. Lighting shall be designed and constructed in such a manner to ensure that:
 - 7. Direct or directly reflected light is confined to the area needing it and that it is not directed off the property.
 - 8. All light sources and light lenses are shielded.

9. Any light sources or light lenses are not directly visible from beyond the boundary of the site.
 10. Light from the illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not have an adverse impact on surrounding areas.
 11. Exterior building and parking lot lights shall have only the minimum illumination necessary for security and safe vehicle and pedestrian movement.
- b. Lighting fixtures shall be a down-type having 100 percent cut off at the horizontal plane at the bottom of the light fixture.
 - c. Blinking, flashing, lights which change intensity and beacon lights are not permitted.
 - d. Pole mounted lights shall not be more than 35 feet in height unless a lesser height is required by the Planning Commission.
 - e. Interior building lights shall be arranged and designed so as not to be a distraction or a visual nuisance to passing motorists or nearby residents or property owners.
 - f. During non-operating hours lighting shall be reduced to levels necessary for security purposes only.
9. **Storm Drainage.**
- a. Storm drainage facilities shall be designed to respect the natural drainage pattern of the site. Measures shall be taken to prevent roadway and parking lot oil and gas residues and other pollutants from being discharged to the natural drainage systems.
 - b. Storm water detention ponds shall be required if necessary for the containment of estimated surface water runoff. Such ponds shall be placed at locations that will not detract from visual amenities along the streetscaped or result in a hazard to pedestrians in the immediate area.
 - c. A storm water management plan shall be submitted along with the final PUD site plan. The plan shall provide information on how storm water will be controlled during and after construction. This plan shall be subject to the review and approval of the Township Engineer.
 - d. Compliance with any applicable Township storm water management ordinance.

Section 19.4. Signs. Signs in a CS-PUD District shall comply with the regulations contained in Chapter 30 of this Ordinance. Drawings illustrating sign design, size, location and lighting shall be submitted to the Planning Commission in its review of the CS-PUD rezoning application.

CHAPTER 21
“NC-PUD” NEIGHBORHOOD COMMERCIAL PUD DISTRICT

Section 21.1. Title and Purpose. The Neighborhood Commercial Planned Unit Development District, designated the NC-PUD District, is intended for commercial uses of limited scope, in order to provide commercial and service opportunities for the local community. The district is intended to provide flexibility in the design of limited scale commercial developments, in accordance with standards specified in this chapter.

The NC-PUD District does not include and shall not be approved for regional, area-wide or large-scale commercial buildings or developments. The zone does not permit large scale commercial centers which depend for their success upon patronage by a large shopping population drawn from a region or other area greater than the local community. Accordingly, the NC-PUD district does not permit large department stores, warehouse clubs or warehouse stores; large discount stores, malls, strip malls, shopping centers; superstores or other similar large scale commercial buildings.

The NC-PUD District is intended to authorize commercial uses which serve primarily the township and the nearby and surrounding area. Thus, the district is intended for smaller scale stores and other smaller scale commercial buildings of limited scope and impact and which do not depend for their success upon patronage by large shopping populations drawn from a region or other substantial areas beyond the local community.

The NC-PUD zone permits a variety of commercial uses, in order to provide a reasonable variety of shopping and other commercial and service opportunities for nearby residents, workers and visitors, and to a lesser extent passing traffic. NC-PUD uses do not include those uses which are intended to attract customers from a larger area who would not otherwise travel to the district. NC-PUD Districts are expected to be developed under a single unified site plan so as to insure that all permitted uses are compatible in both function and design and that safe and efficient traffic flow is achieved.

Section 21.2. Uses Permitted. Except as otherwise provided by this chapter, land in the Neighborhood Commercial Planned Unit Development zone may be used only for the purposes (or a combination of the purposes) provided below:

- a. Retail shops and stores including but not limited to:
 - Antique sales
 - Appliance store
 - Art gallery and artist supply store
 - Automotive parts and accessories
 - Bakeries
 - Book stores

- Card shops
- Clothing store
- Consumer electronics
- Decorator shops (paint, wallpaper, lighting, floor covering)
- Fabric shop
- Florist
- Furniture store
- Garden shop
- Grocery store
- Hardware store
- Ice cream shop
- Jewelry store
- Butcher shop
- Music store
- Office supply store
- Pharmacy
- Photographic studios and camera shop
- Photocopy and printing shop
- Sporting goods
- Video rental and sales

b. Personal service establishments including but not limited to:

- Barber shops
- Beauty shops
- Dry cleaning and laundry

- Health and physical fitness establishments
 - Shop repair shop
 - Tailor shop
- c. Professional offices of doctors, dentists, lawyers, accountants, realtors, architects, engineers, business or financial consultants or other professionals and corporate, executive, administrative or sales offices including incidental sales of medical and dental aids.
- d. Government offices.
- e. Medical and dental clinics.
- f. Sit down and carry-out restaurants, delicatessens, and coffee houses. Those uses with drive-in or with drive-through facilities are not permitted.
- g. Banks and credit unions and other financial institutions.
- h. Animal hospitals, veterinary clinics including boarding provided that all animal runs shall be totally enclosed.
- i. Other principal uses which are determined by the Planning Commission (a) to be similar in character and operation to the permitted uses described above; (b) to be closely complementary and to enhance permitted uses; and (c) to be compatible with the intent and purposes of the NC-PUD District. Such uses, however, shall not be of a size or scope which would attract users from beyond the local community but instead shall be designed to serve the local community.
- m. Uses, structures, and buildings which are customarily incidental to the permitted principal use including the temporary outdoor storage and sale of merchandise when accessory and contiguous to the principal building.
- n. The following uses are specifically prohibited in the NC-PUD Zoning District:
- Large department stores
 - Large discount stores
 - Open air businesses, except patio/al fresco dining or outdoor sales permitted or approved under the terms of Sections 4.23 or 4.24.
 - Movie theaters

- Retail building supply stores
- Warehouse type stores and buying clubs
- Automobile service and gas stations
- Restaurants with drive-in or drive-through facilities
- Vehicle wash establishments
- Motor vehicle sales
- Manufactured homes sales or service
- Recreational vehicle sales or service
- Motels and hotels
- Marihuana establishments, as prohibited by Section 4.25.

Section 21.3. Site Development Standards and Conditions. Except as otherwise provided in this chapter, development plans for the use of land within a NC-PUD Zoning District shall at a minimum comply with the standards and conditions provided in this section as well as the standards and conditions applicable to all PUD districts as set forth in Chapter 14 and any other applicable provisions of this Ordinance.

1. **Building Size, Placement and Appearance.** In order to achieve the intent and purpose of the Neighborhood Commercial Planned Unit Development zone, it is important that individual commercial buildings and attached commercial buildings be of a size and scale which are reflective of neighborhood commercial developments.
 - a. A free-standing building containing no more than one commercial establishment shall not exceed 50,000 square feet of gross floor area. Up to 10,000 square feet of additional gross floor area may be allowed by the Planning Commission based upon the following site planning criteria:
 - i. Overall design of the project relative to its compatibility with nearby existing or proposed land uses.
 - ii. Proximity to adjacent existing and future land uses.
 - iii. Topography of the site.
 - b. A building which contains two or more commercial establishments shall not exceed 75,000 square feet of gross floor area. Such building shall have a roof line common to the commercial establishments.

- c. The building floor to land area ratio for all buildings on the site shall not exceed 0.20. This ratio shall be determined by dividing the sum of the gross floor area for all buildings by the gross site area excluding land within existing road rights-of-way.
- d. For NC-PUD developments which contain five acres or less the Planning Commission may recommend and the Township Board may approve a floor area ratio of up to 0.25. In determining whether or not to allow this increase the Planning Commission and Township Board shall each find based upon the facts presented by the applicant that the following criteria have been met:
 - i. The increased size of the project will not create traffic hazards on site or on adjacent roadways.
 - ii. The additional floor area allowed will not result in buildings which are out of scale with the size of the parcel.
 - iii. The additional floor area allowed will not result in building size or design which is incompatible with the character of nearby Township uses.
 - iv. The additional floor area is necessary to achieve a development size and mix of land uses for long-term viability of the NC-PUD.
 - v. The increase in floor area allowed will still achieve the intended purpose of the NC-PUD District.
- f. A proposed commercial use shall not be of a size which would attract substantial numbers of users who would otherwise not utilize adjacent streets to reach the development. In order to determine compliance with this standard the Planning Commission in reviewing the size of a proposed commercial use may require a market study to demonstrate the area which a proposed commercial use is designed to serve.
- g. Buildings and structures shall have a unified, attractive, architectural theme reflective of the character of nearby buildings in the Township. Buildings shall be designed to avoid massive walls or facades, flat roofs and box like building appearance which would be out of character and scale with existing nearby buildings which are located within the Township. Buildings with residential or varied roof lines shall be encouraged.
- h. Buildings shall be located so they do not detract from or predominate the existing view along Township roadways. When a NC-PUD area abuts land zoned for residential use building setbacks should be such that the privacy and quiet of nearby residents is not adversely affected.

2. **Area and Yard Requirements.** In order to be rezoned to NC-PUD, a site must contain at least three acres. This requirement may be reduced by the Planning Commission if, in its discretion, it is determined that the PUD can be developed on a smaller parcel in accordance with the intent and standards of the NC-PUD District.
3. **Building Setbacks.** The setback from all lot lines including the right-of-way lines for public and private roads abutting the site or serving the interior of the site shall be determined for the PUD by the Planning Commission and Township Board, based on the application of site planning criteria to achieve integration of the development with the characteristics of the site area. In making these determinations, the criteria considered shall include the following:
 1. Number, type and size of buildings.
 2. Proximity to adjacent existing and future land uses.
 3. Preservation of existing vegetation or other natural features on site.
 4. Topography of the site.
 5. Provision of water, sanitary sewer, and storm sewer.
 6. Overall design of the development relative to its capability with nearby existing or proposed land uses.

The front yard, side yards, and rear yard shall be kept clear and unobstructed and shall not be used for the storage or disposal of any materials, except in approved locations within the PUD, but shall be screened or landscaped or used for off-street parking and for loading and unloading in accordance with the purposes of the PUD.

4. **Landscaping.**
 - a. Landscaping shall be provided as required in Chapter 29 of this Ordinance. A separate landscaping plan shall be submitted along with the PUD site plan required by Chapter 13.
 - b. A minimum 25 feet wide landscaped strip shall be provided along that portion of the property which abuts a public street or parcel zoned for residential use.

Earthen berms may be required in order to improve the screening capabilities of the landscaped area.
 - c. Landscaping shall be provided adjacent to all buildings in order to reduce the visual impact of larger buildings, provide shade, and improve building appearances.

5. **Access and Circulation.** The control of traffic is an important consideration in the development of a NC-PUD zoned parcel. The following standards shall be used by the Planning Commission in determining access to a site:
 - a. For a site located on the East Beltline a driveway or driveways may be allowed onto the Beltline if it is demonstrated through a traffic impact study that the traffic flow on the East Beltline will not be seriously disrupted.
 - b. Driveways permitted on the East Beltline shall be provided according to the standards contained in the Grand Rapids Charter Township 1992 Plan for the East Beltline and the 1998 North East Beltline Joint Development Plan.
 - c. A traffic impact study may be required to be submitted with the preliminary development plan. The study if required shall provide data and findings for on site and off site traffic control measures, information on the amount of traffic generated by proposed uses, the impact of traffic on adjacent and nearby street, and other traffic information as required by the Planning Commission.
 - d. Service drives shall be provided as recommended in the 1992 Plan for the East Beltline and the 1998 North East Joint Development Plan.
6. **Parking and Pedestrian Circulation.**
 - a. Except as otherwise approved under Section 14.17 of this Ordinance, off-street parking and loading spaces shall be provided as required by Chapter 28 of this Ordinance.
 - b. Parking areas wherever reasonably possible shall be placed at the side or rear of buildings. If placed in front of buildings parking areas along the street shall be set back a sufficient distance from the right-of-way so as not to detract from the existing visual character along the roadway. Parking areas shall be screened by earthen berms and by plantings as required herein.
7. **Lighting.**
 - a. Lighting fixtures used to illuminate off-street parking areas and for security purposes shall be arranged as to deflect the light away from any adjoining residential properties or streets and highways.
 - b. Lighting fixtures within 150 feet of any residential area shall not exceed 20 feet in height. All other fixtures shall not exceed 35 feet in height.
 - c. Blinking, flashing, lights which change intensity and beacon lights are not permitted.

- d. Interior building lights shall be arranged and designed so as not to be a distraction or a visual nuisance to passing motorists or nearby residents or property owners.

8. Storm Drainage.

- a. Storm drainage facilities shall be designed to respect the natural drainage pattern of the site. Measures shall be taken to prevent roadway and parking lot oil and gas residues and other pollutants from being discharged to the natural drainage systems.
- b. Storm water detention ponds shall be required if necessary for the containment of estimated surface water runoff. Such ponds shall be placed at locations that will not detract from visual amenities along the streetscape or result in a hazard to pedestrians in the immediate area.
- c. A storm water management plan shall be submitted along with the final PUD site plan. The plan shall provide information on how storm water will be controlled during and after construction. This plan shall be subject to the review and approval of the Township Engineer.
- d. Compliance with any applicable Township storm water management ordinance.

Section 21.4. Signs. Signs in a NC-PUD district shall comply with the regulations contained in Chapter 30 of this Ordinance. Drawings illustrating sign design, size, location and lighting shall be submitted to the Planning Commission in its review of the NC-PUD rezoning application.

CHAPTER 22A

HEALTHCARE MIXED USE PLANNED UNIT DEVELOPMENT (HC-PUD) DISTRICT

Section 22A.1 Description and Purpose. The HC-PUD District is established primarily to permit and promote healthcare and medical office uses, administrative offices, retail and service uses in support of healthcare uses and other retail and service uses. The district also permits retail and service uses with direct access to major thoroughfares, and single family and multi-family residential development in areas which have direct access to local streets. Toward this end, mixed use projects containing healthcare, commercial, office and residential uses are permitted. Controls are applied to this district allowing flexibility, but requiring integrated design within the development; limited access to the existing public roadways, and integrated vehicular and pedestrian facilities within the development and between adjacent developments. HC-PUD developments will be designed to ensure compatibility with, and minimum impact upon, existing and future residential development in the area. Although concurrent development of healthcare, commercial, office and residential components is not mandatory, development is intended to be accomplished in a manner which will ensure compatible, integrated development with provisions being made for internal traffic circulation, open space and landscaping as lands are developed.

The PUD design should be predominated by building and landscape design elements that which have a coordinated architectural theme, having equal emphasis on pedestrian movement and vehicular circulation. The overall arrangement of buildings should create an internal traffic flow and focus for both vehicles and pedestrians. It is not the intent of this district to permit traditional “strip center” multi-tenant buildings, but to encourage single or limited tenant uses on the first floor, and provide internal access to multi-use and multi-tenant buildings.

Section 22A.2 Uses Permitted. Except as otherwise provided by this chapter, land in the Healthcare Mixed Use Planned Unit Development District may be used only for the purposes provided below and subject to the limitations as set forth in this chapter.

Healthcare and related uses including:

1. Outpatient surgical, diagnostic, testing, and rehabilitation services.
2. Medical laboratory and testing facilities.
3. Professional offices of doctors, dentists, optometrists, and other medical professionals, including incidental sales of medical or dental aids.
4. Drug stores and pharmacies, including drive-through service for delivery of prescriptions, medicines, and other therapeutic aids.
5. Fitness centers.
6. Urgent care centers.

Hospitality and food service establishments including:

7. Restaurants without drive-in or drive-through service.
8. Cafes, delicatessens, ice cream shops, coffee shops, food catering establishments.
9. Patio/al fresco dining facilities.

Retail sales establishments including:

10. General merchandise stores.
11. Food and grocery stores such as butcher shops and fish markets, fruit and vegetable markets, dairy products stores, candy, nut, and confectionery stores and retail bakeries.
12. Retail and service stores which are designed primarily to provide convenience goods and services to health care and office workers (including, without limitation, personal service establishments; dry cleaning stores; tailors and shoe repair shops; financial institutions; card and gift shops; and stores offering convenience items or convenience foods).
13. Miscellaneous retail stores for items such as antiques, articles on consignment, sporting goods and bicycles, books (except adult book stores), stationery, jewelry, art, hobbies, crafts, toys, and games, cameras and photographic supplies, gifts, novelties and souvenirs, luggage and leather goods, sewing, needlework, catalog and mail-order, tobacco products and accessories, and news dealers.
14. Floral shops without greenhouses.
15. Other retail stores, including hardware stores (without outdoor storage); home-furnishing stores; and stores offering office supplies, computers and software, clothing and videos and DVDs (not adult-oriented).

Business services including:

16. Advertising agencies, direct mail services, photocopying and duplicating services, commercial art and graphic design, secretarial and court reporting, employment agencies, computer programming services, data processing, and messenger service stations.
17. Miscellaneous repair services such as for radios, television, computers and similar electronics, household appliances and furniture, watches, clocks and jewelry when incidental to a principal retail use only.

Personal services including:

18. Beauty and barber shops, travel agencies, tanning and manicure salons, tailor and dress-making shops, shoe-repair shops.
19. Laundry/dry cleaning, pickup and drop-off only.
20. Dance, art, music, and similar professional studios.

Office and institutional uses including:

21. Banks and other financial institutions, including drive-through service.
22. Professional offices of lawyers, accountants, realtors, architects, engineers, business or financial consultants and other professionals, and corporate, executive, administrative, or sales offices including incidental sales of medical or dental aids.
23. Administrative offices and public meeting rooms for township, county, state, and federal government bodies.
24. Business offices for plumbers, heating and cooling contractors, electricians, decorators, and similar trades.

Residential uses:

25. Single family detached and attached multi-family dwelling units or townhouses with a maximum of ten dwelling units per acre within specified areas of the approved PUD located adjacent to local or neighborhood streets and having street-access that is separate and distinct from the street-access to the commercial elements of the PUD.
26. A home occupation accessory to residential uses, subject to the provisions of Section 4.17 of this Ordinance.

Other uses:

27. Retail businesses or service establishments, except those uses specifically prohibited in Section 22A.4, that generally provide commodities or services and that are judged by the Planning Commission (a) to be similar in character and operation to the permitted uses described above; (b) to be closely complementary to the permitted uses; and (c) to be compatible with the intent and purposes of the HC-PUD District.

Section 22A.3 Uses Permitted Subject to Specific Authorization of Township Board. The following uses are also permitted within the HC-PUD District if specifically authorized by the Township Board upon recommendation of the Planning Commission. The listed uses, if authorized, must be included in the final PUD plan, either as originally approved or amended. The uses shall be developed in accordance with standards provided for PUDs in Chapter 13 and specific standards applicable to each use as set forth in Chapter 24 of this Ordinance, except that the Township Board

in its discretion may vary those specific standards in order to achieve the intent and purposes of the PUD:

1. Hospitals and similar facilities which provide in-patient medical care.
2. Homes for the elderly or retired, including assisted living and similar facilities.
3. Libraries, museums, and art galleries.
4. Essential service buildings.
5. Wireless communications facilities including antennas and towers exceeding 35 feet in height and all associated transmitters, receivers, relays and equipment shelters.
6. Colleges, universities, public and private schools.
7. Parks and athletic facilities.
8. Adult and child day care centers.
9. Churches and other places of religious assembly.
10. Attached dwelling units having a density of greater than ten dwelling units per acre within specified areas of the approved PUD located adjacent to local or neighborhood streets and having distinct street-access that is separate and distinct from the street-access to the commercial elements of the PUD.
11. Hotels and motels.

Section 22A.4 Uses Specifically Prohibited. The following uses are specifically prohibited in the HC-PUD Zoning District:

1. Large department stores.
2. Large discount stores.
3. Open air businesses, except al fresco dining, outdoor catering and periodic sidewalk sales and display for tenant retailers only, and also except limited patio/al fresco dining or outdoor sales permitted or approved under the terms of Sections 4.23 or 4.24.
4. Movie theaters.
5. Retail building supply stores.
6. Warehouse-type stores and buying clubs.
7. Motor vehicle sales.

8. Manufactured homes sales or service.
9. Recreational vehicle sales or service.
10. Sexually oriented businesses.
11. Automobile service stations and motor-vehicle repair shops.
12. Motor-vehicle wash establishments.
13. Marihuana establishments, as prohibited by Section 4.25

Section 22A.5 Site Development Standards and Conditions. Except as otherwise provided in this chapter, development plans for the use of land within a HC-PUD Zoning District shall at a minimum comply with the standards and conditions provided in this section as well as the standards and conditions applicable to all PUD Districts as set forth in Chapter 13 and any other applicable provisions of this Ordinance.

1. **Area and Yard Requirements, Building and Parking Lot Setbacks and Greenbelts.**
 - a. **Minimum Area.** In order to be rezoned to HC-PUD, a site must contain at least ten acres. This requirement may be reduced by the Planning Commission if, in its discretion, it is determined that the PUD can be developed on a smaller parcel in accordance with the intent and standards of the HC-PUD District.
 - b. **Compliance With the North East Beltline Overlay District.** HC-PUD developments located within the North East Beltline Overlay District shall comply with the requirements of Chapter 23, The North East Beltline Overlay District.
 - c. **Perimeter Building Setbacks for Commercial Buildings.** Building setbacks for commercial buildings placed along all perimeter public streets not governed by Chapter 23 and all adjoining residential districts or residential areas within the same HC-PUD development shall be 75 feet as measured from the property line. Perimeter building setbacks for buildings adjacent to commercial zoning districts and not located in the North East Beltline Overlay zone shall be 50 feet.
 - d. **Parking Lot Setbacks for Commercial Buildings.** Parking lot setbacks for commercial buildings placed along all perimeter streets not governed by Chapter 23 shall be 25 feet; provided, however, that if approved in the HC-PUD Ordinance, all or any part of a motor-vehicle circulation lane may be located within such 25-foot setback and, if so approved, additional or alternate landscaping for screening purposes may be required. The greenbelt/perimeter setback for parking lots located adjacent to residential

uses and districts located outside of the HC-PUD development shall be a minimum of 50 feet; provided, however, that a motor-vehicle circulation lane or part thereof may be located within such 50-foot setback, if so approved in the HC-PUD Ordinance, but in that event additional or alternate landscaping for screening purposes may be required. Adequate open space and screening between any residential areas and areas devoted to healthcare and commercial buildings and off-street parking areas shall be provided. Setback areas may support and include pedestrian and bike paths linking the various uses and shall otherwise be used to create and maintain an aesthetically pleasing, safe and secure environment for visitors and residents.

- e. **Internal Setbacks.** Within designated healthcare/commercial use development areas, flexibility will be granted in establishing the setbacks from internal lot lines (when applicable) and the right-of-way lines for internal public and private roads serving the interior of the site. Zero lot line and zero setback development concepts may be employed consistent with the criteria provided below. Internal setbacks shall be determined for the PUD by the Planning Commission and Township Board, at the time of final development plan approval based on the application of sound site planning criteria. In making these determinations, the criteria considered shall include the following:
1. Number, type and size of buildings.
 2. Proximity to adjacent existing and future land uses.
 3. Preservation of existing vegetation or other natural features on site.
 4. Topography of the site.
 5. Provision of water, sanitary sewer, and storm sewer.
 6. The proposed overall intensity and design of the development relative to its ability to achieve the integration of mixed uses, provide safe and efficient pedestrian ways and avoid unsafe vehicular traffic movements and congestion on the internal street network.
 7. The adequacy of parking, landscape, drainage and open space designs to satisfy the internal needs of the development.
- f. **Yard, Building, and Area Requirements for Residential Buildings.** The lot area, lot width, building setback, and yard requirements applicable to any residential development areas in an HC-PUD development shall be determined for the PUD by the Planning Commission and Township Board, based on the application of site-planning criteria to achieve integration of the development with the characteristics of the development area, and

neighboring properties. In making these determinations, the criteria considered shall include the following:

1. Overall design of the project relative to its compatibility with nearby existing or proposed land uses.
 2. Number and type of dwelling units.
 3. Proximity to adjacent existing and future land uses.
 4. Preservation of existing vegetation or other natural features on site.
 5. Topography of the site.
 6. Provision of water, sanitary sewer, and storm sewer.
- g. All front yard, side yard, and rear yards as ultimately established within the PUD shall be kept clear and unobstructed and shall not be used for the storage or disposal of any materials, except in approved locations within the PUD, and shall be screened or landscaped or used for off-street parking and for loading and unloading in accordance with the purposes of the PUD.

2. **Landscaping and Open Space.** Landscaping shall be provided for greenbelts and parking lots as required by Chapter 29. Flexibility may be granted in the calculation of required landscape islands established under the parking area landscaping requirements of Section 29.9 to allow for the aggregation of areas and their placement along internal streets when adjacent to the parking area.

3. **Pedestrian and Bicycle Facilities.** Safe and convenient pedestrian and bicycle access shall be provided and shall link reasonably to areas and uses within the development. This shall include appropriate connections to the existing and planned sidewalk and bicycle paths in the community and surrounding neighborhoods as well as sidewalk connections to building entrances from the public and private street system. In addition:

- a. Safe and secure pedestrian seating in appropriate quantities and locations may be required along sidewalks and bicycle paths.
- b. Secure, marked, bicycle parking spaces shall be provided. They shall be designed and placed to be within walking distance of the buildings and building entrances they are intended to serve,

4. **Access and Circulation.** The control of traffic is an important consideration in the development of a HC-PUD zoned parcel. The following standards shall be used by the Planning Commission in determining access to a site:

- a. The Planning Commission may require that a traffic impact study be submitted with the preliminary development plan. The study shall provide

data and findings for on-site and off-site traffic control measures, information on the amount of traffic generated by proposed uses, the impact of traffic on adjacent and nearby streets, and other traffic information as required by the Planning Commission.

- b. As a condition of approval of any HC-PUD, the Planning Commission shall find, based on the results of the traffic impact study, if required, and other information, that safe and efficient traffic flow will be maintained on adjacent, nearby and internal streets once the proposed use is established.
- c. Interior roadways and parking lots shall be designed so that traffic circulates with a minimum of conflict. Entrance points to parking areas shall be placed so as to avoid vehicles backing up onto adjacent roadways. Section 28.5 addresses off street parking and loading requirements.
- d. If applicable, service drives shall be provided as recommended in the 1998 North East Beltline Joint Development Plan.

5. Building Size, Placement, Appearance.

- a. Unless specifically authorized as part of final PUD plan approval the building-ground-floor to land-area ratio for all buildings within non-residential areas shall be limited to approximately 0.23. This ratio shall be determined by dividing the sum of the gross first floor area for all buildings by the gross site area excluding land within existing road rights-of-way. At the time of final PUD approval the Township may authorize flexibility in this ratio to accommodate future minor building additions and approved building footprint adjustments. In no case shall the cumulative effect of such modifications result in additional buildings or building floors or more than an increase of 1 percent in the ground-floor to land-area ratio of 0.24.
- b. An individual building or anchor tenant space, which is not used for healthcare purposes according to the classification in Section 22A.2, or as a hospital, shall not exceed a first-floor-area footprint of 75,000 square feet and total building floor area of 150,000 square feet.
- c. The maximum height of a building shall be not greater than 35 feet, except as otherwise provided in subsection d. Building height shall be measured as the vertical distance from the mean of the lowest and highest elevation points adjoining the exterior walls of the structure to the highest point of a flat roof; to the deck line of a mansard roof; and to the mean height between the eave and ridge of the highest roof section for gable, hip or gambrel roof.
- d. For a building, the front line of which is located not less than 170 feet nor more than 700 feet from the existing through-lane of East Beltline Avenue, building height shall be measured in the manner provided in subsection c. above, except beginning at the elevation at the edge of the existing through-

lane of East Beltline Avenue, at the midpoint of the building's frontage, as extended to East Beltline Avenue; provided, however, that the total height of such a building shall be as determined by the Township Board in the HC-PUD Ordinance, after recommendation by the Planning Commission, and in any event a building shall not exceed a maximum of four stories.

- e. The height exception provisions of Section 4.5 of the Zoning Ordinance shall apply where appropriate. In addition, enclosed or screened mechanical equipment shall be excluded in determining a building's allowable height if the enclosure or screen is set back from the roof edge by a minimum of 15 feet on each side.
- f. For multi-tenant buildings, individual tenant spaces shall not be provided with direct outdoor access, but access shall be provided by means of common entrances and interior hallways, atriums, or similar spaces. Separate exterior entrances may be approved by the Township for demonstrated need based upon the character of the tenant's operation, such as for an urgent care center, or pharmacy, or in a similar situation in which the provision of direct access to tenant spaces is consistent with the purpose of this chapter of avoiding multi-tenant spaces of a traditional "strip" or similar design.
- g. Buildings and structures shall have a coordinated architectural theme. Anchor buildings and multi-tenant buildings shall be designed to avoid massive walls and undifferentiated façades.
- h. Refuse and loading areas shall be screened. The screening may be through internal loading areas, screening walls matching the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes, but not for screening, if consistent with the character and design used throughout the remainder of the development.

6. **Off-Street Parking and Loading.** Except as otherwise approved under Section 14.17 of this Ordinance, off-street parking and loading shall be provided as required by Chapter 28 of this Ordinance. At least 75 percent of the parking spaces provided for residential units located above first floor retail and office space in designated mixed use development areas shall be provided and maintained in areas designated for the residential units and shall not be available for employee or business customer use. If the PUD is located in the North East Beltline Overlay District, the applicable provisions of Chapter 23 shall apply.

7. **Lighting.** All outdoor lighting fixtures, including but not limited to pole-mounted or building-mounted lights, shall be subject to the standards of Chapter 23 except that the maximum height of permitted light fixtures may be increased to a height not exceeding 30 feet, measured from the ground at the base of the light pole.

8. Storm Water Drainage.

- a. On-site storm drainage facilities, when required, shall be designed to respect the natural drainage pattern of the site. Measures shall be taken to prevent roadway and parking lot oil and gas residues and other pollutants from being discharged to the natural drainage systems.
- b. Storm water detention ponds shall be required if necessary for the containment of estimated surface water runoff. Such ponds shall be placed at locations that will not detract from visual amenities along the streetscape or result in a hazard to pedestrians in the immediate area.
- c. A storm water management plan shall be submitted along with the final PUD site plan. The plan shall provide information on how storm water will be controlled during and after construction. This plan shall be subject to the review and approval of the Township Engineer.
- d. Compliance with the Township Storm Water Ordinance is required and a storm water permit under the terms of that ordinance shall be obtained.

9. Residential Development; Density and Floor Area Requirements.

- a. Based upon the recommendations of the Planning Commission, the Township may restrict to residential development those areas of the HC-PUD District which have frontage on and are directly adjacent to neighborhood or local streets, taking into consideration whether the Township's comprehensive plan provides for continued use of adjacent areas as residential.
- b. Based upon the recommendations of the Planning Commission, the Township Board shall determine the density for any designated residential area within an HC-PUD District. In no case, however, shall the density of development in a designated residential area exceed ten dwelling units per acre.
- c. In determining the maximum allowable density, the Planning Commission and the Township Board shall be guided by the application of site planning criteria to achieve integration of the project with the characteristics of the project area, and shall consider factors including the impacts of the density of the proposed PUD on existing densities in the area and the intent and purpose of the residential portion of the HC-PUD Zoning District.
- d. The total number of dwelling units permitted within a designated residential development phase or portion of an HC-PUD shall be computed by multiplying the maximum permitted density (units per acre) by the total acreage of the designated residential area of the PUD property, excluding land within public or private road rights-of-way public easements, flood-plain and wetland areas, and areas permanently inundated by water. The Michigan

Department of Environmental Quality shall make the final determination of the existence of wetlands and floodplain areas on a parcel.

- e. **Residential Unit Size.** Except as provided below, each dwelling unit located within an HC-PUD shall contain the following minimum amount of floor area:
1. Single family detached dwelling:
 - i. Single story dwelling unit, with basement - 1,040 sq. ft. on first floor.
 - ii. Two story dwelling unit - 720 sq. ft. on first floor, but not less than 1,040 total sq. ft. for each dwelling unit.
 - iii. All other single family detached dwelling units - 1,700 sq. ft. total sq. ft. for each dwelling unit.
 2. Two family dwellings - 860 sq. ft. for one unit, but not less than 1,910 total sq. ft. for both dwelling units.
 3. Multi-family apartment/condominium dwellings:
 - i. One bedroom - 750 sq. ft for each dwelling unit.
 - ii. Two or more bedrooms - 860 sq. ft. for each dwelling unit.
 4. Studio apartments, in which all living space is in one area, except for bathroom or closet areas – 525 square feet for each dwelling unit.

Section 22A.6 Signs. Unless otherwise stipulated and approved as part of an overall design scheme authorized at the time of final PUD plan approval, signs in a HC-PUD District shall comply with the sign regulations pertaining to the NC-PUD and CS-PUD Districts (Sections 23.7 and 30.14). Drawings illustrating sign design, size, location and lighting shall be submitted to the Planning Commission in its review of the HC-PUD rezoning application.

CHAPTER 23
THE NORTH EAST BELTLINE OVERLAY DISTRICT

Section 23.1. Description and Purpose. The purpose of this overlay zone is to implement the 1998 North East Beltline Joint Development Plan; to provide a consistent development framework; to specify practical development standards; to preserve the natural road edge, scenic views and steep slopes; and to protect the transportation capacity of this important community and transportation corridor. This zone is compatible with a similar zone in Plainfield Township and the City of Grand Rapids. It is the intent that the requirements of this overlay zone apply to all land abutting or gaining access from the East Beltline between I-96 and Grand River Avenue; unless otherwise defined.

The following standards shall not apply to developments (including PUDs) approved prior to January 1, 2002, nor to subsequent amendments or modifications of such developments or PUDs. However, the requirements of this overlay shall apply to the elements of a PUD, approved prior to the effective date of this overlay, that were not specifically addressed in the conditions of approval. That may include building and parking lot setbacks, landscaping, parking, lighting, signs, grading, storm water management, motor vehicle and pedestrian access, and architectural façades and building design.

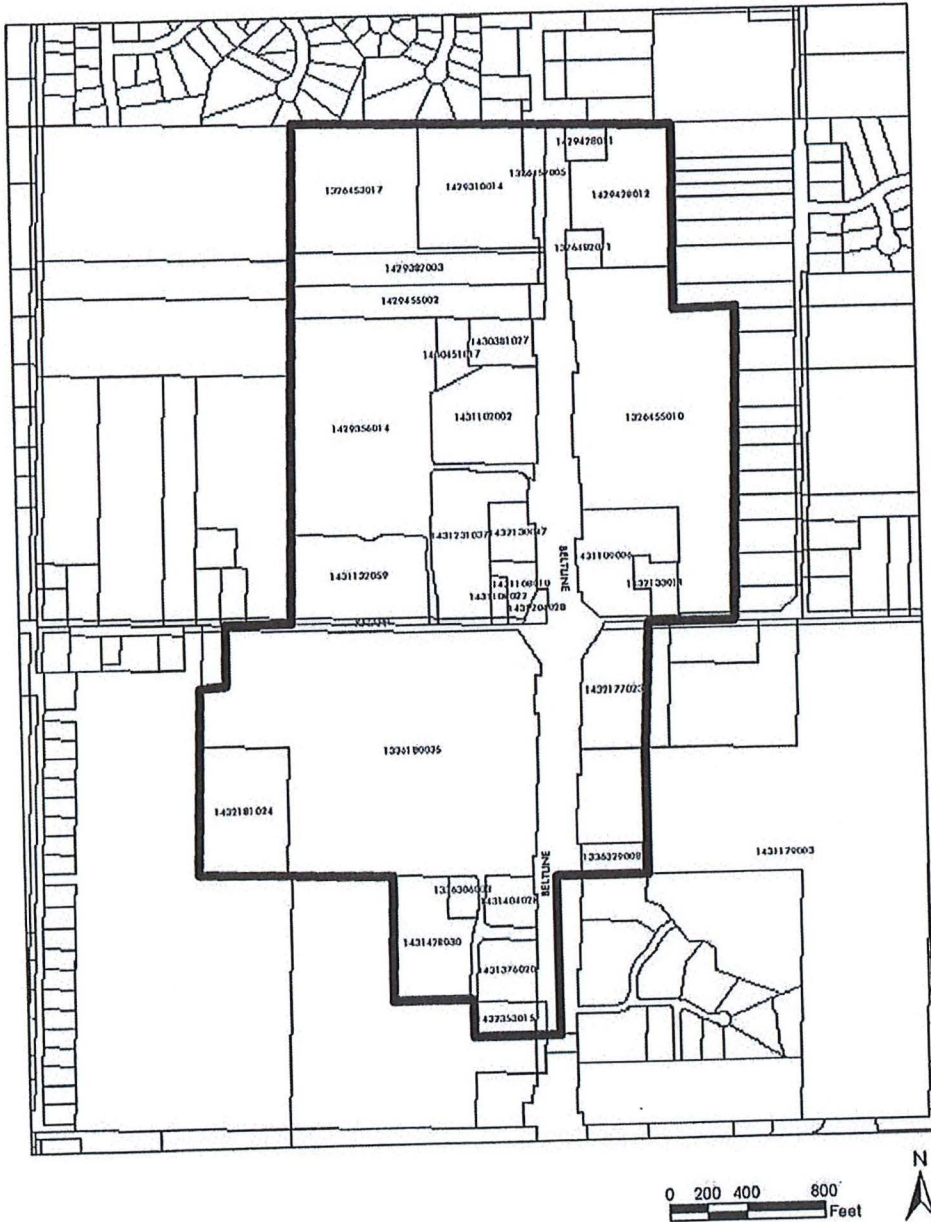
Amendments or modifications to PUDs approved prior to the effective date of this Ordinance shall not require that elements of approved plans, not directly applicable to the amendment or modification, be brought into compliance with the new standards. Minor changes to PUDs approved prior to the effective date of this overlay shall not be subject to the requirements of this overlay. Other Zoning Ordinance requirements, not addressed in this overlay shall be in effect unless they conflict with the requirements of this overlay.

It is recognized that the Town Center is developing as a commercial node at the intersection of the East Beltline and Knapp. Accordingly, certain exceptions are taken in this overlay for properties along the East Beltline and located near the intersection of Knapp and the East Beltline as more fully shown on Exhibit A attached hereto (the "Town Center Properties").

Section 23.2. Modifications from the Requirements. Notwithstanding the provisions, including specific waiver provisions, of the Overlay District, the Planning Commission may approve a modification from the requirements of the Overlay District based on competent, material and substantial evidence that:

1. Special conditions or circumstances exist which are peculiar to the land or use and which are not applicable to other lands or uses in the Overlay District;
2. The literal interpretations of this overlay would deprive the applicant of property rights commonly enjoyed by other properties in the Overlay District; and
3. The authorizing of such modification will not be of substantial detriment to neighboring property and will not be contrary to the spirit and purpose of this overlay.

Figure 1 Town Center Properties



Section 23.3. Setbacks.

1. **Background.** One of the goals of the North East Beltline Joint Development Plan is to maintain "...a natural edge along the East Beltline through gracious development setbacks, preserving natural vegetation and utilizing innovative and low maintenance landscapes along the corridor and the highway right-of-way."
2. **Setbacks of Buildings and Parking Lots from the East Beltline.** Buildings and parking lots shall be setback from the East Beltline according to the following schedule:

- a. Parking lot setback - 90 feet, which is measured from the outside edge of the existing through lane, as of January 1, 2002, to the edge of a parking lot. Within the setback, a minimum 25-foot wide landscaped area, measured from the right-of-way to the edge of a parking lot, is required.
- b. Setback for a building equal to or less than 35 feet high - 140 feet measured from the outside edge of the existing through lane, as of January 1, 2002, with a minimum 25-foot setback between the building and the right-of-way line.

Building height is measured as the vertical distance from the mean of the lowest and highest elevation points adjoining the exterior walls of the structure to the highest point of a flat roof; to the deck line of a mansard roof; and to the mean height between the eave and ridge of the highest roof section for a gable, hip or gambrel roof. The height exception provisions of Section 4.5 of the Zoning Ordinance shall apply where appropriate.

- c. Building setbacks for buildings greater than 35 feet high require two additional feet of horizontal setback, for every one additional foot in building height above 35 feet.
3. **Setback Modifications.** As part of establishing or amending a PUD, special land use, or undertaking a site plan review, the Planning Commission may reduce the building and parking setbacks to the minimum required setback in the underlying zone district and make a recommendation to the Township Board to approve such a modification under any of the following circumstances:
 - a. The property is not capable of being developed if the minimum building setback under the Overlay District is applied.
 - b. Application of the minimum building setback under the Overlay District results in a PUD or site plan that negatively impacts environmental features such as steep slopes, wetlands, or vegetation.

- c. Application of the minimum building setback under the Overlay District results in a PUD or site plan that does not further the goals of the Master Plan.
- d. The property is one of the Town Center Properties.

Section 23.4. Landscaping.

- 1. **Purpose.** The purpose of this section is to maintain the natural edge and views along the East Beltline, establish a healthy environment by reducing air pollution and heat gain associated with large paved areas, protect wildlife habitat, safeguard property value, and enhance the community's visual character for our citizens' use and enjoyment.
- 2. **Landscape Plan.** A concept landscape plan indicating design intent shall be submitted as part of site plan, special land use, or PUD applications. Following PUD, special land use or site plan approval, a final landscape plan shall be submitted to the Planning Commission or its designee to confirm compliance with the approved concept landscape plan. The final plan shall include, but not necessarily be limited to, the following:
 - a. Location, general type and quality of existing vegetation, including specimen trees.
 - b. Existing vegetation to be saved.
 - c. Methods and details for protecting existing vegetation during construction.
 - d. Location, sizes, and labels for all proposed plantings.
 - e. Existing and proposed contours on site and 150 feet beyond edges of the site at intervals not to exceed two feet.
 - f. Typical cross section, including slope, height and width, of berms and the type of ground cover to be placed on them.
 - g. Location, height and type of any walls.
 - h. Plant list(s) showing the required and proposed quantities.
 - i. Description of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced in accordance with the standards of this section.

3. **Tree and Landscape Preservation Requirements.**
 - a. Site plans should preserve all quality existing trees wherever feasible, especially in buffer areas. Relocation of existing trees within the site is also encouraged.
 - b. Existing trees may be used to fulfill landscaping requirements, if such trees are in healthy growing condition, are at least the minimum size, are the appropriate type, and are spaced according to their likely mature size.
 - c. The area below the drip line of an existing tree to be saved should remain undisturbed. No impervious material should be placed under the drip line and a tree protection fence must be installed around the trees during construction at the limit of disturbance. Tree protection symbols notes and details must be shown on the site plan.
 - d. Should any tree designated for preservation, for which landscaping credit is given, die; the owner shall replace the tree with the equivalent species or with a tree which will obtain the same height, spread and growth characteristics. The replacement tree must be a minimum of 2.5 inches caliper.

4. **Unaccredited Species.** The following list is of species that are permitted but will not be credited toward required landscaping because of their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, and or other undesirable characteristics. The planting of these species is not encouraged.

Botanical Name	Common Name
Acer Negundo	Box Elder
Ailanthus Altissima	Tree of Heaven
Catalpa Speciosa	Catalpa
Elaeagnus Angustifolia	Russian Olive
Gingko Biloba (female)	Female Gingko
Maclura Pomifera	Osage Orange
Mows Spp.	Mulberry
Populus Spp.	Cottonwood, Poplar, Aspen
Salix Spp.	Willow
Juglans Nigra	Black Walnut
Robinia Spp.	Black Locust
Acer Saccharinum	Silver Maple
Ulmus Pumila	Siberian Elm
Ulmus Rubra	Slippery Elm

5. **Front Yard Landscaping.** Within the required minimum 25-foot buffer area fronting on the East Beltline landscaping should be installed according to the

following standards for office, institutional, multifamily or mixed-use areas; commercial-use areas; or parking areas:

- a. General provisions:
 - i. Plants may be clustered into groups or planted in rows.
 - ii. Trees and shrubs should be clustered in locations that are most effective in screening undesirable views.
- b. Office, institutional, multifamily residential or mixed-use areas: plantings should include a minimum of three evergreen trees, two shade trees and eight shrubs for every 100 feet of building frontage. The number of plants shall be proportional to the length of frontage, with fractions rounded up. The Planning Commission may allow a reduction in the number or a variation in the mixture of the tree types.
- c. Commercial-use areas: plantings should include a mixture of five trees for every 100 feet of building frontage. The number of plants required shall be proportional to the frontage, with fractions rounded up. Additional landscaping may be used, but is not required.

A mixture of evergreen, ornamental and shade trees is encouraged. The Planning Commission or the site plan review committee, hereafter known as "the committee," may allow a reduction in the number or a variation in the mixture of the tree types.
- d. **Parking Areas.** Continuous plantings, berms or walls shall be installed to a minimum of four feet in height along the East Beltline (plantings measured after three years in the ground). The requirement for plantings, berms, or walls for parking areas that abut the East Beltline may be waived by the Planning Commission or the committee if, in the judgment of the Planning Commission or the committee, the motor vehicles in the parking lot will be substantially screened from the road by the final topography or existing vegetation. (See Figures 2 and 3 below.)
- e. **Town Center Properties.** A concept landscape plan that meets the intent of these standards shall be submitted in accordance with Section 23.4.2 above as part of site plan review, special land use, or PUD application. The Planning Commission may waive the landscape provisions of Section 23.4.5 for Town Center Properties.

Figure 2

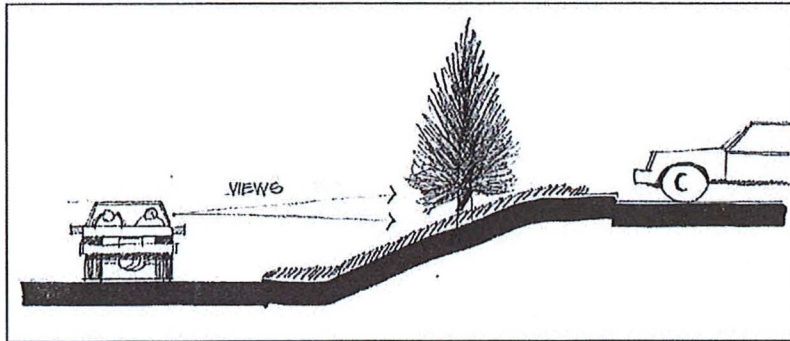
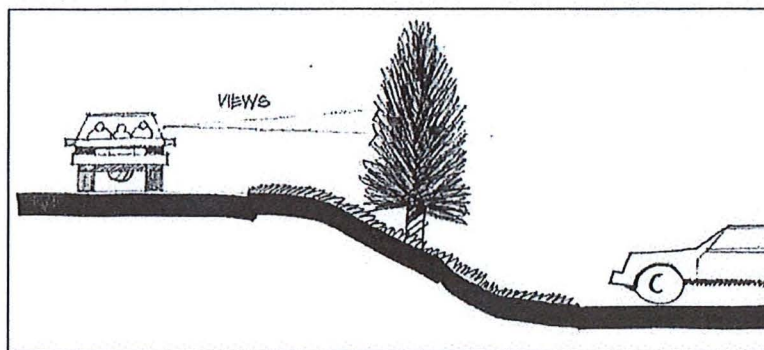


Figure 3



6. **Parking Area Landscaping.** For all parking areas that accommodate ten cars or more, the following standards apply:
- a. Landscaped islands and shade trees shall be located throughout the parking lot so as to relieve and shade expanses of parking, and contribute to the orderly circulation of motor vehicle and pedestrian traffic. Landscaped islands must be a minimum of 160 square feet and a minimum of nine feet wide. Each island should be planted with at least one canopy tree that is located at least three feet from the edge of the island.
 - b. Landscape islands shall be calculated on the basis of one landscape island for every ten parking spaces. Landscape islands may be aggregated. Landscaped corners count towards the required number of islands.
 - c. The Planning Commission or the Committee may reduce the number of required landscape islands if it finds that adequate relief and shade is provided by other plantings in and around the parking area.

7. **Minimum Standards for Plants and Other Landscape Features.**

- a. Canopy/shade trees 2.5 inches in caliper
- b. Evergreen Trees 5 feet in height
- c. Shrubs 24 inches in height
- d. Walls Walls shall be of clay, brick, stone or other appropriate material

8. **Maintenance of Plants.**

- a. All landscaping plants shall be hardy when planted and maintained in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time but no longer than one growing season.
- b. Plants must be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
- c. All planted areas must be maintained in a substantially weed free condition.

Section 23.5. Parking.

- 1. **Permeable Surface for Paving.** At the discretion of the Planning Commission or the committee, parking areas that are in excess of the minimum may be surfaced with permeable asphalt, permeable concrete or turf blocks. The calculations for required storm water management and retention measures may be adjusted for the use of such paving.
- 2. **Alternative Parking Arrangements.**
 - a. **Cooperative Parking.** At the discretion of the Planning Commission, provisions for cooperative parking may be allowed. Cooperative provisions for off-street parking would be made by contract between two or more adjacent property owners. The parking area provided on any one lot could be reduced to not less than one half the number of required spaces for the use occupying such lot. The lots shall be interconnected for vehicular passage.
 - b. **Shared Parking.** Where a mix of land uses creates staggered peak periods of parking, shared parking agreements that have the effect of reducing the total amount of needed parking spaces are encouraged. In these cases the required number of parking spaces may be reduced, at the discretion of the Planning Commission. Retail, office, institutional and entertainment uses

may share parking areas. In no case shall shared parking include the parking required for residential uses.

c. **Deferred Parking.** In order to avoid excessive amount of impervious surface, the Planning Commission may approve a development which provides less than the minimum number of parking spaces required if the applicant demonstrates to the satisfaction of the Planning Commission that a reduced amount of total parking spaces will meet the projected parking needs of the project due to:

- i. The nature, size, density, location, or design of the proposed development, including the design of the circulation and parking plan;
- ii. Characteristics of the development which will affect the parking needs, including factors such as non-conflicting hours of operation and the sharing of spaces by different users;
- iii. Any other factors reasonably related to the need for parking for the proposed development; and
- iv. The availability of vacant or otherwise undeveloped land on the same parcel, as shown on the proposed development plan, shall remain available to provide additional off-street parking space if additional space is subsequently determined to be necessary by the Planning Commission to meet the parking needs of the development. The available land must be of sufficient size to accommodate the full amount of parking required under the Zoning Ordinance for the use, may not count as any type of required open space and shall be permanently reserved for parking as outlined in a signed and recorded agreement.

3. **Bicycle Parking.** One bicycle parking space shall be provided for every 20 motor vehicle spaces of the first 200 motor vehicle spaces required for non-residential uses. Bicycle parking shall be provided within a convenient distance to the entrance to the building. Bicycle parking spaces shall consist of a securely fixed structure that supports the bicycle frame without damage to wheels or frame and allows the frame and both wheels to be locked to the structure.

Section 23.6. Lighting.

1. **Purpose.** The purpose of this section is to provide reasonable regulations to direct the location, design and use of certain outdoor lighting at appropriate illumination levels while minimizing its undesirable effects. Specifically, the section aims to accomplish, where possible, the following benefits for the public health, safety and general welfare, and otherwise in the public interest:

- a. Maintain safe nighttime driver performance on public roadways by minimizing both brightly-lighted surfaces and lighting glare.
- b. Promote lighting that provides security but is not unduly intrusive or a nuisance to nearby residents and drivers.
- c. Preserve the qualities of the corridor by eliminating intrusive artificial light and lighting that unnecessarily contributes to “sky glow.”

2. **Definitions.**

Average Illumination Levels. The overall average of all points on the surface of the illuminated area including the brightest and the dimmest points.

Cut-Off-Angle. The angle between the vertical axis of a luminaire and the first line of sight (of a luminaire) at which the light source is no longer visible.

Cut-off Fixtures. Cut-off fixtures control glare by directing light well below the horizon, out of the viewers line of sight.

Floodlight. A light fixture designed to light a scene or object to a level greater than its surroundings. The beam of floodlights may range from narrow field angles of ten degrees to wide angles (more than 100 degrees).

Flush Mounted or Recessed Luminaire. A luminaire that is mounted above a ceiling (or behind a wall or other surface) with the opening of the luminaire level with the surface.

Foot-candle. A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. Foot-candle may be measured both horizontally and vertically by a light meter.

Glare. The condition that results from insufficiently shielded light sources or areas of excessive light within the field of view.

Illuminating Engineering Society of North America (IESNA). An association of professionals in the field of lighting and related professions.

Luminaire. A complete lighting unit, often referred to as a fixture.

Lumen. A measure of light energy generated by a light source. Manufacturers list lumen ratings for all their lamps. Average lumen levels are slightly lower than initial lumen ratings.

Maximum to Minimum Illumination Ratio. The ratio of the maximum illumination level to the minimum level.

Mounting Height. The vertical distance between the surface to be illuminated and the bottom of the light source.

Uniformity Ratio. The ratio of average illumination to minimum illumination.

3. **Waiver.** The Planning Commission or the committee may modify the requirements of this section of the overlay if it determines that, in so doing, it will not jeopardize the intent of the overlay.
4. **Lighting Plan.** After site plan, special land use or PUD approval, a lighting plan consistent with the approved site plan, special land use or PUD shall be submitted to the Planning Commission or its designee in accordance with the following:
 - a. A site plan drawn to a scale of one-inch equaling no more than 30 feet showing the buildings, landscaping, parking and service areas, location and type of all proposed outdoor lighting.
 - b. Analyses and luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this section. Diagrams shall indicate illumination levels at ground level based on no greater than a 25 foot on-center grid and shall project 25 feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels should also be measured for all surrounding streets at the public right-of-way.
 - c. Specifications for all proposed lighting fixtures including mounting heights, photometric data, designation as Illumination Engineering Society of North America (IESNA) "cut-off fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures.
 - d. The lighting plan shall provide a design for illuminations in accordance with this section.
5. **Exemptions.** The following outdoor light fixtures are exempt from the provisions of this section:
 - a. Outdoor light fixtures installed prior to the effective date of this overlay and replacements of such fixtures are exempt from the provisions of this section.
 - b. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fuels.
 - c. Streetlights located within a public right-of-way.
 - d. Outdoor light fixtures, which use an incandescent light bulb of 150 watts or less except where they create a hazard or nuisance from, glare or spill light.
 - e. Lighting necessary for road or utility construction or emergencies.

6. **Outdoor Light Fixtures.** All outdoor fixtures, including building mounted fixtures, shall be full cut-off fixtures as defined by IESNA.

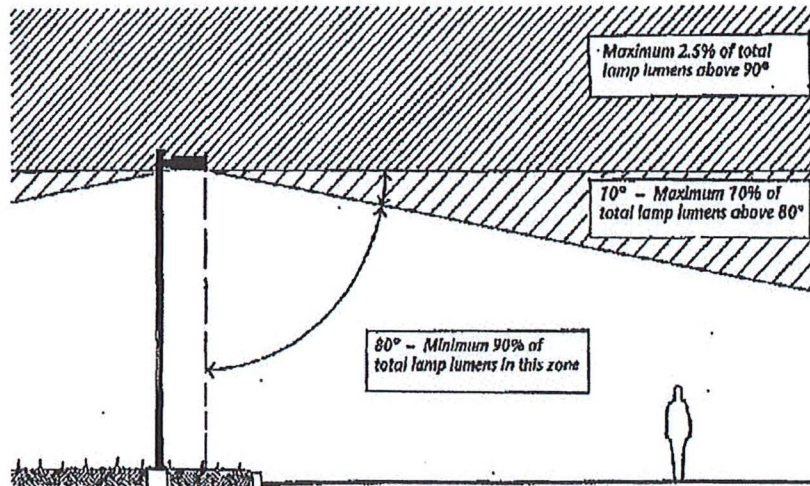


Figure 4
Full cut-off Fixture as defined by IESNA

7. **Parking Lot Lighting.** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort and not to cause glare or direct illumination onto adjacent properties or streets.
- a. **Alternatives.**
- i. The design for an area may suggest the use of fixtures from particular period or architectural style, as either alternatives or supplements to the lighting described above.
 - ii. If such fixtures are not "cut-off fixtures as defined by IESNA, the maximum initial lumens by each fixture shall not exceed 2000 (equivalent to a 150-watt incandescent bulb).
 - iii. Mounting heights of such alternative fixtures shall not exceed 15 feet.
- b. Mounting heights of standard cut-off fixtures shall not exceed 30 feet. However, an increase up to 40 feet may be permitted at the discretion of the Planning Commission for large commercial developments if it reduces the total number of lighting fixtures and corresponding support posts, improves overall lighting performance and sufficient justification is submitted that proves the lighting meets the intent of the section.

- c. Mounting heights of fixtures that are located within 200 feet of a residential uses district shall not exceed 20 feet.
 - d. Average horizontal illumination levels shall be no greater than 2.4 foot-candles with a maximum to minimum ratio no greater than 10:1 and an average to minimum uniformity ratio not to exceed 4:1.
 - e. Average horizontal illumination levels may be increased near building entrances where pedestrian activity is substantial. In such locations, average horizontal illumination levels shall be no greater than 4.0 foot-candles with a maximum to minimum ratio no greater than 10:1 and an average to minimum uniformity ratio not to exceed 4:1.
 - f. The light shall not materially trespass onto surrounding properties.
8. **Lighting of Gasoline Stations/Convenience Store Aprons and Canopies.**
- a. Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose.
 - b. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth in Section 23.6.6. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
 - c. Areas around the pump islands and under canopies shall be illuminated so that the horizontal average at grade level is no more than 22 foot-candles with a maximum to minimum ratio no greater than 10:1 and an average to minimum uniformity ratio not to exceed 4:1.
 - d. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
 - e. **Gas Pump Canopy.** As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
 - i. Lights shall not be mounted on the top or sides (fascias) of the canopy, and the sides of the canopy shall not be illuminated.

- ii. All lighting levels are encouraged to be reduced by at least 50 percent after 11:00 PM.
 - iii. The level of light trespass onto surrounding properties or roads shall not exceed 0.1 foot-candles.
9. **Security Lighting.** The purpose of and need for security lighting (i.e. the lighting for safety of persons and property) must be demonstrated. To the extent that an area is illuminated for other purposes, independent security lighting will be discouraged.

All security fixtures shall be shielded and aimed so that illumination is directed only to designated areas and not cast onto other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be discouraged.

10. **Illumination of Building Façades.** When buildings and structures are to be illuminated, the Planning Commission or the committee shall approve a design for the illumination and the following shall apply:
- a. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building façade. Lighting fixtures shall not be directed toward adjacent streets, roads, or properties.
 - b. Lighting fixtures mounted on the building and designed to “wash” the façade with light are preferred.
 - c. The illumination of landscaping shall not generate excessive light levels, cause glare, or direct light beyond the landscaping.
 - d. All lighting levels are encouraged to be reduced by at least 50 percent after 11:00 PM.
 - e. The light shall not materially trespass onto surrounding properties.
11. **Night Lighting.** Outdoor fixtures for off-street parking lots are encouraged to be turned off no later than one hour after the site/building closes, except for lights which are necessary for security purposes.

Section 23.7. Signs. The purpose of this section is to control signs intended to be visible from the public right-of-way and to avoid sign clutter along the East Beltline.

1. **Definitions.**

Abandoned Sign. A sign which no longer identifies or advertises a bona fide business, owner, lessor, person, service, product or activity, or for which no legal owner can be found.

Community Special Event Sign. A sign, either portable or non-portable, displayed only for a limited time, to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolent.

Construction Sign. A sign, which identifies the owners, lenders, contractors, architects, and engineers of a project under construction, as well as the project itself.

Directional Sign. A sign which gives directions, instructions, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including a commercial message.

Essential Services. The erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company including gas, electrical, steam, communication, safety, water supply systems, or disposal systems, including equipment and accessories in connection therewith necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills.

Foot-candle. A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. Foot-candle may be measured both horizontally and vertically by a light meter.

Ground Sign. A sign not attached to a building or wall, which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground, the bottom of which is no more than 24 inches above the finished grade.

Governmental Sign. A sign erected or required to be erected by a local government, county, or the state or the federal government.

Maximum to Minimum Illumination Ratio. The ratio of the maximum illumination level to the minimum level.

Off-Premise Sign. A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located (including, but not limited to, billboards).

On-Premise Sign. A sign which pertains solely to the use of the property on which it is located such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property or within a PUD on which the sign is located.

Portable Sign. A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another, whether rented or owned, such as “A” frame signs or signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used for vehicular purposes in the normal day-to-day operations of the business.

Pylon Sign. A ground sign, the bottom of which is more than 24-inches above the finished grade, and which is supported by a structure, poles, or braces which are less than 50 percent of the width of the sign.

Residential Community Sign. A sign identifying a recognized platted subdivision, site condominium project, multi-family development, or other residential development, which subdivision, project or development has been approved by the local government as provided by this Ordinance.

Roof Sign. A sign erected above (or which extends above) the roof line of a building.

Sign. A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

Wall Sign. A sign painted or attached directly to and parallel to the exterior wall of a building. A wall sign shall extend no greater than 12 inches from the exterior face of a wall to which it is attached, shall not project beyond the wall to which it is attached, and shall not extend above the roofline of the building to which it is attached.

2. **General Provisions.**

- a. **Signs Prohibited.** Balloons, balloon signs, strings of light bulbs, pennants, streamers, banners, or flags (except non-commercial flags); portable signs (except as allowed by the Zoning Ordinance); any sign, including window signs and neon window signs, which has flashing, moving, oscillating or blinking lights (except time and temperature and barber pole signs); roof signs; pylon signs; off-premise signs (except for non-commercial signs and community special event signs); any sign containing words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit manner.

- b. **Exempt Signs.** Governmental signs, signs for essential services not exceeding two sq. ft in area.
- c. **Directional Signage.** No more than three feet in height and three square feet in size, except that such dimensions may be exceeded if approved during site plan review.
- d. **Illumination.** It is the intent of this section to ensure that illuminated signs do not create glare or unduly illuminate the surrounding area. The following provisions shall apply to externally illuminated signs:
 - i. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed at adjacent streets, roads or properties.
 - ii. Light fixtures shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads or properties.
 - iii. To the extent possible, fixtures shall be mounted and directed downward (i.e. below the horizontal).
- e. **Measurement Methods.**
 - i. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.
 - ii. The area of the freestanding or projecting sign that has two or more faces shall be measured including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as the one face.
 - iii. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

3. **Residential Communities (Zoning Districts: SR, R-1, R-3, R-PUD and OR-PUD).**
 - a. One ground sign identifying a residential community is allowed at each entrance road to the development, except that not more than two such identification signs shall be allowed per development and they shall be at least 300 feet apart. The sign shall not exceed six feet in height and shall be a maximum of 32 square feet in size.
 - b. The ground sign shall be outside of clear vision corners.
4. **Office Uses (Zoning Districts: OR-PUD, O-PUD, CS-PUD, NC-PUD and C-2).**
 - a. One ground sign identifying a multiple office-building development is permitted at each entrance road to the development, except that not more than two such identification signs shall be allowed per development and they shall be at least 300 feet apart. The sign shall not exceed six feet in height and shall be a maximum of 32 square feet in size.
 - b. One ground sign identifying an individual office building is allowed. The sign shall not exceed eight-feet in height.
 - c. Ground signs shall be set back a minimum of five feet from a public or private right-of-way and outside of clear vision corners.
 - d. One wall-mounted sign is permitted per street frontage. Wall-mounted signs shall be reasonably uniform in nature and location.
 - e. The total square footage of signs for uses permitted by Section 30.13.3 shall not exceed 32 square feet in aggregate per parcel and no single sign shall exceed 24 square feet.
5. **Commercial Uses (Zoning Districts: C-1, C, NC-PUD and CS-PUD).**
 - a. One ground sign identifying a multiple commercial-building development is permitted at each entrance road to the development, except that not more than two such identification signs shall be allowed per development and they shall be at least 300 feet apart. The sign shall not exceed six feet in height and shall be a maximum of 60 square feet in size.
 - b. One ground sign identifying an individual commercial building is allowed. The sign shall not exceed eight feet in height and shall be a maximum of 32 square feet in size.
 - c. Ground signs shall be set back a minimum of five feet from a public or private right-of-way and outside of clear vision corners.

- d. One wall-mounted sign is permitted per tenant per entrance. Each sign shall be a maximum of 1.5 square feet for each linear foot of store frontage. Wall mounted signs shall be reasonably uniform in nature and location.
- 6. **Institutional Uses.** Signage for institutional uses shall comply with the provisions of the underlying zoning district as noted in the Overlay District.
- 7. Notwithstanding the foregoing, the limitations on signage in the Town Center Properties may be waived by the Planning Commission.

Section 23.8. Grading and Storm Water.

- 1. **Description and Purpose.** Hillsides and natural landforms can be included in the category of critical natural areas. Unlike many other types of features such as woodlots, wildlife and even groundwater, once landforms are gone they are not renewable. For this reason, they play an important role in building community character. This fact is clearly evident on the East Beltline with its rolling topography. The majority of participants in the planning process for the North East Beltline Joint Development Plan viewed these visual attributes as important features. Development of hillsides can affect the equilibrium of vegetation, surface geology, slopes, soils and run-off. It can also drastically change the way community or neighborhood character is perceived. For these reasons, the following regulations of Section 23.8.2 and 3 shall apply, except in the Town Center Properties which shall be subject only to Section 23.8.3.a and b and c below.
- 2. **Protection of Wetlands, Streams and Steep Slopes.**
 - a. **Streams and Wetlands.**
 - i. Grading or removal of vegetative cover shall not be permitted within 25 feet of a wetland in any zoning district.
 - ii. Grading, removal of vegetative cover and construction of new structures shall not be permitted within 50 feet of an intermittent stream or 75 feet of a perennial stream.
 - iii. In residential developments, wetlands shall be located in required open space rather than on residential lots or units unless the Planning Commission or the Committee determines that the location in an open space cannot be reasonably achieved.
 - iv. Wetlands and the required buffers for wetlands and streams shall be delineated on final plats, final site condominium plans, condominiums and site plans with a clear notation of use restrictions.
 - b. **Disturbance of Wetlands, Streams and Steep Slopes.** Grading or removal of vegetative cover on wetlands, streams, wetland buffers or steep slopes is

not permitted unless the Planning Commission or the committee determines, based on justification provided by the developer, that it is necessary for the reasonable use of the property or for road or utility construction, trails, pathways, or storm water management facilities. If permitted, the grading or removal of vegetative cover shall only be to the extent necessary to accommodate the proposed development. In these cases, the Planning Commission or the committee may require planting of areas where grading or removal of vegetative cover has taken place.

3. **Site Plan Review Procedures.** The following site plan review procedures shall apply and will help to minimize the negative impacts of extensive site grading:
 - a. Site plan review by the Planning Commission or the committee shall be required for any parcel larger than one acre. This stipulation will apply to all land uses including residential, commercial, and office/institutional.
 - b. A grading plan indicating existing and proposed contours at a two-foot interval shall be required as part of a site plan submittal.
 - c. The Township shall closely study and evaluate the potential impacts of proposed grading changes.
 - d. To judge the “fit” of any new development with existing site features and surrounding properties, staff and the Planning Commission or the committee shall use the following criteria in reviewing all site plans. These standards are intended to provide a frame of reference for the appellant in the preparing site plans as well as for the reviewing authority in making judgments concerning them. These standards will not be regarded as inflexible requirements nor are they intended to discourage creativity, invention or innovation. These criteria include the following:
 - i. Cut and fill slopes shall be minimized.
 - ii. Proper grading and elevation relationships to adjacent properties shall be maintained.
 - iii. The most significant slopes and ridgelines shall be maintained in their natural state by clustering development.
 - iv. The negative effects of grading shall be minimized thereby preserving the natural character of key site areas.
 - v. Mass grading of large pads and excessive terracing shall be minimized.
 - vi. Unstable slopes or slopes subject to erosion shall be protected.

- vii. Storm water runoff that could result from major changes in topography shall be minimized.
- viii. Using innovative and low maintenance techniques, steep slopes shall be re-vegetated.
- ix. Essential grading will be shaped so that it complements natural landforms.
- x. Large tracts will be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to winter/spring runoff.
- xi. Innovative architecture that responds to a site and its topography will be used.

Section 23.9. Motor Vehicle Access.

1. **Purpose.** The purpose of this section is to control and limit motor vehicle access ways and the distance between them onto the East Beltline. Access ways or driveways must be correctly spaced so as to protect the capacity of this highway and to protect the safety of motorists using the highway while allowing reasonable access.
2. **Definition of Access.** For the purposes of this section of this overlay an “access” is an entrance and/or exit for motor vehicles to or from the East Beltline or other public road.
3. **Non-signalized Access Spacing.** Adjacent accesses shall be spaced as far apart as on-site circulation allows. Table 1 shows the minimum non-signalized access spacing as a function of posted speed. These distances are based on average acceleration and deceleration considered adequate to maintain good traffic operations. A longer spacing may be required if sight distances are limited at the proposed access location.

TABLE 1

Posted Speed (MPH)	Center-to-Center of Access FT
25	130
30	185
35	245
40	300
45	350
50 & above	455

4. **Lack of Sufficient Frontage to Maintain Adjacent Spacing.**

- a. In the event that a particular parcel lacks sufficient frontage to maintain adequate spacing, the Planning Commission or the committee may require one or more the following:
- i. An access point to a side street.
 - ii. Access to frontage roads or service drives where they exist or can be constructed.
 - iii. A shared driveway with the adjacent owners. In such case, the driveway midpoint should be located at the property line between two parcels. All parties shall agree to the joint driveway in writing.

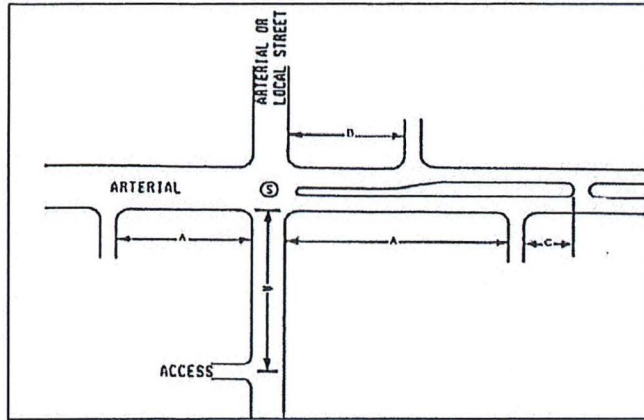
If options listed above are not reasonably feasible, the Planning Commission or the committee may allow the next lowest spacing from Table 1. For example, on 50 mph roadway requiring 140 meters (455 ft.) spacing, the distance may be reduced to no less than 105 m (350 ft.), which is the spacing for 45 mph speed.

If all the above options are impossible, an access point may be allowed within the property limits.

- b. In the event that two or more adjacent parcels do not have sufficient frontage to maintain adequate spacing for access, the Planning Commission or the committee may require the dedication of joint access easements or cross access easements for shared access to the public street.
- c. If the property is one of the Town Center Properties, and compliance with Table 1 is not reasonably feasible, then the Planning Commission may waive the requirements of this section.
5. Passing flares at driveways, right-turn lanes or tapers at intersections, and left-turn lanes or passing flares at intersections shall be provided in accordance with Michigan Department of Transportation guidelines.
6. **Intersection Corner Clearance.** Accesses shall not be situated within the functional boundary of at-grade intersections. This boundary includes the longitudinal limits of right turn and left turn lanes. An access point may be allowed within the above boundary if the entire property frontage is located within this boundary. In all quadrants of an intersection access points should be located according to the dimensions shown below.
- a. **Signalized Intersection Control.** Accesses shall be offset from intersections and indirect left turn crossovers according to the following table and diagram:

TABLE 2

Item	Feet
A	460
B	230
B	150

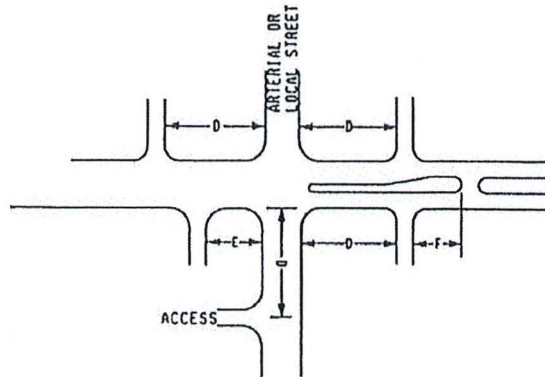


The above dimensions are for a 40 to 55 mph posted speed.

- b. **Stop Sign Intersection Control.** Accesses shall be offset from intersections and indirect left turn crossovers according to the following table and diagram:

TABLE 3

Item	Feet
D	230
E	170
F	150



7. **Access Design.** All access points shall be designed to meet the Michigan Department of Transportation guidelines and standards.

Section 23.10. Pedestrian Access.

1. Paved walkways shall be provided for access to adjacent parks, shopping areas, transit stops, anticipated walkways and institutions. Pedestrian movement shall be accommodated within parking lots.
2. Paved walkways, available to the public, shall be provided along all of the East Beltline, and along Five Mile, Three Mile, Knapp, Leonard, Bradford and part of Leffingwell as shown in the adopted North East Beltline Joint Development Plan.

Section 23.11. Commercial and Office Architectural Facades and Building Design. All new buildings and structures for commercial and office uses shall be so designed to incorporate the following architectural design features:

1. **Height and Scale.** The scale and mass of a building shall be reasonably compatible with adjacent and nearby buildings.
2. **Other Architectural Features.** Buildings shall possess architectural variety and enhance community character. Where appropriate, all buildings shall provide architectural features, details and ornaments such as archways, colonnades, cornices, and other architectural features. Building walls over 100 feet in length shall be broken up with varying building lines, windows and architectural accents.

CHAPTER 25
REVIEW AND APPROVAL OF SITE CONDOMINIUM
AND CONDOMINIUM PROJECTS

Section 25.1. Purpose and Scope.

1. Tracts of land that are developed and sold as site condominium developments and condominium developments are not subject to regulation under the Michigan Land Division Act. The Township determines that it is in the best interest of public health, safety, and welfare to regulate site condominium developments and condominium developments to assure that the developments will not adversely affect the occupants thereof, or other properties in the Township.
2. This chapter covers both site condominiums and condominiums, whether for residential use or non-residential use. The references herein to site condominiums shall also include condominiums; accordingly, the requirements of this chapter for submission of condominium plans and for Township consideration and approval thereof shall apply to condominium developments, as well as to site condominium developments.

Section 25.2. Definitions. For purposes of this chapter, the following words and phrases are defined as follows:

1. **“Building Envelope”** means an area of land within which a condominium unit may be constructed and used, and which complies with the minimum lot area and the minimum lot width requirement of the zone district in which the condominium unit is located.
2. **“Condominium Act”** means Public Act 59 of 1978, as amended.
3. **“Condominium Unit”** means a condominium established in compliance with the Condominium Act which consists of a volume of surface or subsurface, vacant air space, designed and intended for separate ownership and use as described in the condominium master deed. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a condominium unit shall be deemed to be a dwelling, if a residential use, or shall be deemed to be a building or portion thereof, if for an approved non-residential use.
 - a. In the case of an attached condominium, the minimum requirements of this Ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building in which the attached condominium is located; provided, however, that a building envelope surrounding the attached condominium unit shall be established and described, so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located. The

building envelope surrounding a two-unit condominium building must comply with the minimum lot area requirement, the minimum lot width requirement and the minimum building setback requirements for duplexes in the zone district in which the two-unit condominium is located. The building envelope for a building that contains more than two attached condominium units must comply with the minimum lot area requirement, the minimum lot width requirement and the minimum building setback requirements for multi-family dwelling units in the zone district in which the building is located.

- b. In the case of a detached condominium, the applicable provisions of this Ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building comprising the detached condominium; provided, however, that a building envelope or other equivalent space surrounding the detached condominium unit shall be established, so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.
 - c. For the purposes of this chapter, the term “building site” shall refer to the area within a building envelope or other equivalent space surrounding an attached or detached condominium unit that has been established, as required, so as to comply with the minimum area, yard, and density requirements of the zone district in which the attached or detached condominium is located.
4. **“Exempt Change”** means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:
- a. a change in the name of the project; in the name of a street within the project; or in the name of the developer of the project;
 - b. a change in the voting rights of co-owners or mortgages; or
 - c. any other change in the site condominium project which, as determined by the Planning Commission, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a project which is subject to regulation under the Zoning Ordinance.
5. **“Limited Common Element”** means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.
6. **“Major change”** means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that could result in:

- a. an increase of 20 percent or more in the number of site condominium units;
 - b. a reduction of 5 percent or more in the area of the building site for any site condominium unit;
 - c. a reduction of 5 percent or more in the total combined area of the general common elements of the site condominium project;
 - d. a reduction of 5 percent or more in the total combined area of all limited common elements of the site condominium project; or
 - e. any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Planning Commission to constitute a major change to the site condominium project.
7. **“Minor Change”** means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that will result in:
- a. an increase of less than 20 percent in the number of site condominium units or a decrease in the number of site condominium units;
 - b. a reduction of less than 5 percent in the area of the building site for any site condominium unit;
 - c. a reduction of less than 5 percent in the total combined area of the general common elements of the site condominium project;
 - d. a reduction of less than 5 percent in the total combined area of all limited common elements of the site condominium project; or
 - e. any other minor variation in the site configuration, design, layout, topography or other aspect of the project which is subject to regulation under this Zoning Ordinance, and which, as determined by the Planning Commission, does not constitute a major change.
8. **“Site Condominium Project”** means a plan or project consisting of not less than two site condominium units established in compliance with the Condominium Act.
9. **“Site Condominium Project Plan”** means the plans, drawings and information prepared for a site condominium project as required by Section 66 of the Condominium Act and as required by this chapter for review of the project by the Planning Commission and the Township Board.

10. **“Site Condominium Unit”** means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a site condominium unit shall be considered to be the equivalent of a “lot.”
11. Except as otherwise provided by this chapter, words or phrases shall have the meanings as defined in the Condominium Act.

Section 25.3. Compliance with Standards. The building site for each site condominium unit shall comply with all applicable provisions of this Ordinance and Article IV of the Grand Rapids Charter Township Subdivision Ordinance including minimum lot area, minimum lot width, road frontage, lot width to depth, lot depth and configuration required front, side and rear yards, street access and street buffers, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side and rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building envelope. In keeping with the above referenced provisions, the following shall apply:

1. **Building Sites/Lots.**
 - a. All lots shall face upon, and have direct access to, a public or private street or other access easement which complies with the Zoning Ordinance.
 - b. The side lines of a lot shall be approximately at right angles or radial to the street upon which the lots face.
 - c. All lots shall conform to the requirements of the Zoning Ordinance for the zoning district in which the site condominium is located.
 - d. Corner lots for residential use shall have the minimum required lot width on both streets adjacent to the lot and shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets.
 - e. The depth of a lot shall not exceed four times the width. The depth of a lot shall be measured along a horizontal line located midway between the site lines and connected to the front and rear lines, or the two front lines of a through lot. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.

- f. The width of a lot as measured between side lot lines along the rear lot line shall not be less than 20 feet.
 - g. Lots in projects bounded by existing Kent County primary roads and state highways shall only have access from internal streets constructed to serve the project and not directly to such existing streets. The Planning Commission and Township Board may waive this requirement if it is determined that there is no practical way to provide an internal access street due to insufficient lot depth, topography or other natural features of the land to be developed or if other lands in the immediate vicinity generally have access on existing streets.
2. **Buffers and Landscaping.** Landscaping shall be provided between a residential site condominium project and any adjacent Kent County primary streets and state highways. The preliminary site condominium plan shall show the location of the landscaping which shall be of sufficient size and number, or otherwise be in compliance with Township landscaping requirements, to provide a landscaped area to serve as a visual separation between the houses and the street. An earthen berm may be provided in conjunction with plantings.
3. **Open Space.**
- a. All residential site condominium developments, unless otherwise approved as part of a planned unit development, shall contain open space areas as follows:
 - i. Developments whose average lot size is 12,000 square feet or greater in size shall contain open space areas equal to a minimum of 15 percent of the total area proposed for development.
 - ii. Developments whose average lot size is between 10,800 and 11,999 square feet in size shall contain open space areas equal to a minimum of 17 percent of the total area proposed for development.
 - iii. Developments whose average lot size is between 10,799 and 9,600 square feet in size shall contain open space areas equal to a minimum of 19 percent of the total area proposed for development.
 - iv. Developments whose average lot size is between 9,599 and 8,400 square feet in size shall contain open space areas equal to a minimum of 21 percent of the total area proposed for development.
 - b. The open space shall be maintained by the developer, site condominium property owners association or similar organization and shall be set aside for the common use of the home or building site/lot owners within the site condominium. At least one open space area must be accessible from a street, sidewalk or other means to all residents within the development.

- c. For purposes of this section, open space shall be deemed to be only those areas having a minimum dimension of 50 feet by 100 feet, unless smaller dimensions are approved by the Planning Commission for linear “no disturb zones” established for the purposes of screening and tree preservation.
 - d. Unless specifically authorized by the Planning Commission and Township Board, lot area calculated in meeting minimum lot or building site area requirements or which support public or private street rights-of-way, driveways and parking areas will not be included in open space percentage calculations. In addition, unless specifically waived or modified by the Township, the following guidelines shall apply:
 - i. All areas included in the calculation of percentage of open space must be protected by agreement, deed or easement as indicated in the following subsection e.
 - ii. Sidewalks, pathways and other active or passive recreational facilities will be considered in the open space calculation where they are an integral part of a larger open space area.
 - iii. Lakes and other areas permanently inundated by water, wetlands and floodplain areas and other areas determined to be non-buildable will be included in the open space percentage calculation.
 - e. Prior to approval of a final preliminary site condominium plan, the applicant shall provide to the Township an open space agreement or restrictive covenants, as determined appropriate and sufficient by the Township Board. The agreement (or covenants) shall include a legal description of the site condominium area, a legal description of the area to be set aside as common open space, and a plan for permanent maintenance of the open space, unless such provision for continued maintenance is waived or deemed unnecessary by the Township Board. Upon approval of the final site condominium plan, the applicant shall record the open space agreement with the Kent County Register of Deeds. The agreement shall be binding upon the applicant-developer and all successors and assigns of the grantor and grantee of all building sites/lots or parcels within the site condominium. The agreement may be incorporated within the master deed.
4. **Streets.** If a project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for public streets as required by the Kent County Road Commission. All private streets in a project shall be developed to the minimum design, construction, inspection, approval and maintenance requirements as provided by Chapter 27 of this Ordinance.
- a. All proposed public and private streets shall be continuous and in alignment with existing, planned or platted streets insofar as practicable. Where streets

in new developments are extensions of existing streets, the extended streets shall comply with Chapter 27 and be at least as wide as the existing streets that are being extended.

- b. One or more streets may be required to extend to the boundary of the development so as to provide sufficient access to adjoining developable property and to future development on contiguous land.
- c. No dead end street system or streets terminating in a cul-de-sac shall provide access to more than 75 dwelling units.
- d. In order to reserve access to adjoining properties, a reserve strip shall be provided between the terminus of a public or private street and the site condominium boundary. The reserve strip shall be a minimum of ten feet deep across the entire width of the road right-of-way. The developer shall grant to the Township or Kent County Road Commission a deed for the entire area of the reserve strip prior to final approval by the Township Board. The reserve strip shall be illustrated on the preliminary plan and final plans.
- e. Public streets, intersections, and cul-de-sacs shall conform to the design, drainage, grade, layout, right-of-way width and construction requirements of the Kent County Road Commission.

5. Sidewalks.

- a. Except as otherwise provided in this section, sidewalks at least five feet wide shall be provided for and installed in every site condominium project. The development shall include right-of-way of sufficient width so as to accommodate such sidewalks.
- b. Sidewalks shall be laid out and constructed when streets and other public improvements are made, unless the Township Board, with consideration by the Planning Commission, approves an arrangement for subsequent sidewalk construction, as lots are improved. With any such approval for subsequent sidewalk, construction, conditions and time deadlines may be imposed.
- c. Sidewalks will be required along at least one side of each new residential street proposed as part of a new site condominium development except that:
 - i. Sidewalks will not be required within the radius of the turnaround at the end of a cul-de-sac street unless the sidewalk is required to be extended within a pedestrian easement beyond the street end.
 - ii. Unless the sidewalk will provide a direct linkage between two existing or planned sidewalk segments, or there is potential for a future street extension, sidewalks will not be required along

residential streets that provide direct frontage access to 20 or fewer dwelling units.

- iii. Along residential streets that provide direct frontage access to more than 20 dwelling units or which support through traffic originating or terminating elsewhere, sidewalks may be waived when:
 - a. Excluding lots on cul-de-sacs, the majority of lots along the street are greater than 40,000 square feet in area.
 - b. The average lot width along the street is 100 feet or more.
 - c. The street will not be a direct route to a school or park.
 - d. A sidewalk capable of being extended does not presently exist within 500 feet of the development.
- iv. The Township may require sidewalks on each side of a street where it is determined that a street or street segment will provide direct and/or indirect access to more than 75 dwelling units and/or there is expected to be high pedestrian volume, high through vehicular traffic volume or high traffic speed along the street segment that warrants the additional requirement.

- d. Sidewalks will generally be required on streets within non-residential developments, but the Township may waive sidewalks if an alternative pedestrian pathway is provided.

- 6. **Alternate Sidewalk/Pedestrian Way Plan (Residential and Non-Residential Developments).** It is recognized that in certain instances, due to topography and other natural or manmade conditions, a developer may wish to propose a pedestrian walkway plan for a specific residential development that will require a deviation from the requirements for sidewalks as set forth herein (such as a system of asphalt or brick pedestrian walkways that would access otherwise inaccessible open spaces, follow rear lot lines or which might border a natural drainage course). In such instances, an overall plan for the proposed alternate system of pedestrian walkways may be submitted along with the preliminary site condominium plan and will be reviewed as a part of the approval process. An alternate sidewalk/walkway plan must provide a continuous system of walkways located within dedicated pedestrian easements, and comply with the requirements established by the Township for pedestrian ways.

The Planning Commission may recommend and the Township Board may approve the waiving of one or more of sidewalk requirements of this section. In considering whether to recommend and approve such waiver, the Planning Commission and Township Board shall consider and make findings upon any of the following factors:

- a. Whether the installation of sidewalks would be a reasonably appropriate site condominium improvement, giving consideration to the convenience of pedestrians, the amount of available land and other applicable circumstances.
 - b. The likelihood that pedestrians will make reasonable use of sidewalks in the proposed development, currently and in the future.
 - c. Whether there are other sidewalks already installed on adjacent or nearby lands.
 - d. The effect of topography, landscaping, location of streets and other improvements and the effect, if any, of other physical aspects of the proposed development lands.
7. **Bicycle Pathways.** The Township may require the dedication of right-of-way for bicycle pathways and for construction of bicycle pathways along the entire frontage of the proposed development which abuts a proposed collector street, an existing collector street or arterial road. If bicycle pathways are required where sidewalks would otherwise be required pursuant to Section 25.3, subsections 5.a., 5.b., 5.c. and 5.d., the requirement for sidewalks shall be waived and the bicycle pathway provided in their stead. Streets in Grand Rapids Charter Township are classified as expressway, major arterial, minor arterial, collector and local streets as indicated in the Grand Rapids Charter Township Comprehensive Land Use Plan.

Where required, the bicycle pathways shall be located either on the same side of the street or road as the proposed development or on the opposite side of the street or road, as the Township shall determine is most advantageous to the Township with respect to developing a Township pathway system to connect neighborhoods, schools, business districts, parks, and other facilities. In lieu of the developer constructing the required bicycle pathways, the Township may require or accept a financial contribution from the developer for the use by the Township, together with interest earned thereon, for the construction of the required pathways at a future date to be determined by the Township.

- a. **Procedures.** As part of its review of the preliminary site condominium plan, the Planning Commission shall specifically consider whether bicycle pathways are necessary along the proposed development frontage which abuts an existing street or road in order to achieve the public purposes intended. If the Planning Commission determines bicycle pathways are necessary to achieve these public purposes, it shall next determine to what extent the cost of those pathways (right-of-way dedication, if any, and construction cost) shall be borne by the developer. In making this determination, the Planning Commission shall consider, in addition to any other relevant factors, all of the following standards:

- i. Vehicle traffic likely to be generated by the proposed development.
- ii. Pedestrian, bicycle, and other non-vehicle traffic likely to be generated by the proposed development.
- iii. The importance of the required bicycle pathways to provide a safe means for children to access schools, churches, parks, libraries, and other amenities intended for their use.
- iv. The proximity of the development to pedestrian attractions such as parks, churches, public buildings, and shopping opportunities.
- v. The cost of construction of the required bicycle pathways.
- vi. The fair market value of any right-of-way required to be dedicated for the required bicycle pathways.

The Planning Commission shall provide the developer with a reasonable opportunity at a Planning Commission meeting to provide the developers position with respect to the need for pathways and the portion of the cost thereof to be borne by the developer.

The Planning Commission shall include in its report and recommendation concerning the preliminary site condominium plan, its final determination concerning the necessity for any pathways and their location and also its final determination as to the portion of the cost of the pathways which shall be borne by the developer. The Planning Commission report and recommendation pertaining to pathways shall also state the Planning Commissions rationale for its determinations.

The Township Board shall review and consider the Planning Commission's report and recommendation concerning bicycle pathways and then make a final determination based upon the preceding standards of the this subsection, as part of its consideration of granting final approval of the preliminary site condominium plan. Based upon the recommendation of the Planning Commission and its own findings, the Township Board shall decide as to what pathways, if any, are to be required for the development and, if so, their location and the portion of the cost of the required pathways construction cost, to be borne by the developer. This determination shall be effective to make pathway construction or contribution to the cost thereof, to the extent the cost thereof is to be borne by the developer, an improvement required by this Ordinance which shall be constructed or deferred and paid for by the developer into an escrow fund created for such purposes, prior to Township Board final preliminary site condominium plan approval as is provided in this chapter.

- b. **Construction.** The required pathways shall be designed and constructed in accordance with the following requirements:
 - i. The pathways shall be constructed in accordance with the bicycle pathway construction standards and requirements contained in the Grand Rapids Charter Township Sidewalks and Bicycle Pathways Ordinance.
 - ii. The plans and specifications for the pathways shall be approved in advance of construction in writing by the Township.
- c. **Right-of-Way.** All dedicated bicycle pathway right-of-ways shall be a minimum of 15 feet wide.
- 8. **Street Lighting.** Adequate street lights may be required to be provided.
- 9. **Street Trees.** The Township Board may require that trees be planted within the right-of-way adjacent to the street
- 10. **Utilities.**
 - a. Public electricity, telephone, and gas service shall be furnished to each lot in the development.
 - b. Public sanitary sewer and water, or either of them, shall be provided, except where they, or either of them, are not reasonably available.
 - c. All utilities shall be installed and maintained underground and in appropriate easements.
 - d. Utility easements shall be provided along front, rear, and side lot lines when necessary. The total width of such easements shall be not less than ten feet.
 - e. When a project is to be served by a publicly-owned or privately-owned community water system, fire hydrants and other required water system appurtenances shall be provided by the developer.
- 11. **Natural Features.** Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic sites, and similar assets) shall be preserved, insofar as practical, in the design of the development.
- 12. **Drainage.**
 - a. An adequate storm drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in accordance with the requirements of the Township and the County Drain Commissioner. Such facilities shall be designed and

constructed so as to have no adverse affect on adjoining lands, or upon lots within the site condominium.

- b. Storm drainage facilities shall be designed to respect the natural drainage pattern of the site. Measures shall be taken to reduce roadway and parking area oil and gas residues and other pollutants from being discharged to the natural drainage systems.
- c. Storm water detention ponds, if necessary for the containment of estimated surface water run-off, shall be designed to avoid steep slopes. Vegetation that provides natural drainage along existing and planted drainage-ways shall be encouraged so as to help eliminate or reduce the need for storm water detention ponds.

- 13. **Unbuildable/Uninhabitable Areas.** Floodplain areas, as established by the State Department of Environmental Quality and other lands deemed by the Planning Commission to be unbuildable/uninhabitable may be included within building sites/lots provided that if included in the minimum building site area requirements, the developer shall illustrate that the remaining building site area is reasonable and sufficient for the proposed use.

Section 25.4. Step 1 Review of Conceptual Plan by the Planning Commission.

- 1. **Step 1 Application.** A conceptual plan shall be submitted for review by Planning Commission in accordance with the following procedures and requirements:
 - a. **Application.** An application for review shall be submitted to the Township Clerk or the clerk's designee. Upon receipt of a complete application, the application shall be forwarded to the Township Planner who shall distribute the application and plan to the Planning Commission, Township Engineer and others as determined appropriate. An application for conceptual plan review shall be considered complete if it includes an application fee in accordance with the fee schedule established by resolution of the Township Board and the following:
 - i. The developer/applicant's name, address and phone number.
 - ii. The name, address and phone number(s) of the property owner(s) of record.
 - iii. The legal description of the subject property.
 - iv. A project description including the proposed use, number of building sites, acreage, type of streets, and open spaces.
 - v. Proposed intent with regard to the provision of domestic water supply and sewage collection and treatment.

- vi. Any intent to pursue variances, planned unit development or other special zoning, if eligible.
 - vii. A minimum of 11 copies of a conceptual site condominium project plan drawn in accordance with Section 25.4.1, subsection b below.
- b. **Contents of Conceptual Plan.** A conceptual plan submitted for a Step 1 Site Condominium project shall include the following:
- i. A plan showing the boundary of the subject property and all contiguous properties drawn at a scale of not more than 100 feet to the inch.
 - ii. A location map showing the relationship of the subject property to the surrounding area.
 - iii. The proposed layout of streets and building sites.
 - iv. The relationship of proposed streets to adjacent streets and neighboring properties.
 - v. Existing physical conditions and characteristics including existing structures, topography, flood plains, wetlands, streams and drainage.
 - vi. Approximate horizontal extent of proposed grading and a preliminary indication of the proposed major storm drainage improvements such as detention/retention ponds.
 - vii. The land use and existing zoning of adjacent building sites and parcels of land.
 - viii. If the proposed project is contiguous to other lands owned by the applicant, a map showing the proposed street layout and access for subsequent development.
 - ix. Preliminary building site data including number of lots, minimum lot area and lot width.
2. **Review of Conceptual Plan.** The Planning Commission shall review the conceptual plan. Based upon the information at its disposal and the comments from the Township Planner and Engineer, the Planning Commission shall provide comments and recommendations to the applicant regarding the following:
- a. Compliance with the standards and requirements of this section and other applicable provisions of the Zoning Ordinance and other applicable Township ordinances.

- b. The appropriateness of this street layout and the arrangement of building sites, drainage and open spaces relative to natural features such as topography, soils, water features and significant or unique vegetation.
 - c. The appropriateness of the proposed street layout and building site arrangement in light of the Township's Master Plan, existing zoning, planned or anticipated or needed public improvements such as streets, utilities, drainage facilities and parks.
 - d. Existing utility system capabilities and utility improvements that will be required.
 - e. Additional issues and factors which may assist the applicant in proceeding in a reasonable manner toward final approval of the project.
3. **Review Comments and Recommendations.** Conceptual plan review comments and recommendations made by the Planning Commission are advisory and do not constitute zoning approval or binding commitment on the part of the Township. Upon a favorable recommendation by the Planning Commission, the applicant may proceed with the preparation of preliminary plans. Conceptual review does not authorize the applicant to proceed with construction.

Section 25.5. Step 2 Review of Preliminary Site Condominium Plan by Applicable Agencies.

- 1. **Agency Review.** Prior to submittal of a project plan for Step 3 Preliminary Site Condominium Plan review by the Planning Commission, the applicant shall prepare and submit a preliminary site condominium plan to the following agencies for their information, review, comment and/or approval, as applicable:
 - a. Kent County Health Department.
 - b. Kent County Road Commission.
 - c. Kent County Drain Commission.
 - d. Michigan Department of Environmental Quality.
 - e. City of Grand Rapids Water and Sewer Department.
 - f. Michigan Department of Transportation.
 - g. Gas and electrical utility corporations serving the area.
 - h. The applicable public school district affected by the project.
 - i. Other state and county review and enforcement agencies having jurisdiction or permitting authority over all or part of the project.

Section 25.6. Step 3 Review of Preliminary Site Condominium Plan by the Planning Commission.

1. **Submittal of Preliminary Site Condominium Plan.** Prior to final review and approval of a site condominium plan by the Township Board, a preliminary site condominium plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided in this section.
 - a. **Submittal.** An application for review of a preliminary site condominium plan shall be considered complete if it includes the following:
 - i. The developer/applicant's name, address and phone number.
 - ii. The name, address and phone number(s) of the property owner(s) of record.
 - iii. The legal description of the proposed project.
 - iv. A narrative describing the overall objectives of the proposed project.
 - v. An outline of the proposed use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
 - vi. A summary describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
 - vii. Any intent to pursue variances, planned unit development approval or other special zoning, if eligible.
 - viii. Copies of letters of preliminary plan transmittal and any written comments or approvals from agencies listed in above section 25.4.
 - ix. A minimum of 11 copies of a preliminary site condominium plan drawn in accordance with Section 25.6.1, subsection b. below.
 - b. **Contents of Preliminary Site Condominium Plan.** A preliminary site condominium plan shall include the documents and information required by Section 66 of the Condominium Act and shall also include the following as determined necessary by the Planning Commission for Step 3 Preliminary Site Condominium Plan review or by the Township Board for review of a Step 4 Final Preliminary Site Condominium Plan. All maps shall be at scale of not more than 100 feet to one inch.
 - i. The name or title of the proposed project.
 - ii. Legal description of the proposed project.

- iii. The name, address and telephone number of the developer and property owner(s).
- iv. A small-scale vicinity map showing the location of the project within the Township, and the name and location of abutting subdivisions and site condominiums.
- v. The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the project.
- vi. Location and dimension of building sites, radii of all curves and location of all setback lines. Lot width shall be shown for each lot, at the required front setback line.
- vii. When any part of the project lies within or abuts a floodplain area:
 - a. The floodplain, as established by the State Department of Environmental Quality shall be shown within a contour line.
 - b. The contour line shall intersect the sidelines of the building sites.
 - c. The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
 - d. The floodplain area shall be clearly labeled on the plan with the words "floodplain area."
- viii. Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 100 feet of the project.
- ix. Existing and proposed topographic elevations at two-foot intervals on the site and to a distance of 50 feet outside the boundary lines of the project.
- x. Location of the following: abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site; driveways opposite the site and driveways within 100 feet on either side of the project; and proposed driveway width, curb radii and design of deceleration lanes.
- xi. Additional street right-of-way or easements as required by the Kent County Road Commission.
- xii. Proposed pedestrian ways and street lighting, if any.

- xiii. Location of existing and proposed slopes which are 12 percent or greater, which may be altered by the development or the construction of buildings within the development.
- xiv. Existing zoning and use of the proposed project. Existing zoning and use of adjacent properties.
- xv. The location of all existing off-site features within 100 feet affecting the project, such as railroads, buildings, trees, ditches, water courses and other physical features.
- xvi. Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands located on the site.
- xvii. A utility plan showing the location and size of all water and sewer lines, hydrants, equipment and facilities and easements to be granted to the appropriate municipality for installation, repair and maintenance of all utilities.
- xviii. A storm drainage and a storm water management plan indicating the direction of storm water drainage and how storm water runoff will be handled, where storm water will be ultimately discharged such as a creek, stream, lake or wetland. The plan shall be designed in accordance with the requirements of a Grand Rapids Charter Township Storm Water Ordinance and shall include all lines, swales, drains, basins and other facilities and easements to be granted to the appropriate public or private entity for inspection, repair and maintenance of all drainage facilities.
- xix. If the project is contiguous to other lands owned or under the control of the applicant, a map showing the proposed street layout and access for subsequent development.
- xx. A street construction and paving plan and a maintenance plan for all private streets within the project.
- xxi. An indication of the amount of peat, gravel, sand, clay or other soil material, if any, that is proposed to be removed, imported and/or stockpiled on the site during the development process. If stockpiling is proposed, the location and duration of the stockpiles shall be indicated. Excavation and removal of material from the site over a period of time that exceeds 45 calendar days or a cumulative total of 60,000 cubic yards of material shall be subject to further review and approval under Ordinance Number 250 as amended, being the Grand Rapids Charter Township Mineral Mining Licensing Ordinance.

2. **Review of Preliminary Site Condominium Plan.** The Planning Commission shall review the preliminary site condominium plan in accordance with the standards and requirements contained in Section 26.4 of this Ordinance, Article IV of the Grand Rapids Charter Township Subdivision Ordinance as applicable and the following:
 - a. **Consultations.** As part of its review of a preliminary site condominium plan, the Planning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the project.
 - b. **Public Informational Meeting.** Prior to acting on a preliminary site condominium plan, a public informational meeting shall be held by the Planning Commission. Notice of the time and place of the meeting shall be given by ordinary mail to the applicant and owners of the land included in the project and to the owners of or parties of interest in land within 300 feet of the project land area based on the current Township tax assessment rolls. The notice will specify the place, time, and date of the meeting. The notice shall be mailed at least ten days before the date of the meeting.

Section 25.7. Planning Commission Recommendation, Preliminary Site Condominium Plan. After reviewing the preliminary site condominium plan, the Planning Commission shall make formal recommendations regarding the proposed project, including any suggested or required changes in the plan. The recommendations shall be included in the meeting minutes of the Planning Commission. The Planning Commission shall forward a copy of the minutes or a summary thereof to the applicant and to the Township Board.

Section 25.8. Step 4 Review and Approval of final Preliminary Site Condominium Plan by Township Board.

1. After receiving the Planning Commission's recommendations on the preliminary site condominium plan, the applicant shall submit to the Township Clerk or the clerk's designee, a minimum of 11 copies of a final preliminary site condominium plan which complies with the requirements of this section and of Chapter 26. The Township Clerk or the clerk's designee shall forward the copies of the final plan to the Township Planner and to the Planning Commission.
2. The final preliminary site condominium plan submitted by the applicant shall include final engineered construction plans and shall incorporate all of the recommendations, if any, made by the Planning Commission based on its review of the preliminary site condominium plan. If any of the Planning Commission's recommendations are not incorporated in the final preliminary site condominium plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for

changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final preliminary site condominium plan shall otherwise be identical to the preliminary site condominium plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission as provided by this chapter prior to the review and approval of the final preliminary site condominium plan by the Township Board.

3. After receiving the Planning Commission's recommendations on the preliminary site condominium plan, applicable agency comments and authorizations and a final preliminary site condominium plan from the applicant, the Township Board shall proceed to review and may approve, deny or approve with conditions the plan in accordance with the standards provided by Section 25.3 and other applicable procedures, standards and requirements provided by this chapter.
4. As a condition of approval of a final preliminary site condominium plan the Township Board may impose additional reasonable conditions of approval as provided by Section 26.5 of this Ordinance.

Section 25.9. Approval of Multi-Phase Site Condominium Projects. A site condominium project that is to be undertaken in two or more phases shall require the initial approval of an overall project site plan by the Township Board. In addition to the procedures required for conceptual and preliminary site condominium plan review and approval under this chapter the following requirements and procedures shall apply to multi-phase projects:

1. Preliminary site condominium plans for multi-phase site condominium projects submitted under Step 3 must contain proposed project phasing information detailing the extent and expected timing of each phase. An approved phasing plan and schedule as recommended by the Planning Commission shall be submitted to the Township Board along with the Planning Commission's other recommendations required by Section 25.7.
2. Based on the recommendations of the Planning Commission and an acceptable overall project site plan and phasing program specifying the timing and sequence of necessary improvements, the Township Board may in its discretion grant final preliminary site condominium plan approval to the proposed first or other initial phases of a multi-phased development project within two years of initial approval of the overall project site plan. In deferring final preliminary approval of one or more phases, the Township Board may waive the requirements for final construction plans as stipulated under Step 4 in Section 25.8(2) and require that such plans only be submitted for the proposed first phase or other initial phases to be completed.
3. In accordance with an approved phasing plan, any phase of a project that has initially received deferred final preliminary plan approval from the Township Board is, prior to receipt of final preliminary plan approval, required to be resubmitted and reviewed by the Planning Commission for conformity with the approved overall site plan and

compliance with any conditions imposed at the time of overall site plan approval. The Planning Commission shall forward its findings to the Township Board under the procedures in Section 25.7. The Township Board shall then review the deferred plans and take action on granting final preliminary site condominium plan approval to each phase as outlined in Section 25.8.

4. Unless otherwise specified in the conditions approving a project with multiple phases, deferred final approval of each phase shall be effective for a period of no more than five years. Once a phase has received final preliminary site condominium plan approval, the two-year effective period outlined in Section 25.12 shall apply. Expiration of the five-year period of approval will negate all prior approvals and expose all further development of the project to changes in zoning and other governing ordinances adopted by the Township subsequent to the date of initial overall project site plan approval.

Section 25.10. Effect of - Final Preliminary Site Condominium Plan. Approval of a final preliminary site condominium plan by the Township Board shall serve as conditional authorization to commence with the construction of required improvements to the land in accordance with the approved final preliminary site condominium plans and approved construction plans. Final preliminary site condominium plan approval does not authorize the construction of buildings or uses on individual building sites.

Section 25.11. Construction in Compliance with Approved Final Preliminary Site Condominium Plan. No site improvements or changes shall be made on the property in connection with a proposed site condominium project except in compliance with a final preliminary site condominium plan as approved by the Township Board, including any conditions of approval. This provision shall apply to all phases of a multi-phased development project that have only received approval as part of an overall project site plan and which have not specifically been granted final preliminary approval.

Section 25.12. Final Preliminary Site Condominium Plan Approval Effective for Two Years. No approval of a final preliminary site condominium plan by the Township Board as granted under Section 25.8 shall be effective for a period of more than two years, unless construction of the project or phase commences within that two-year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. The two year time limit period for completion may be extended by the Board in its discretion for additional periods of time as determined appropriate by the Board if the extension is applied for by the applicant within the effective period of the approval.

Expiration of the two year time period negates final preliminary plan approval and unless the project is part of an approved multi-phased project having a five-year period of approval, expiration exposes further development of the project to changes in zoning and other governing ordinances adopted by the Township subsequent to the date of initial final preliminary plan approval.

Section 25.13. Step 5 Review and Approval of Final Site Condominium Plan by Township Board.

1. Within two years from the date of approval of the final preliminary site condominium plan, the applicant shall prepare and submit the necessary copies of the final site condominium plan to the Township Clerk along with a completed application form and any fee established by the Township Board at least two weeks prior to the next regularly scheduled Board meeting. The applicant shall also submit the following:
 - a. Two copies of as-built plans of all required private and public improvements which shall be reviewed by the Township Engineer for compliance with applicable Township ordinances.
 - b. A copy of all final agreements and the master deed which is to be recorded with the Kent County Register of Deeds which shall be reviewed by the Township Planner for compliance with the final preliminary site condominium plan as approved by the Township Board under Step 4.
 - c. Letters of approval from all applicable agencies or utilities listed in Section 25.5 stating that improvements have been properly installed and inspected, and inspection fees paid, or that performance guarantees or other similar surety have been submitted for uncompleted improvements.
2. Once all submissions are found acceptable, the clerk shall submit the same to the Township Board at its next regular meeting for approval.
3. The Board shall approve or reject said final site condominium plan based upon the plans and other material submitted and the recommendation of the Township Planner and Engineer and notify the applicant in writing. Notification may be in the form of a written notice or a copy of the Board's minutes.
4. If the final site condominium plan is rejected, the clerk shall notify the applicant stating the reasons for denial.
5. Security for completion as a condition of final site condominium plan approval and in lieu of completion of some or all required improvements, the Township Board may give final site condominium plan approval conditioned upon the developer providing a financial guaranty for performance as provided in this section.
 - a. Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.
 - b. Security shall remain in force for a time to be specified by the Township Board.

- c. Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the Township, or in the form of cash escrow or certified check. A performance bond in a form satisfactory to the Township, from a surety company authorized to do business in the State of Michigan and acceptable to the Township, may be substituted in lieu of such security only if the applicant can satisfy the Township that an irrevocable letter of credit, cash escrow or certified check cannot reasonably be made available.
- d. The developer may request periodic reductions in the amount of security as public improvements are completed. Township Engineer may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.
- e. Upon completion of all required improvements, one complete copy of as-built engineering plans for all required public improvements and utilities shall be filed with the Township Clerk within six months of completion of required improvements.

Section 25.14. Commencement of Construction; Issuance of Construction and Building Permits.

- 1. No construction, grading, soil stripping, tree removal or other site improvements or changes shall be commenced by any person until:
 - a. A final preliminary site condominium plan has been approved by the Township Board.
 - b. All conditions to commencement of construction imposed by the Township Board have been met.
 - c. Documentation is provided to the Township that all pertinent and applicable approvals of detailed construction plans or permits from appropriate county and state review and enforcement agencies have been obtained for the project.
 - d. A construction schedule is submitted to the Township indicating the general schedule of the timing and sequence for the installations of required improvements. The schedule must satisfy the needs of the Township, county and state inspection agencies.
- 2. Except as may be permitted for up to four model homes or principal buildings, no building, construction or grading permits for individual buildings and uses located on individual building sites within a site condominium project shall be issued by the building inspector until final site condominium plan approval has been granted by the Township Board as outlined in Section 25.13. With respect to model units, no

occupancy permit shall be issued prior to Township Board approval of the final site condominium plan.

Section 25.15. Expandable or Convertible Condominium Projects. Approval of a final site condominium plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Township Board in compliance with the procedures, standards and requirements of this chapter.

Section 25.16. Review and Approval of Changes to Approved Site Condominium Projects. Any change proposed in connection with a project for which the Township Board has previously approved a preliminary or a final site condominium plan shall be subject to review as provided by this section:

1. Any change which constitutes a major change shall be reviewed by the Planning Commission and approved by the Township Board as provided by this chapter for the original reviews and approvals outlined for Step 3, Step 4 and Step 5.
2. Any change, which constitutes a minor change, shall be reviewed and approved by the Planning Commission alone, without the need for a public hearing.
3. Any change which constitutes an exempt change shall not be subject to review by the Township under this chapter, but a copy of the changes proposed (and of the changes made, if differently than proposed) shall be filed with the Township Clerk.

Section 25.17. Incorporation of Approved Provisions in Master Deed. All provisions of a preliminary site condominium plan which are approved by the Township Board as provided by this chapter shall be incorporated by reference in the master deed for the site condominium project. Further, all major changes to a project shall be incorporated by reference in the master deed. A copy of the master deed as filed with the Kent County Register of Deeds for recording shall be provided to the Township within ten days after filing the plan with the county.

Section 25.18. Exemption of “Existing Project.”

1. This chapter shall not apply to a site condominium project, which is determined by the Township Board to have met the following conditions as of the effective date of this chapter (an “existing” project):
 - a. A condominium master deed was recorded for the project with the Kent County Register of Deeds in accordance with the requirements of the Condominium Act and other applicable laws and ordinances, and
 - b. The project fully complied with all other applicable requirements under Township ordinances in effect on the date when the condominium master deed was recorded.

2. The exemption provided by this section shall apply only to an existing project as described in the condominium master deed recorded for the project on the effective date of this chapter, including any subsequent change which would constitute (i) an exempt change, whether or not the Condominium Act would require an amendment to the master deed as a result of the change; or (ii) a minor change for which the Condominium Act would not require an amendment of the master deed. However, this exemption shall not apply to any subsequent expansion, conversion or platting of the project, or subsequent major change to the project, which shall be fully subject to the applicable review and approval requirements as provided by this chapter.

CHAPTER 24 SPECIAL LAND USES

Section 24.1. Description and Purpose. Special use permits are required for proposed activities which are essentially compatible with other uses or activities permitted in a zoning district, but which present unique challenges or possess unique characteristics, or qualities that require comprehensive review and which may be allowed only after the imposition of reasonable conditions. The purpose of this in-depth review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this chapter and other applicable standards contained or referenced in the Zoning Ordinance.

Section 24.2. Applicability. Only unclassified uses, and uses or activities identified in the use provisions of the various zoning districts, are required to undergo review under the procedures of this chapter. All special use permit applications must include a site plan meeting the content requirements of Section 26.3.

Section 24.3. Procedures for all Special Uses. The following procedures shall be required in processing and considering an application for a special use permit:

1. **Applications.** The applicant shall submit an application which shall include a review fee as established by the Township Board, a site plan per the requirements of Section 26.3, and other written evidence and drawings showing that all the quantified requirements for the applicable special use are being met.
2. **Notices.** Upon receipt of a complete application, a notice of public hearing shall be published and delivered in accordance with Section 33.8 of this Ordinance.
3. **Public Hearing.** A public hearing by the Planning Commission shall be held before a decision is made.

Section 24.4. Conditions. Reasonable conditions may be required by the Planning Commission with the approval of a special land use. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission or its agent and the landowner/permit holder. If any conditions are changed, deleted or added as mutually agreed upon under the provisions Section 24.5, the Planning Commission shall also maintain a record of such changes.

Section 24.5. Changes to an Approved Special Land Use. Any conditions imposed upon an approved special land use, including the approved final site plan, may not be changed except upon the mutual consent of the Planning Commission and the applicant, and as otherwise provided by this section.

1. **Major Changes.** Except for changes determined to minor as provided below, changes to an approved special land use site plan or to any condition imposed on an approved special land use shall be reviewed and approved, approved with conditions, or denied by the Planning Commission pursuant to the procedures provided by this chapter for an original request for special land use approval.
2. **Minor Changes.** Minor changes to an approved special land use site plan may be approved by the Zoning Administrator, acting as the agent of the Planning Commission, without review and approval by the Planning Commission. For purposes of this section, the provisions of Section 26.9.2 shall be utilized to define "minor changes." If the Zoning Administrator approves a minor change, the approval shall be in writing. The Zoning Administrator shall forward a copy of the written approval to the Planning Commission for inclusion in the record pertaining to the special use.
3. The Zoning Administrator may in his or her discretion refer any decision regarding a proposed change to an approved special land use site plan to the Planning Commission for review and approval whether or not the change may qualify as a minor change as determined under Section 24.5.2. In making a determination as to whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

Section 24.6. Time Limits and Expiration of Permit. A special use permit and the conditions imposed shall run with the land, regardless of land ownership. A special use permit will remain in effect unless or until one or more of the following occurs:

1. An activity or use authorized by the special use permit has not commenced within two years of the date of issuance and the conditions of authorization do not specify a greater period of time before commencement.

2. The use ceases for a consecutive period of one year and a longer period of inactivity was not specified in the conditions of approval contained in the permit.
3. The use as authorized by the special use permit is of a temporary or terminal nature and has been terminated in compliance with the conditions of the special use permit.
4. The special use permit is revoked for reasons of non-compliance or violation as outlined in Section 24.8.

A special use permit which is expired, terminated or revoked as a result of one of the above circumstances shall be considered null and void and a new special use permit will be required for the activity to recommence.

Section 24.7. Performance Guarantee. The Planning Commission may require as a condition of its approval that the applicant file surety in the form of a performance bond, letter of credit, or certified check in a form satisfactory to the Township and in an amount established by the Planning Commission conditioned upon the prompt and complete compliance with all the provisions of this Ordinance and the requirements upon which the Planning Commission may condition its approval. The Planning Commission shall, in establishing the form and amount of the surety, consider the type and scale of the use and its operations, the prevailing cost to complete required improvements, safety measures and/or to rehabilitate the property upon default of the operator, court costs and other reasonable expenses. If the owner of the property and the operator of the proposed use shall be separate, each of them shall be required to execute the bond as principal.

Section 24.8. Compliance, Violation, Revocation of Permit.

1. **Construction in Compliance with Final Site Plan.** Any building permit issued for construction pursuant to an approved special land use shall be valid only so long as there is compliance with the approved site plan and any other conditions of approval as set forth by the Planning Commission. Any deviation from the approved site plan or conditions shall operate to automatically invalidate the building permit and shall be a violation of this Ordinance.
2. If a violation of any condition of approval or applicable regulation is found to exist subsequent to construction or commencement of the authorized use the Zoning Administrator shall notify the permit holder/land owner and the Planning Commission that a violation exists. The notice shall describe the violation and further state and that the special use permit may be revoked if the violation is not remedied within 45 days or less (as specified by the Zoning administrator in the letter of notification). If the violation is not corrected within the specified time, the Zoning Administrator shall suspend the permit and place the matter on the next agenda of the Planning Commission for consideration and formal action on the revocation. The permit holder/land owner shall be notified of such meeting. The full procedures outlined for initial application under Section 24.3 shall be required prior to the reinstatement of a special use permit that has been revoked by the Planning Commission.

Section 24.9. Variances Within Special Land Uses. The Planning Commission shall have final authority with respect to approval, approval with conditions, denial or revocation of a special use permit. Prior to a decision by the Planning Commission for a special use permit, an application for a variance from any quantity or dimensional requirement contained in the Zoning Ordinance (a standard other than the General Standards of Section 24.11) may be made to, and decided upon by the Planning Commission.

Section 24.10. Re-Application. An application for a special use permit which has been denied wholly or in part by the Planning Commission shall not be reconsidered until the expiration of the one year from the date of such denial except on the grounds of significant newly discovered evidence or proof of significantly changed conditions. Such evidence or conditions must be found by the Zoning Administrator as being sufficient to justify reconsideration by the Planning Commission.

Section 24.11. General Standards. In formulating a decision on any special use permit application, the Planning Commission shall make findings and determinations with respect to each of the following general standards:

1. Whether or not, taking into consideration the size, location and character of the proposed land use it will be compatible and harmonious, as determined by the application of generally accepted planning standards and/or principals, with (1) the surrounding uses; and/or (2) the orderly development of the surrounding neighborhood and/or vicinity.
2. Whether or not the proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is generally experienced for the vicinity involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic.
3. Whether or not the proposed special land use will cause unreasonably impacts upon existing uses on surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and/or cause unreasonably impacts upon persons. Where identified impacts can be remedied by way of design, construction and/or use, the proposed use must be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.
4. Whether or not the proposed use will be such that the proposed location and height of buildings, structures facilities or activities, and location, nature and height of walls, fences and landscaping will interfere with or discourage the appropriate development and use of adjacent land and building.
5. Whether or not the proposed use is in general or specific agreement with the comprehensive future land user plan map designation for land uses in the area here

the use is to be built and/or any general or specific master plan policies regarding the type of special land use proposed.

6. Whether or not the proposed special land use will unreasonably burden the capacity of public services and/or facilities.
7. Whether or not the proposed use is in all other ways designed, located, and planned to be operated so that the public health, safety and welfare will be protected.

Section 24.12. Developmental Impact Assessments. Prior to formulating its findings and prior to making a decision regarding compliance with the above general standards, the Planning Commission may require the applicant to prepare and submit a developmental impact assessment. The developmental impact assessment shall describe in detail the effect and impact, adverse or otherwise, that the proposed special land use may have with respect to the following matters:

1. The property included in the project and the surrounding and neighboring lands, including topographical contours and soil conditions.
2. Environmental factors such as: streams, rivers, wetlands, and the quality of surface and ground waters.
3. Traffic congestion.
4. Local school systems.
5. Population in the surrounding area and the Township.
6. Additional costs to governmental units and school districts.
7. Aesthetic qualities and blighting influences, if any, upon surrounding properties.
8. Noise, vibration, dust and dirt, litter, gas smoke, odor, light, and glare.
9. Public safety services.
10. Drainage.
11. Surrounding property values.
12. Sanitation, including water supply and sewage disposal.
13. General appearance and character of the area.
14. Historical structures and places.
15. Archaeological sites and artifacts.

16. Wildlife and trees and forests.
17. Such other matters as the Planning Commission may request to be included.

The developmental impact assessment shall, when required by the Planning Commission, include statements and comments from the following public agencies or officials concerning any aspects of the proposed land use within their respective responsibilities and jurisdictions: County Health Department, County Road Commission, County Drain Commissioner, Department of Natural Resources, Department of Environmental Quality, Intermediate School District and local Board of Education, County Sheriff's Department, local Fire Department, and other agencies as determined appropriate by the Planning Commission.

Section 24.13. Special Use Design Standards. The general requirements of Section 24.11 are requirements that must be met by all special uses. In meeting the general standards and unless otherwise specified, all special uses will be required to adhere to the minimum height, yard, building and area requirements of the zoning district in which the use is proposed and to other regulations generally applicable to uses permitted by right in the district. Additionally, certain special uses as listed below will be required to adhere the specific design standards and requirements as further contained in this section.

A. Special Uses Assigned Specific Design Standards.

1. Outdoor uses such as parking and display for automobile sales, patio dining facilities, building supply outlets, open air car washes or any other use, process, service or business identified in a zoning district as a permitted use which, in whole or in part, is to be conducted outside of an enclosed building.
2. Reserved.
3. Churches and other places of religious assembly as may be permitted in the R Districts.
4. Private and parochial schools; private and public colleges and universities.
5. Commercial greenhouses and/or landscape contractor yards as may be permitted in the R Districts.
6. Reserved.
7. Major regional cultural facilities such as public or semi-public arboretums, botanical gardens, nature preserves, animal preserves and zoos.
8. Earth removal, sand and gravel mining.
9. Farm markets.
10. Hospitals/medical institutions for the treatment and care of people.

11. Homes for the elderly or retired.
12. Group day care homes.
13. Child care centers.
14. Adult day care homes.
15. Adult day care centers.
16. Adult foster care small group home.
17. Wireless communications facilities/antennas and towers exceeding 35 feet.

B. Design Standards Applicable to Certain Special Uses.

1. **Outdoor Uses Such as Parking and Display for Automobile Sales, Patio Dining Facilities, Building Supply Outlets, Open Air Car Washes or any Other Use, Process, Service or Business Identified in a Zoning District as a Permitted Use, Which in Whole or in Part, is to be Conducted Outside of an Enclosed Building.** Unless specifically exempted herein, any business, service, process or storage which is to be conducted outdoors or any portion of such business or use to be conducted or supported by activities or facilities located outside of an enclosed building is required to be approved as a special use. Excluded from regulation under these specific provisions, but which may or may not be regulated under other provisions of this Ordinance are: agricultural uses, educational and recreational facilities, automobile parking for customers or employees, customary off-street loading spaces, essential service facilities, heating and air conditioning equipment, ATM machines and drive-through facilities, gasoline and fuel dispensing facilities and signs
 - a. Unless specifically waived by the Planning Commission open-air activity, display, or storage shall be accessory to a permanent principal use or business conducted within an enclosed building also located on the site or shall be under the ownership or control of the lot owner or a principal use tenant of the site.
 - b. The hours of operation, frequency and duration of the activity shall be considered in relation to the activity's location and its traffic, visual, noise, odor, glare and vibration impacts on adjacent uses and streets. The Planning Commission may limit the frequency, hours of operation or its duration as means to control or mitigate these impacts.
 - c. The Planning Commission may require complete or partial screening of any goods or materials or products to be stored or displayed outside. In making the determination regarding required screening of outdoor storage, the Planning Commission shall consider the impact of such storage on adjacent uses, and also the potential of such storage to become a blighting influence.

- d. Surface areas on which the outdoor storage or activity is to take place shall be reviewed for adequacy of drainage and dust control measures. The Planning Commission may require that areas be paved depending on the level of activity and or type of material or product involved.
- e. Out-door storage or other activity shall not be permitted within any required landscape buffer areas, required parking areas, or in any location that results in conflict with vehicle circulation or minimum parking requirements.
- f. Where for security reasons, or to keep trash, paper, and other debris from blowing off the premises, fencing of an appropriate height and type may be allowed or may be required at the perimeter of the outdoor storage, display or activity area.
- g. All open-air businesses or activities shall comply with all applicable health department regulations regarding sanitation and general health conditions.
- h. At a minimum, packaged or containerized product display areas for product and material sold on the premises shall meet the front yard setback requirements applicable to principal buildings in the zoning district within which the use is to occur. All bulk or non-containerized material or products sold on site along with any such material product, equipment or supplies stored or parked for eventual use off-site shall be located behind the front line of the principal building and where possible completely behind buildings or structures located on the site.
- i. The minimum side and rear lot line setbacks for an outdoor use or activity within or adjacent to a residential district shall be 50 feet. In all other zoning districts the side and rear lot line setbacks shall be a minimum of 15 feet. Additional setback may be required by the Planning Commission after consideration of the specific type of use or activity proposed, adjacent uses, topography and vegetation drainage and other concerns, and the effectiveness of proposed buffering and screening techniques.
- j. All loading activity and off-street parking areas shall be provided on the same property.
- k. The storage of bulk soil, fertilizer, or similar loosely contained materials shall be contained by bunkers, walls, berms or other impoundments specifically designed to prevent adverse effect upon the environment and adjacent properties. A pollution incidence prevention plan as outlined by the Michigan Department of Environmental Quality may be required and shall serve as the basis for the design of storage areas whether or not direct authorization of the facility falls under the auspices of that agency.
- l. Under the provisions of Section 24.4, the Planning Commission may require the applicant to furnish a performance guarantee in an amount determined by

the Commission to be reasonable and necessary to ensure strict compliance with any regulation contained herein or condition of approval.

2. **Reserved.**

3. **Churches and Other Places of Religious Assembly.**

- a. The site shall be so located as to have at or least one property line abutting a major street that is designed to handle mixed through traffic. Primary ingress and egress to the site shall be directly onto the major street unless access is provided by means of a marginal access street. Secondary access to a minor street may be permitted if the access is within 650 feet of an intersection with a through street.
- b. The application for special use approval shall include a description, floor plan and site plan of both immediate and long-range facilities planned for the site.
- c. Churches and other places of religious assembly, with an initial and ultimate seating capacity of fewer than 250 persons (seating capacity shall be determined by the seating capacity of the sanctuary and auxiliary assembly halls combined), shall be located on a lot or parcel of land having a minimum area of two acres and a minimum lot width of 200 feet as measured at the front property line. There shall be a minimum front, side, and rear yard building setback of 50 feet except that churches having frontage on arterial streets shall have a front-yard building setback of at least 100 feet.
- d. Churches and other places of religious assembly, with an initial or planned seating capacity of more than 250 persons, shall be located on a lot or parcel of land having a minimum lot size of three acres and a minimum lot width of 300 feet.
- e. The minimum requirements for parking, lighting, landscaping, and greenbelts shall be the applicable provisions relating to non-residential uses found in Chapters 28 and 29. These requirements are subject to modification by the Planning Commission if deemed necessary to minimize the impacts on adjacent properties or to otherwise improve compatibility for the special use.
- f. Signs shall be as regulated by Chapter 30. Religious symbols or icons that exceed the area limits for wall signs may be permitted by the Planning Commission if it is determined that such symbols or icons are architectural elements of the building's design.

4. **Private and Parochial Schools; Public and Private Colleges and Universities.**

- a. The use shall be located so as to have at least one property line abutting a major street designed to handle mixed through traffic.

- b. The parcel of land on which the use is located shall have frontage on a major street of at least 300 feet; provided, however, that in considering the special land use, the Planning Commission may permit the use on a parcel of land having less street frontage, if the general special land use standards of Section 24.11 would nevertheless be satisfied.
 - c. The land comprising the special land use shall be at least five acres in area, or one acre for each 50 students to be accommodated within the building or buildings, whichever is greater; provided, however, that in approving the special land use the Planning Commission may permit the use to occupy a smaller land area if the general special land use standards of Section 24.11 would nevertheless be satisfied.
 - d. All buildings and structures shall be located at least 100 feet from any front property line, and at least 75 feet from all other property lines; provided, however, that the Planning Commission may permit buildings and structures to be located at lesser distances from property lines if the general special land use standards of Section 24.11 would nevertheless be satisfied.
 - e. All light fixtures and recreational or athletic facilities shall be located at least 50 feet from any property lines unless otherwise approved in the special land use.
 - f. The minimum requirements for off-street parking, lighting, landscaping, and greenbelts shall be the applicable provisions relating to non-residential uses found in Chapters 28 and 29, except as otherwise permitted by the Planning Commission in the special land use and if the standards of Section 24.11 would nevertheless be satisfied.
 - g. Signs shall be as regulated by Chapter 30.
5. **Commercial Landscaping as May be Permitted in the SR and R-1 Districts.**
- a. The minimum lot area shall be at three acres, with 300 feet of lot frontage.
 - b. Not more than 35 percent of the lot may be covered by buildings and/or greenhouse. Outdoor storage and loading shall be limited to 40 percent coverage.
 - c. On-site retail and wholesale sales activities are not permitted unless specifically approved by the Planning Commission. Any such sales shall be only a minor and incidental activity of the special land use; such sales shall be limited to natural and other products used in the special land use. The Planning Commission may specify the types of commodities and products eligible for on-site sales and may limit the quantity and frequency of on-site sales of landscaping commodities. The Commission may limit the quantity and bulk of landscaping commodities that are stockpiled on the site,

transported and/or sold, including topsoil, other earthen material, mulch and the like.

- d. All buildings shall be located a minimum of 100 feet from any front property line and 50 feet from any side or rear property line.
 - e. All outdoor storage display and equipment activity shall be subject to the special use provisions relating to outdoor uses as outlined in Section 24.13, subsection 1.
 - f. Parking areas for retail sales shall comply with the provisions of Section 28.7.4, as applicable, and Section 28.5.
 - g. Loading areas shall comply with Section 28.9. Truck and equipment loading areas and customer traffic shall be separated whenever possible.
 - h. All equipment and commercial vehicle parking and storage areas shall be situated so as to limit its view from adjacent streets and residences on a year-around basis
 - i. Signs shall comply with the applicable provisions of Chapter 30 as related to non-residential uses in residential districts.
6. **Reserved.**
7. **Major Regional Cultural Facilities Such as Public or Semi Public, Arboretums, Botanical Gardens, Nature Preserves, Animal Preserves and Zoos.**
- a. The minimum parcel size shall be 20 acres with 600 feet of street frontage.
 - b. **Developmental Impact Assessment.** A developmental impact assessment as described Section 24.12 shall be required.
 - c. **Type and Intensity of Use.** The individual principal and accessory uses and the overall project intensity permitted shall be determined at the discretion of the Planning Commission, based on the proposed facilities compatibility with adjacent land and land uses, its consistency with the comprehensive future land use plan, and plans and policies for public sewer and water, the impacts that the use will have upon the environment, the character of the area, utilities, storm water drainage, road capacity, traffic safety and circulation, public safety services, schools, and factors deemed to be of relevance by the Planning Commission.
 - d. **Minimum Standards Relative to Parcel Size, Lot Width, Yard Area, Structure Height, Setbacks, Signs, Parking and Loading, Screening, Lighting, Environmental Protection, or Other Applicable Attributes.** Unless specifically waived by the Planning Commission during the special

land use review process, adherence to the most restrictive standards applicable to any permitted or special use allowed in the district in which the use is proposed shall be required.

To promote flexibility and creativity in design and development of major cultural facilities, departures from the restrictive regulations outlined in the preceding paragraph may be granted at the discretion of the Planning Commission as conditions of approval. Such departures may be authorized if there are features or planning mechanisms designed into the project that will, based upon the findings of the Planning Commission, achieve the objectives of each of the regulations from which a departure is being requested.

- e. **Design Considerations.** Through quality design and the use of best-management practices within the facility, surrounding properties shall be protected from the effects of noise, odors, vibration, light, and other nuisances or hazards generated by or within the facility. Each proposed regional cultural facility shall function to enhance the overall community and must be located and operated in such a way as to address potential development impacts (as identified by the required developmental impact assessment).

Prior to approval, there shall be demonstrated a proper location, high quality of design and a capability for the facility to be managed in compliance with the above pre-requisites. In making the necessary determinations, the Planning Commission shall find that the facility includes each of following facility design attributes:

- i. Effective perimeter setbacks, screening, buffering, and transitioning of internal uses and facilities for the purposes of eliminating and preventing noises, odors and other nuisances from having impacts on adjoining properties.
- ii. Appropriate public and private utilities properly designed with respect to location, availability, ownership and capacity to be installed in harmony with the environment and with methods that minimize construction phase impacts.
- iii. Well separated internal walkways buffered from internal and external traffic hazards and linkages that will integrate the facility with existing and proposed external walkways.
- iv. The preservation of significant natural features and the utilization of methods to integrate and harmonize natural features with signs, lighting, landscaping and construction materials.
- v. Adequate external street capacity and proposed street improvements, access points and traffic flow control devices that minimize external

traffic impacts and which safely and efficiently manage the internal circulation of buses, passenger cars, and service and emergency vehicles.

- vi. Appropriately located off-street parking, loading, refuse, and other service areas and natural and man-made site features that are designed and intended to minimize noise, glare, vibration, and odors emitted from such facilities.
- vii. The integration of dedicated/perpetual yard areas and other open spaces for the purpose of avoiding overcrowding of on-site facilities and activity areas in both the initial and final phases of development.
- viii. Environmentally appropriate methods and practices utilized in the application and storage of pesticides, herbicides, and other chemicals and in the management of animal wastes and other byproducts of the facility.
- ix. Adequate and appropriate site and perimeter safety, security, and emergency measures to be employed for the protection of both animals and humans in and surrounding the facility.
- x. Ample Expansion areas, facility phasing plans, and approaches to design and construction that minimize future negative impacts and disruptions on surrounding properties and the community at large as phases and expansions are initiated.

8. Removal and Processing of Sand, Gravel and Other Mineral Resources.

- a. **Purpose.** The purpose of the mineral removal special land use is to regulate the appropriate excavation and removal of mineral resources, but to authorize such activity only if it can be accomplished without serious adverse consequences to other land uses in the vicinity and elsewhere in the Township. While the excavation and removal of mineral resources is a legitimate land use, it may involve activities which are incompatible with residential uses or which have other adverse impacts. The objective of these special land use provisions is to enable the Township to permit such mineral extraction and removal, where such activity can reasonably be permitted, but only upon such terms and conditions as will adequately protect residential and other land uses from serious adverse consequences and also assure that, once mineral material has been removed, the land shall be reclaimed and restored so as to be available for residential uses or other uses permitted by this Ordinance.
- b. **Exempt Activity; Zoning Administrator Approval Required for Certain Excavation and Removals.**

- i. The provisions of this section shall not apply to the extraction or removal of mineral material of 1,000 cubic yards or less; provided, however, that such mineral removal activity involving 1,000 cubic yards or less shall not result in hazardous or unsafe conditions nor have serious adverse consequences to adjacent or nearby lands.
 - ii. In order for an extraction or removal of mineral material of 1,000 cubic yards or less to be exempt from the provisions of this section, such excavation and removal must be complete in and of itself, and shall not constitute only a part, portion or phase of some other larger, different, or recurring mineral removal operation, plan or activity. An applicant shall not repeat or combine successive removal operations of 1,000 cubic yards or less for the purpose of attempting to classify each individual removal operation as being exempt under this subsection.
 - iii. The excavation and removal of sand, gravel, soil and other mineral resources in a quantity from 1,000 cubic yards up to and including 5,000 cubic yards shall be subject to the issuance of a mineral removal permit by the Zoning Administrator under the terms of subsection o of this section.
 - iv. The excavation and removal of sand, gravel, soil and other mineral resources in a quantity not greater than 10,000 cubic yards shall not be subject to the provisions of this section if all of such excavation and removal is solely for the purpose of site preparation for an approved land use. In such a case, the fact that the removed soil or other mineral material may be sold to another party shall not cause the activity to be deemed other than site preparation, but any such excavation and removal shall be only that which is necessary to reconfigure or otherwise prepare the site for permitted building construction or other approved land use.
- c. **Special Land Use Required for Excavation and Removal of More Than 5,000 Cubic Yards of Mineral Material.** The excavation and removal of sand, gravel, soil and other mineral resources of more than 5,000 cubic yards shall take place only upon the granting of a special land use by the Planning Commission. An application for a special land use for mineral removal shall include the following:
- i. A written legal description of all of the lands proposed for the use.
 - ii. Thirteen copies of a plan for mineral removal, drawn to a scale of 1"=100', prepared and sealed by a registered civil engineer, and including the following:
 - A. A north arrow, scale and date.

- B. Shading indicating the extent of land area on which mineral removal operations and activities will take place.
 - C. The location, width and grade of all easements or rights-of-way on or abutting the lands.
 - D. The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations.
 - E. Existing elevations of the lands at intervals of not more than five feet, based on U.S.G.S. datum.
 - F. Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table.
 - G. Mineral conveying, screening and stockpiling areas.
 - H. Proposed fencing, gates, parking areas, temporary or permanent structures, drives, signs and other features of the proposed use.
 - I. Roads for ingress to and egress from the lands, including on-site roads, acceleration and deceleration lanes, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles.
 - J. A map showing access routes between the subject lands and the nearest county primary road.
 - K. Areas, if any, to be used for ponding.
- iii. **Narrative to be Submitted.** The applicant shall submit a narrative description and explanation of the proposed mineral removal operations and activities, which shall include the following:
- A. Name of the owner(s) of the lands on which mineral removal operations are proposed to be conducted.
 - B. The name and address of the person(s) who will be conducting the mineral removal operations.
 - C. The date of commencement of operations, and the estimated completion date. The schedule for commencement and

completion shall provide dates for the following specific items:

- (1) Commencement and completion of mining operations as provided by the plan of operation.
 - (2) Commencement and completion of erosion and drainage control measures to be instituted during mining operations.
 - (3) Commencement and completion of fencing, roads, utilities or any other structures or improvements to be located on the site as provided by the plan of operation.
- D. The proposed hours and days of operations.
- E. An estimate of the type and quantity of mineral material to be removed.
- F. A detailed description of the extraction and removal methods, including proposed excavation, crushing, screening and removal equipment and vehicles.
- G. A map or drawing of the parcel to be used for mineral removal operations, showing buildings, if any, all adjacent streets, drainage areas and facilities and other significant natural features.
- H. A current aerial photograph, or other accurate drawing or plan, showing the lands covered in the application, and all other lands within 990 feet thereof, and also showing the location of current land uses; types and extent of existing natural features; topography; soils; vegetation; wild life habitat; and other significant land features.
- I. A detailed description of any known, anticipated or possible adverse or detrimental effects upon any aspect or element of the environment, including both the lands proposed for the special land use and surrounding lands.
- J. The narrative shall clearly depict and describe the sequence of mining operations, including existing conditions, mining underway, mining completed, rehabilitation underway, rehabilitation completed, mining proposed, rehabilitation proposed, stockpiles, roadways, and similar land use elements.

- iv. **Site Rehabilitation Plan.** Once rehabilitated, mineral removal lands may be used for purposes permitted under the terms of the Zoning Ordinance. The applicant shall submit a site rehabilitation plan. It shall include the following:
 - A. A description of the planned site rehabilitation, including methods of accomplishment, phasing and timing. The schedule for rehabilitation shall include dates for the following specific items:
 - (1) Commencement and completion of rehabilitation operations, as provided by the rehabilitation plan.
 - (2) Commencement and completion of erosion and drainage control measures to be instituted under the rehabilitation plan.
 - (3) Commencement and completion of final grading, top soil replacement, and replanting or landscaping, as provided by the rehabilitation plan.
 - B. A plan showing the final grades of the lands as rehabilitated, at contour intervals not exceeding two feet, and also including water courses, ponds or lakes, if any; landscaping and plantings; and areas of cut and fill. The plan shall also provide a description of the methods and materials proposed for restoration of topsoil to the required fertility and the amount of any type of planting as a part of the rehabilitation plan.
 - C. A description of the proposed methods or features which will insure that the end uses are feasible and will comply with the Township Master Plan and the requirements of this Ordinance.
 - D. Item C may be deferred until such time as the Planning Commission may require.
 - v. **Environmental Impact Statement.** The Planning Commission may require an environmental impact statement, engineering data, traffic impact study, economic analysis or other studies or information concerning the need for and consequences of the proposed mineral extraction and removal.
- d. **Review by Planning Commission.** Upon submission of a complete application and following the public hearing required by the terms of this chapter, the Planning Commission shall review the application and determine

whether to approve it, to disapprove it or to approve it with conditions. In its review of the application, the Planning Commission shall consider, among other matters, the intent and purposes of this section and the Zoning Ordinance.

- e. **Operating Conditions.** All mineral extraction and removal activities shall comply with all of the following operational and other conditions:
- i. Mineral removal operations shall be approved for a total duration determined by the Planning Commission, but such approval may be given in increments of a stated number of years, but not less than one year each. In such cases, approval for each successive increment shall be required under paragraph xxii of this subsection e.
 - ii. Driveway access to a mineral removal site shall be only at the locations approved for such purpose in the special land use.
 - iii. Routes for truck movements to and from the removal site may be restricted by the Planning Commission.
 - iv. The entry road or roads to and from a removal area shall be hard surfaced for such distance as may be required by the terms of the special land use.
 - v. No machinery shall be located or used within 50 feet of any property or street line. No cut or excavation shall be made closer than 50 feet to any street right-of-way line or property line. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation.
 - vi. No removal area, storage area, structure, access drive or loading area shall be closer than 150 feet to a principal structure on adjoining or nearby lands, unless a public street is located between the removal operation and the adjoining lands.
 - vii. All areas of excavation and removal, including areas in which excavation or earth moving activities are taking place in order to prepare the land for removal of mineral material, shall be fenced and gated at all times, so as to avoid hazards to persons who may enter the removal area. Such fencing shall completely enclose all excavation, removal and preparation areas. The fencing shall be at least four feet high, and shall be constructed in accordance with Planning Commission requirements. Gates shall be at least four feet in height and they shall be locked when operations are not occurring.
 - viii. All active mineral removal operations shall be visually screened from view from all adjacent public highways and residentially-used

parcels, as viewed by a person standing on the paved portion of the public highway or from the lot line of adjacent residentially-used parcels. The following are acceptable methods for screening of mining areas:

- A. Construction of a raised earthen berm area on the mining site along the boundary lines thereof where such lines abut a public highway or abut privately-owned property which is improved and occupied for residential purposes. This provision with regard to lands improved and occupied for residential purposes shall be applicable to any land upon which dwellings are built and occupied subsequent to the commencement of mining operations. The berm shall be seeded and planted during the first available planting season with sufficient vegetative ground cover so as to control erosion and to provide a visible ground cover substantially similar to surrounding natural vegetation. The berm shall have slopes not in excess of one foot vertical to two foot horizontal. Where existing natural topography would screen the site as effective as a constructed berm, the Planning Commission may waive this berming requirement.
 - B. Planting of coniferous trees along the boundaries of the mineral removal property with sufficient rows and depth, as determined by the Planning Commission, to permit effective screening of the mining area.
 - C. To the extent that the foregoing options are not practical, the proposed operator may submit alternate proposals for the Planning Commissions consideration, which may be approved in the Planning Commissions discretion, if they would provide for screening that is as effective as the methods provided above.
- ix. All mineral removal operations shall have direct access to a public road having a minimum right-of-way width of 66 feet and improved to the specifications of the road approval authority. When the operation of a mineral removal area results in mined material, overburden and/or similar material being deposited or spilled upon the public roadway, it shall be the responsibility of the site operator to remove such material immediately.
 - x. Mineral removal, crushing, screening and transport operations and activities shall occur during such daily hours and on such days of the week as shall be determined by the Planning Commission in its approval of the special land use. In all cases, however, the maximum

hours of operation shall be 7 a.m. to 6 p.m., Mondays through Saturdays, and no operations or activity may occur on Sundays or legal holidays.

- xi. Equipment for the excavation, crushing, screening and removal of mineral material, and other mineral excavation and removal activities, shall not emit noise or vibration that could reasonably be considered disturbing to neighboring uses of land. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled so as to not to become a nuisance to adjacent lands. In no case shall any equipment or operations result in noise exceeding the following levels for specified adjacent land uses, when measured at the common property line nearest the active mineral removal site:

Adjacent Use	Maximum Sound Level
Residential	75 dba
Commercial	85 dba
Industrial	90 dba

Noise levels shall be measured using weighted decibel measurements (referenced to 20 micropascals) with a type of audio output meter approved by the United States Bureau of Standards. In addition to the specific requirements listed above, all equipment and facilities used in a mineral removal operation shall be conducted, maintained and operated in such a manner so as to eliminate, insofar as practicable, noises, vibrations and dust which would interfere with the reasonable use and enjoyment of surrounding property.

- xii. All roads, trails or other areas used by vehicles in connection with mineral removal operations or activities shall have gates at specified locations, and any dust arising therefrom shall be controlled by such measures as may be required by the Planning Commission as a part of the special land use. Required dust control measures may include the application of dust-inhibiting solvents, such as chloride, or similar surface treatments that produce no potential pollution hazard to surface or ground waters, and other special road surfacing intended to control dust. In addition, any interior road or drive providing access to an adjacent public street shall be paved from the public road right-of-way to a distance of not less than 300 feet into the mineral removal area in order to minimize the deposit of dirt and gravel from trucks onto the public street. All entrance and exit drives shall be securely locked during hours when the site is not in operation.
- xiii. Drainage on the mineral removal site shall be maintained in a manner which most closely approximates the natural drainage patterns. The mineral removal site shall be contoured and graded so as to avoid the

unintentional impoundment of water, except where the impoundment of water in one or more locations is included as a part of the approved site rehabilitation plan. Measures shall be taken to avoid or mitigate the run-off of surface water so that adjacent or nearby lands shall not be adversely affected by excessive surface water drainage, erosion or other effects.

- xiv. The type, nature and quantity of equipment to be used at the removal site, and the type and nature of vehicles used to remove mineral material from the site, shall be specified in the special land use and such requirements shall be fully complied with.
- xv. Temporary stockpiling of excavated material shall be permitted within the removal site, at such locations and upon such terms as may be specified in the special land use.
- xvi. No sand, gravel or other mineral material excavated or obtained from lands other than those covered by the special land use shall be brought to the mineral removal site, for stockpiling, mixing, or otherwise, unless such activities are authorized in the special land use and then only to the extent of such authorization.
 - A. The Planning Commission may permit the applicant to deliver to the removal site a specifically limited quantity of off-site natural mineral material, solely for the purpose of mixing such material with mineral material extracted from the site itself, in order to produce a desired natural resource product. In permitting such activity, the Planning Commission shall limit the quantity thereof, with reference to a specified percent of off-site natural mineral material which may be delivered to and used on the removal site, with such percent to be calculated on an average basis, over a specified period of time; alternatively, the Planning Commission may limit the quantity of off-site natural mineral material by reference to some other reasonable standard or method of calculation.
 - B. In authorizing the delivery of quantities of off-site natural mineral material to a removal site, up to a specified quantity or rate, the Planning Commission shall also include provisions permitting the reasonable stockpiling of such off-site material, within the removal site, so as to afford a suitable efficiency in on-site excavation, mixing and removal operations, consistent with reasonable protection of adjacent and nearby lands from serious adverse effects.

- C. If as a part of an approved site rehabilitation plan, topsoil or other soil or earth is to be brought to and deposited on the site, the Planning Commission shall, as a part of its approval of the site rehabilitation plan, specify the conditions or limits under which such materials may be so utilized.
 - D. If as a part of the special land use the Planning Commission authorizes the delivery and use of off-site natural resource materials at the removal site, the Commission shall also specify the terms and conditions under which such activity shall be permitted.
- xvii. No cement, concrete, asphalt or other artificial mineral material, nor any other artificial material or debris, shall be brought to or stored on a mineral removal site.
 - xviii. All vehicles used to transport excavated material from the mineral removal site shall be loaded in a manner so that the materials shall not be unintentionally discharged from the vehicle. Vehicles shall be cleaned of all material not in the load bed prior to entering a public street.
 - xix. All outdoor lighting used to illuminate the mineral removal area, access roads, stockpile area and similar areas shall be directed away from all surrounding property. Shielding of lighting may be required by the Planning Commission where the lighting has the potential to shine toward a residential use and/or a public road.
 - xx. No mineral excavation or removal shall take place in a manner so as to produce conditions that will result in the collection of stagnant water. The banks of all excavated areas shall be sloped to a degree not less than that required to prevent erosion and to a degree sufficient to maintain vegetation.
 - xxi. The Planning Commission may require compliance with such other conditions as may be necessary to insure compliance with the terms of this Ordinance. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation and fuel loading and storage requirements.
 - xxii. The Planning Commission may reasonably limit the total duration of all mineral excavation and removal activities.
 - A. In establishing such time limitation, the Planning Commission may include in the special land use a statement

of its intent that the specified duration shall not be exceeded or renewed, irrespective of the quantity of mineral material that may have been removed at the conclusion of the specified period of time for such removal.

- B. If a special land use has been specifically limited in its duration, an applicant shall nevertheless have the right to apply for a renewal of the special land use, for a period of time beyond the stated duration, and the Planning Commission shall consider such application for renewal, in the same manner and to the same extent as it would consider an original application. In reviewing such requested renewal, the Planning Commission shall consider whether the originally-estimated amount of mineral material has been removed.
 - C. If in originally limiting the total duration of all mineral excavation and removal activities, the Planning Commission has stated its intent that such duration shall not be exceeded, any subsequent application for renewal of the special land use shall be approved only if there are extraordinary circumstances justifying such renewal. Among the circumstances to be considered in such cases shall be whether a substantial amount of mineral material has not yet been removed and whether there is a general or public need for the removal and use of such material.
- f. **Review of Site Rehabilitation Plan.** Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
- i. Topsoil shall be replaced on the site to a depth sufficient to establish vegetation, except where the end-use activities or features do not involve the growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized in one phase before mineral removal operations or activities are commenced in another phase or area.
 - ii. Final slopes shall have a ratio of not greater than one foot of elevation to each three feet of horizontal distance.
 - iii. Final surface water drainage courses and areas of surface water retention shall be laid out and constructed at such locations and in such manner as to constitute the least possible deviation from the

original surface water drainage patterns and surface water retention areas.

- iv. Plantings of grasses, shrubs, trees and other vegetation shall be located on the site so as to maximize erosion protection, screen less attractive areas, and to enhance the natural beauty of the site as rehabilitated.
 - v. The creation or enlargement of a lake, in connection with rehabilitation of the site, shall be permitted only where the applicant demonstrates from engineering and hydrogeological studies that the waters of the lake will not become polluted or stagnant. Any such lake shall be approved by the state and county agencies having jurisdiction.
 - vi. The end-use or end-uses provided for in the site rehabilitation plan shall conform to the uses designated for the lands by the Township Comprehensive Plan.
- g. **No Serious Adverse Consequences.** The Planning Commission shall not approve any special land use for mineral removal unless the application sufficiently demonstrates that the proposed mineral removal operations and activities will not create any very serious adverse consequences or serious environmental impact upon adjacent or nearby lands or other lands in the Township or the area.
- i. The Planning Commission, in considering whether any such very serious adverse consequences or serious environmental impact would result from the proposed removal operations and activities, shall determine the degree and extent of public interest in the removal of the minerals from the applicants land, considering the type of resource involved, the market demand and availability of supply, and other relevant factors and conditions which determine the relative benefit to the public from the proposed removal operations and activities.
 - ii. The Planning Commission shall approve the special use only if the proposed removal operations and activities do not, considering the nature and extent of public benefit from the resource removal, result in very serious adverse consequences or serious environmental impact. Safety concerns and additional noise occasioned by the proposed operations, including additional truck traffic; decreased air quality caused by dust and odors from the operations and truck traffic; diminution of nearby property values; decrease in residential or other development in the area; loss of property tax revenues and other relevant factors may be considered in determining whether very

serious adverse consequences or serious environmental impact would result from the removal operations and activities.

- h. Letter of Credit or Performance Bond.** An applicant for a mineral removal special land use shall submit a letter of credit or performance bond, in the amount specified in the special land use, before commencing any operations. The letter of credit or performance bond shall be in an amount determined by the Planning Commission, based on the recommendation of the Township Engineer. The letter of credit or performance bond shall name the Township as the benefited party and shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the special land use. If a performance bond, it shall be executed by a surety acceptable to the Township. The letter of credit or performance bond shall have such other terms and shall be in such form as may be required by the Planning Commission, consistent with this section.

 - i. The letter of credit or performance bond shall not be refunded, reduced or transferred until all mineral removal operations, site rehabilitation or restoration and all other required or permitted activities have received final inspection and approval by the Zoning Administrator and until the Planning Commission has determined that the applicant has fully complied with all of the terms and conditions of the special land use, including all required site rehabilitation.
 - ii. The timely and faithful compliance with all of the provisions of the letter of credit or performance bond shall be a condition of the special land use.
- i. The special land use authorized by this section may be renewed in the discretion of the Planning Commission, for periods of time not exceeding any maximum duration specified in the special land use, except where a renewal thereof is approved under the terms of paragraph xxii of subsection e of this section. Such renewal shall be subject to the terms of this subsection.

 - i. The applicant or operator shall file an application for renewal of the special land use, prior to the expiration of the use, or prior to the expiration of any annual or other time-increment in which excavation and removal operations are permitted under the terms of the special land use.
 - ii. Prior to consideration of an application for renewal, the Zoning Administrator or other designated Township official shall inspect the land, shall review the mineral excavation and removal activities to date, all payments to the Township of any required mineral removal surveillance or administration fee, and shall submit a report thereon to the Planning Commission. To assist the Zoning Administrator or

other designated official in preparing the report, the applicant shall, if requested, furnish load tickets or other proof of the quantity of mineral material removed and the quantity, if any, of natural off-site material brought to the removal site. The report of the Zoning Administrator or other designated official shall be a part of the application for renewal.

- iii. Upon receiving the completed application for renewal, including the report of the Zoning Administrator, the Planning Commission shall approve, disapprove or approve with conditions the requested renewal.
- iv. In determining whether to approve a renewal, the Planning Commission may consider whether, as stated in the report of the Zoning Administrator or otherwise, the applicant or other operator has complied with the terms and conditions of the special land use. If there have been violations thereof, the report of the building inspector shall describe the same. If the Zoning Administrator determines that operations do not comply with the special land use, the Zoning Administrator shall notify the applicant of the measures necessary to cure any deficiencies. The report of the Zoning Administrator shall not, however, bind the Planning Commission to any particular decision with regard to renewal of the use.
- v. In determining whether to approve a renewal of the special land use, the Planning Commission shall apply the standards and conditions for approval that are applicable to original special land uses under this section, taking into consideration current land use conditions in the vicinity, the operational history under the special land use and any complaints, comments or other information that have been received concerning the uses and operations thereunder.
- vi. The consideration of any such renewal shall take place at and following a public hearing of the Planning Commission. Notice of the public hearing shall be given in the same manner and to the same extent as the notice required to be given for an original hearing on the consideration of the special land use.
- vii. In approving a renewal of the special land use, the Planning Commission may include terms and conditions which are in addition to or different from those specified in the original special land use or in a previous renewal thereof.

j. **Enforcement.**

- i. The enforcement of the terms of the special land use may be directed against the applicant, the property owner and all operators acting or purporting to act under the special land use, or any of them. Full and timely compliance with all of the terms of this section and of the special land use is a condition for the continued effectiveness of the special land use or any renewal thereof.
- ii. In the enforcement of the provisions of this section and the terms of the special land use, the Township may avail itself of all procedures and remedies permitted by this Ordinance or otherwise by law.
- iii. Enforcement measures may include but need not be limited to the revocation of the special land use, where operations under the use do not comply with this section or the special land use.
- iv. For purposes of determining compliance with this section and the special land use, the Zoning Administrator or other designated Township official shall be entitled to access to the lands subject to the special land use during reasonable business hours. The Zoning Administrator is authorized to demand compliance with the terms of this section and the special land use, and if such compliance is not obtained, the Zoning Administrator may issue an order directing the applicant and any operator to cease immediately all mineral excavation and removal activities on or from the lands and all other operations relating thereto, either permanently or for such period of time as the Zoning Administrator may require.
- v. Upon the issuance of a stop work order, an order of revocation or any other order or directive of the Zoning Administrator, the applicant and any operator shall have no further right or privilege to continue or initiate any mineral excavation or removal operations or related activities on or with respect to the lands covered by the special land use, except emergency work which may be required to protect the public safety and except any limited or transitional operations which may be authorized under the terms of any such order or other directive. In enforcing any such stop work order, the Township may avail itself of all remedies and procedures provided in this Ordinance or otherwise by law.

- k. **Transferability of Special Land Use.** No special land use authorized by this section shall be transferred to a person or party other than the applicant to whom it was granted unless such transfer is approved by the Planning Commission. In considering a request for transfer of the special land use, the Planning Commission may consider, among other matters, whether the terms

of the required letter of credit or performance bond remain sufficient to assure satisfactory compliance with the terms of the special land use.

1. **Existing Special Land Uses.** Upon the adoption of this section, special land uses for “Earth Removal, Sand and Gravel Mining,” that have previously been granted, and which have been properly licensed under Township Ordinances Nos. 250 and 252, shall, if lawful, continue in effect according to their terms, as follows:
 - i. Where an existing special land use and/or license expires, by reason of the expiration of the entire term for which it was granted, then the special land use, if renewed or otherwise approved, shall thereafter comply with all of the terms and conditions of this section.
 - ii. Upon an annual renewal of an existing special land use, or upon other renewal thereof, where the total permitted duration of the use has not yet expired, the special land use shall thereafter comply with all of the operating conditions stated in subsection e hereof, except as to those operating conditions that the Planning Commission determines would not be reasonably necessary in the circumstances or for the protection of other lands or the public interest.
 - iii. In any approved renewal of the special land use, the Planning Commission may include other or additional requirements, consistent with the terms of this section, if such other or additional requirements may be necessary because of changed circumstances or for the further protection of other lands or the public interest.
- m. **Fee for Administration of Special Land Use.** As a condition of any such special land use, the applicant shall pay to the Township such fee as determined by the Township Board, for the purpose of defraying the Townships cost of administration, surveillance and enforcement of the special land use, including but not limited to, consideration of applications and renewals, testing, monitoring, sampling, surveying, engineering fees, legal fees and other consultant fees and other related costs and expenses. Such fee shall be calculated and paid as required by resolution of the Township Board. In its discretion, the Board may provide for the advance payment into escrow, by the applicant, of all of the Townships costs and expenses with respect to the consideration of the special land use, in accordance with the Township Board resolution concerning such escrowed fees. In addition, the applicant shall pay such application fee or renewal fee as may be established by the Board.
- n. **Zoning Administrator Permit for Removal of Certain Quantities Under 5,000 Cubic Yards.** The excavation for and removal of sand, gravel, soil and other mineral resources may be authorized upon the issuance of a mineral

removal permit by the Zoning Administrator, where the total quantity of mineral material to be removed will be from 1,000 cubic yards up to 5,000 cubic yards, in accordance with the provisions of this subsection. Any such mineral removal operation shall comply with all of the following requirements:

- i. The removal shall not cause serious adverse effects upon adjacent or nearby lands.
- ii. The removal operation shall be subject to all of the operating terms and conditions stated in the permit issued by the Zoning Administrator. Such terms and conditions may include requirements pertaining to driveway access; truck routes; use and placement of equipment; isolation distance between operations and property boundary lines; storm water drainage; fencing and gates; elevation of slopes; preservation of trees and other vegetation, visual screening; and other matters.
- iii. The excavation and removal operation must be one that is complete in and of itself; it may not constitute merely a part, portion or phase of some other larger, different or recurring removal operation, plan or activity. A property owner or operator may not repeat or combine successive removal operations of up to 5,000 cubic yards each, for the purpose of ultimately removing a larger quantity of mineral material.
- iv. An applicant for such mineral removal operation of from 1,000 cubic yards up to 5,000 cubic yards shall submit an application to the Zoning Administrator, for a permit for such operation. The application shall include the legal description of the lands; a description of the nature and intent of the proposed removal activity; a list of equipment to be used in the operation; a description of the measures to be taken to ensure that there will be no serious adverse effects upon other lands or persons; a description of the proposed route or routes to be used in transporting the removed material; proposed reclamation measures; and a topographic map showing existing and proposed final contour lines, unless such map is waived by the Zoning Administrator.
- v. In considering whether to approve a mineral removal permit, the Zoning Administrator shall consider the following matters:
 - A. The land area involved and the quantity of earth material to be removed.
 - B. The effects of the removal activity on adjoining and nearby lands.

- C. The possibility that the removal operation may cause or create safety hazards, erosion of lands or other adverse effects.
 - D. Potential traffic congestion and adverse traffic effects which may result from the removal and hauling of mineral material.
 - E. The proposed nature and extent of reclamation of the land after completion of the removal operations.
- vi. Any mineral removal permit issued by the Zoning Administrator shall include the following matters:
 - A. The duration of the permit and its expiration date.
 - B. A description of the lands covered and the removal routes authorized.
 - C. A list of the permitted equipment.
 - D. A listing of all required precautionary measures, including any requirements involving driveways, isolation distances, fencing, maximum grades of slopes, hours and days of operation, maximum depth of excavations, final required contours upon reclamation of the lands, and other requirements deemed appropriate to protect the public health, safety and welfare.
 - vii. The permit issued by the Zoning Administrator shall terminate as of its stated expiration date, but the permit may be renewed, in the discretion of the Zoning Administrator, upon the filing of a subsequent application and if requirements under the previously-issued permit have been complied with. In considering whether to approve a renewal, the Zoning Administrator shall consider the matters specified above for the original issuance of the permit.
 - viii. An applicant for a mineral removal permit shall, upon filing the application, pay the required fee as established by the Township Board.
9. **Farm Markets.** Farm markets shall be operated in connection with the principal use of the property for permitted agricultural purposes, subject to the following requirements:
- a. The farm market sales area shall be located on a parcel of at least 25 acres within the Township consisting of a single lot or a combination of contiguous lots (being separated, if at all, only by a public street) under the same ownership (the “farm market property”). For purposes of the farm market

regulations contained in this section, the phrase “grown on the farm market property” shall include fruits, vegetables, flowers or herbs grown on the farm market property or on other property which is owned or controlled by the owner of the farm market property.

- b. The farm market shall be owned and operated by the owner of the farm market property.
- c. The operation of the farm market shall be incidental and subordinate to, and shall complement and enhance, the existing and principal use of the farm market property for the authorized agricultural use of the property for raising and harvesting fruits, vegetables, flowers or herbs. A farm market shall not be permitted in connection with animal or poultry husbandry or dairying. If the agricultural use of the farm market property for the raising and harvesting of fruits, vegetables, flowers or herbs ceases, or is discontinued to the extent that it is no longer the principal use of the property, the use of the property for a farm market shall cease.
- d. The operation of the farm market may include the following uses:
 - i. The retail sale for consumption or use off the premises of unprocessed fruits, vegetables, flowers or herbs grown on the farm market property. Unprocessed fruits, vegetables, flowers or herbs of the same kind as those grown on the farm market property but which are not grown on the farm market property may also be sold at retail for consumption or use off the premises.
 - ii. The preparation and retail sale for consumption or use off the premises of baked goods or fruit beverages (such as, but not limited to, cider, lemonade, soft drinks, hard cider and wine) made at the farm market using as an essential or primary ingredient agricultural products grown on the farm market property. Baked goods or fruit beverages made at the farm market using as an essential or primary ingredient agricultural products of the same kind as those grown on the farm market property but which are not grown on the farm market property may also be prepared and sold at retail for consumption or use off the premises.
- e. The preparation and retail sale for consumption on the premises of unprocessed fruits, vegetables, baked goods or fruit beverages as permitted by subsection 9.d.i and ii. However, the size of any indoor or outdoor customer seating area or other areas which are accessible to customers and are provided primarily for customers to consume food or beverages purchased at the farm market shall be limited as provided by subsection 9.f.i. Subject to the prior approval of the Planning Commission, the following additional uses may be permitted on the farm market property as accessory

uses to the farm market, provided that the use does not require a significant change in the agricultural operations on the property or a substantial physical alteration of the property, and provided that the additional requirements and limitations specified below are met:

- i. The preparation and retail sale for consumption on or off the premises of processed food or beverage products other than baked goods or fruit beverages as permitted by subsection 9.d.ii, limited to light snack items such as soups, sandwiches, fruit, beverages, (including, but not limited to, cider, lemonade, soft drinks, hard cider and wine), baked goods and desserts.
 - ii. The assembly, making, display and retail sale of non-food items limited to cookbooks, implements for food preparation, live plants, seeds, dried flower arrangements, and incidental arts and crafts which are substantially related to the principal use of the farm market property for raising or harvesting fruits, vegetables, flowers, or herbs.
 - iii. The rental of non-motorized recreational equipment during seasons other than the agricultural growing season, provided that (1) the farm market property is contiguous to a public park or public recreation area, being separated from the park or recreation area, if at all, only by a public street, and (2) the rental equipment is for use only on the farm market property or on the adjacent public park or public recreation area.
- f. All farm market operations shall also be subject to the following requirements and limitations:
- i. The total combined size of all areas on the farm market property used primarily in connection with retail sales, display of goods or products intended for retail sale, and food preparation (other than cider mills); all indoor and outdoor customer seating areas and other areas provided for the consumption by customers of food or beverages purchased at the farm market; and all structures used in connection with the rental of non-motorized recreational equipment, shall not exceed 4,000 square feet, unless a greater area, not exceeding 10,000 square feet, is specifically authorized by the Planning Commission in the approval of a special land use.
 - ii. Reserved.
 - iii. All processed food or beverage products and all non-food items which are prepared, made or assembled on the farm market property in connection with the farm market shall be intended primarily for retail sale on the farm market property and not for distribution or subsequent resale at some other location.

- iv. On-site parking shall be provided on the farm market property in an amount sufficient to accommodate the reasonable anticipated number of farm market patrons. The on-site parking shall be arranged in a manner to avoid the accumulation of parked cars on nearby streets. Notwithstanding any other provision of the Zoning Ordinance to the contrary, farm market parking areas do not need to be paved unless the Planning Commission determines, based upon the nature, size, density, location or design of a farm market, that paving is required for all or a portion of a parking area to protect the health, safety or welfare of those who will use the farm market, residents and landowners immediately adjacent to the farm market, or the Township as a whole.
- v. All farm market buildings and farm market activities, including parking, shall be located at least 150 feet from any adjacent lot line of property used for residential purposes.
- vi. All farm market activities, including parking, must be buffered from any adjacent residential use by authorized agricultural uses, landscaping or other appropriate buffering.
- vii. Farm market signs shall comply with the provisions of Chapter 30 of the Zoning Ordinance, except that the Planning Commission may in its discretion modify the size, area, placement and height requirements for signs as provided by Chapter 30 if the property owner demonstrates to the satisfaction of the Planning Commission that:
 - A. The modification of requirements is justified due to the nature, size, density, location or design of the farm market, including the design or placement of proposed signs; and
 - B. The modification of requirements will not result in traffic or other safety hazards, will not be injurious to the use or enjoyment of nearby property, will not result in visual blight, distraction, or clutter, and will not otherwise result in a detriment to the public health, safety or general welfare.
- viii. The hours of operation of a farm market shall be limited to 7:30 a.m. to 9:00 pm.
- ix. Except as otherwise permitted by the Planning Commission consistent with the standards provided in Section 24.13.B.1 of this Zoning Ordinance, all farm market activities except customary and incidental outdoor farm market activities shall be conducted within a completely enclosed building or buildings.

- x. The use of the property for purposes of a farm market shall comply with the requirements under Section 14.14 (location of buildings), and Section 14.15 (outdoor lighting) of this Ordinance, as determined necessary by the Planning Commission based upon the nature, size, density, location or design of the farm market or farm market activities.
 - xi. The display, sale and/or consumption on the farm market premises of wine or hard cider shall be subject to the issuance of any required Michigan Liquor Control Commission license, and, if required by law, the approval thereof by the Township Board.
10. **Hospitals/Medical Institutions Providing Care and Treatment for People.** The following shall be required in connection with any approval granted for a general or specialized hospital to provide care for human beings:
- a. Such hospital shall be owned and operated by a non-profit corporation;
 - b. No building or buildings shall be erected or used for such purposes except on a parcel of ground containing a minimum of ten acres;
 - c. The minimum size of any project must provide hospital beds for not less than 100 patients in the first phase of construction;
 - d. No part of the hospital or of any building used for hospital purposes shall be closer than 100 feet to any adjacent lot.
11. **Homes for the Elderly or Retired.** The following shall be required in connection with any approval granted for convalescent homes or homes for the elderly or retired:
- a. No building or buildings shall be erected, converted or used for such purposes except on a lot or parcel of ground containing a minimum of ten acres of land.
 - b. The facility may include independent living units but as a minimum shall also include basic or intermediate nursing care, meal services, recreation and health facilities.
 - c. There is a minimum lot area for dwelling unit of 2,500 square feet.
 - d. There is provided one off-street parking space for each dwelling unit.
 - e. No part of the building or buildings so used is closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the setback will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; will not result in visual

blight, distraction, or clutter; and will not materially impair the intent and purpose of this Ordinance or the public's interest. In modifying such set back requirements, the Planning Commission may attach conditions regarding the location, character, landscaping, or treatment of the buildings or premises or other such matters as are reasonable necessary to the furtherance of the intent and spirit of this Ordinance and the public's interest.

- f. Each dwelling unit shall contain a minimum of 400 square feet of floor area, exclusive of basement and attic space.
- g. A child care facility may be permitted as an accessory use to a home for the elderly or retired ("home"), subject to review and approval by the Planning Commission as otherwise provided for special land uses by this chapter, and subject to all of the following additional conditions and requirements:
 - i. The child care facility may receive infants, preschool and elementary-school age children for care (including, without limitation, supervision, training or educational instruction) for periods of less than 24 hours a day.
 - ii. The child care facility shall provide care primarily to children of employees of the home while those employees are engaged in carrying out their employment with the home. The requirements of this paragraph shall be deemed satisfied so long as preference in admission to the facility shall be given to children of employees prior to the admission of any children of persons who are not employees of the home.
 - iii. The principal functions of the child care facility shall be to provide opportunities for the interaction of, and to foster an inter-generational relationship between, the elderly residents of the home and the children attending the child care facility, and to provide child care for the children of employees of the home.
 - iv. The child care facility shall be located on the same property as the home to which the facility is accessory.
 - v. The child care facility shall provide appropriate fencing, child drop-off and pick-up areas, and other facilities, design elements or operational characteristics for the safety of the children attending the facility, as determined necessary by the Planning Commission.
 - vi. The child care facility shall be registered and licensed as required for "child care centers" or "day care centers" under the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, as amended; MCL 722.111 *et seq.*).

12. **Group Day Care Homes.** The following shall be required in connection with any approval granted for a group day care home:
- a. The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the group day care is located.
 - b. A group day care home shall not be located closer than 1,500 feet (measured along a road, street or other public thoroughfare) to any of the following: another group day care home (i.e., another facility of the same type); an adult day care home; an adult foster care small group home or large group home, licensed by the State of Michigan; a facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan; or a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the State Department of Corrections.
 - c. Parking shall conform to the parking regulations applicable in the district in which the group day care home is located.
 - d. Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the group day care home is located.
 - e. A group day care home shall provide and maintain on the lot a minimum of one square foot of outdoor play area per one square foot of gross building area with not less than 5,000 square feet of outdoor play area per facility. For purposes of this section, outdoor play area means the area located on the lot behind the established front yard set-back of the facility which is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The outdoor play area shall be free from sharp gravel, glass or cinder, and shall be well drained. The outdoor play area shall be completely enclosed by a chain link or solid fence of at least four feet in height, and shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum area is not necessary to the proper and safe functioning of the operation. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the types of recreation activities provided in and outdoors.
 - f. Operating hours of the group day care home shall not exceed 16 hours during any 24-hour period, and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.

- g. Dormitory facilities shall not be permitted.
- h. Signs shall conform to the sign regulations applicable in the district in which the group day care home is located.
- i. The property shall be maintained consistent with the visible characteristics of the neighborhood.
- j. Child drop-off and pick-up areas, and other facilities, design elements and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the children attending the group day care home.
- k. The group day care home shall be registered and licensed as required for group day care homes under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.111 *et seq.*, as amended).

13. **Child Care Centers.** Any approval granted for a child care center shall be subject to all of the standards and requirements applicable to group day care homes as provided by subsection 12 of this Section 24.13.B, except for subsections 12.b, 12.c. and 12.k and shall also be subject to the following standards and requirements:

- a. Parking shall conform to the parking regulations applicable in the district in which the child care center is located, except that additional off-street parking for the facility shall be provided according to the following schedule:

Children	Additional Off-Street Parking Spaces
1-12	1
13 - 18	2
19 - 26	3
27 - 30	4

In addition, at least one off-street parking space shall be provided for each on-duty employee of the child care center.

- b. If the child care center is located on a major arterial street, an off-street drop-off/pick-up area must be provided, including an on-site vehicle turnaround or separate entrance and exit points.
- c. The child care center shall be registered and licensed as required for “child care centers,” or “day care centers” under the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, MCL 722.11 *et seq.*, as amended).

14. **Adult Day Care Homes.** Any approval granted for an adult day care home shall be subject to all of the standards and requirements applicable to group day care homes

as provided by subsection 12, except for subsections 12.e, 12.j and 12.k, and shall also be subject to the following standards and requirements:

- a. Adult day care homes shall provide and maintain on the lot a minimum of one square foot of outdoor open space per one square foot of gross building area with not less than 5,000 square feet of outdoor area per facility. For purpose of this section, outdoor open space area means the area located on the lot behind the established front yard set-back of the facility which is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The outdoor open space shall be free from sharp gravel, glass or cinder, and shall be well drained. The outdoor open space area shall be completely enclosed by a chain link or solid fence of at least four feet in height, and shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet.

In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum area is not necessary to the proper and safe functioning of the operation. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number and age of the adults for which care is provided, the hours of operation and the types of recreation activities provided in and outdoors.

- b. Drop-off and pick-up areas for adults receiving care, and other facilities, design elements and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the adults attending the facility.

15. **Adult Day Care Centers.** Any approval granted for an adult day care center shall be subject to all of the standards and requirements applicable to group day care homes as provided by subsection 12, except for subsections 12.b, 12.c, 12.e, 12.j and 12.k. Subsections 14.a and 14.b of this Section 24.13.B shall also apply. The facility shall also be subject to the following standards and requirements:

- a. Parking shall conform to the parking regulations applicable in the district in which the adult day care center is located, except that additional off-street parking for the facility shall be provided according to the following schedule:

Adult	Additional Off-Street Parking Spaces
1 - 12	1
13 -18	1
19 - 26	3
27 - 30	4

In addition, at least one off-street parking space shall be provided for each on-duty employee of the adult day care center.

- b. If the adult day care center is located on a major arterial street, an off-street drop-off/pick-up area must be provided, including an on-site vehicle turnaround or separate entrance and exit points.

16. **Adult Foster Care, Small Group Homes.** For the purpose of this Ordinance an adult foster care small group home is a facility licensed under Act 218 of Public Acts of 1979 that provides care for 12 or fewer persons and which is not a home for the aged or a nursing home. Also licensed under Act 218 of Public Acts of 1979 but excluded from these regulations are adult foster care family group homes. Such facilities are operated out of private residences by families residing on the premises and which care for six or fewer persons. The following shall be required in connection with any approval granted for an adult foster care small group home that is not classified as an adult foster care family group home:

- a. The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the small group homes is located.
- b. A an adult foster care small group home shall not be located closer than 1,500 feet (measured along a road, street or other public thoroughfare) to any of the following: another licensed adult foster care small group home (i.e., another facility of the same type) an adult foster care large group home, licensed by the State of Michigan; a group day care home; an adult day care home; a facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan; or a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the State Department of Corrections.
- c. Parking shall conform to the parking regulations applicable in the district in which the small group home is located.
- d. Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the small group home is located.
- e. Dormitory facilities that are separate from the principal dwelling structure shall not be permitted.
- f. Signs shall conform to the sign regulations applicable in the district in which the small group home is located.
- g. The property shall be maintained consistent with the visible characteristics of the neighborhood.

- h. Pick-up areas, and other facilities, design elements and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the residents of the facility.
- i. The facility shall be registered and licensed as required under the Act No. 218 of the Public Acts of 1979, as amended.

17. **Wireless Communication Facilities/Antennas and Towers Exceeding Thirty-Five Feet.**

- a. **Purpose.** It is the general purpose and intent of the Township to comply with the requirements of the Federal Telecommunications Act of 1996 by authorizing towers and antennas needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and quality of the Township. It is the further purpose and intent of this section to:
 - i. Facilitate adequate and efficient provision of sites for towers and antennas.
 - ii. Ensure that towers and antennas are situated in appropriate locations and relationships to other land uses, structures and buildings.
 - iii. Limit overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
 - iv. Require adequate information about plans for towers and antennas in order to permit the Township to effectively plan for the location of such facilities.
 - v. Minimize adverse impacts of the technological obsolescence of such facilities.
 - vi. Minimize the negative visual impact of towers and antennas on neighborhoods, community land marks, natural beauty areas and public rights-of-way, by reducing the numbers of towers through co-location where feasible.
- b. **Application.** Antennas and towers exceeding a height of 35 feet shall be permitted only if approved as a special land use by the Planning Commission under the terms of this section. The application for special land use for such antenna or tower shall include the following information, in addition to what is otherwise required by the terms of this chapter:

- i. A detailed site development plan depicting the nature, type, appearance and location of the antenna and tower, any building or other structures and all other external features of the special land use, including driveways, fencing, isolation distances, screening and landscaping and other matters.
- ii. A visual impact analysis which shall include graphic depiction of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Township Planner.
- iii. A justification for the proposed height of the antenna and tower and an evaluation of alternative designs which might result in lower heights.
- iv. A maintenance plan and any applicable maintenance agreement, prepared so as to ensure long-term, continuous maintenance of the antenna and tower and any supporting structures.
- v. A list of all properties investigated for placement of the proposed tower and antenna and the rationale and other background material for selecting the proposed location. The applicant shall provide copies of correspondence to and from owners of properties who have been contacted by the applicant and who have refused to allow their property to be utilized, purchased or leased by the applicant.
- vi. A list of other wireless communication providers who have been contacted by the owner regarding co-location as well as any correspondence to and from the other providers.
- vii. A map showing existing and known proposed telecommunications facilities or other structures within and surrounding the Township which could possibly be used by the applicant to co-locate the proposed antenna.

c. Co-location.

- i. It is the policy of the Township that all wireless communication providers co-locate on existing towers or structures capable of accommodating antennas to minimize the overall number of newly established towers within the Township and to encourage the use of existing towers and structures for new antennas.

The policy of the Township is for co-location. Thus, if a party who owns or otherwise controls a tower as defined herein, shall fail or refuse to allow the alteration of a tower so as to accommodate a proposed and otherwise feasible co-location, such facility shall

thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

- ii. **Approval of Co-located Antenna.** An application for co-location on an existing tower shall require only site plan review in order to obtain approval. The site plan shall be reviewed by the site plan review committee in accordance with the requirements of Chapter 26 of this Ordinance. The committee shall also review the application in accordance with the applicable requirements and standards of this section. The committee shall have the authority to refer the application for co-location to the Planning Commission.
- d. **Requirements and Standards.** An antenna or tower approved as a special land use shall comply with all of the following requirements:
- i. Items a, b, and d through h of Section 4.13.2.
 - ii. In addition to the standard for approval of all special land use permit applications contained in Chapter 24, the Planning Commission shall consider the following factors in determining whether to issue a special use permit:
 - A. Height of the proposed tower;
 - B. Proximity of the tower to residential structures and residential district boundaries;
 - C. Nature of uses on adjacent and nearby properties;
 - D. Surrounding topography;
 - E. Surrounding tree coverage and foliage;
 - F. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - G. Proposed ingress and egress; and
 - H. Availability of suitable existing towers, or other structures for co-location, or alternative technologies not requiring the use of towers or structures, as discussed in Section 24.13.17.iii below.
 - iii. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no

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

- A. No existing towers or structures are located within the geographic area which meets the needs of the applicant.
 - B. Existing towers or structures are not of sufficient height to meet the applicants needs.
 - C. Existing towers or structures do not have sufficient structural strength to support applicants proposed antenna and related equipment.
 - D. The applicants proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicants proposed antenna.
 - E. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - F. The applicant demonstrates that there are other material limiting factors that render existing towers and structures unsuitable.
 - G. The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable.
- iv. Facilities shall be located and designed so as to be reasonably harmonious with the surrounding area.
 - v. The maximum height of the antenna and tower shall be the minimum height necessary for reasonable communications by the applicant, and by other entities which may collocate on the structure.
 - vi. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes.

- vii. The support system shall be constructed in accordance with all applicable building codes.
- viii. A proposed tower for commercial telecommunications services shall be required to be designed, constructed and placed so as to accommodate both the applicant's equipment and comparable equipment for at least three or more additional users. The Planning Commission may permit a tower design which would allow fewer than three other users if the commission finds that three additional users would not be consistent with the intent and purpose of this section.
- ix. The Planning Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.
- x. Towers for telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color of equipment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory. The monopole may be designed to resemble natural features or to fit in with the design of other existing structures in the area.
- xi. The Planning Commission may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them. The commission may require plantings to be placed on properties adjacent to the tower site in order to provide a more effective visual screen.
- xii. Towers for commercial telecommunications services which are abandoned or unused shall be removed by the owner or operator along with any associated buildings, structures or equipment within 180 days of a written notice from the Township, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to insure its removal.
- xiii. If the height required for the tower to serve its intended function decreases from the installed height, due to technological advancement, additional tower installations at other locations, or

other factors, the tower shall be lowered to such decreased minimum upon notice given by the Township.

- xiv. Tower lighting shall not be permitted unless required by federal or state agencies.
 - xv. Any ancillary building housing equipment needed for the operation of the antenna or tower, or any other appurtenance, shall be of a size, type, color and exterior materials which are aesthetically compatible with existing principal building within the surrounding area. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
 - xvi. Where a tower or antenna is proposed for the roof of a building or for the top of another existing structure, the tower shall be designed, constructed and maintained so as to be reasonably architecturally compatible with the principal building or structure.
 - xvii. Any antenna or tower shall be located only in a rear yard or side yard, unless otherwise permitted by the Planning Commission. It shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission based on documentation from the applicant that a closer setback will not create a hazard to adjoining properties or roadways.
 - xviii. The requirements of the Federal Aviation Administration, the Federal Communications Commission and the Michigan Aeronautics Commission shall be fully complied with.
 - xix. In its reasonable discretion, the Planning Commission may impose additional terms and conditions regulating the construction, installation, use, repair, maintenance and removal of an antenna or tower in order to achieve the intent and purpose of this section.
- e. **Revocation of Permit.** Failure to comply with conditions of approval stipulated for a tower or antenna under this section may result in the revocation of the special use permit.

18. **Sexually Oriented Business.**

- a. **Purpose.** It is not the intent of this Ordinance to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact content-neutral regulations which addresses the adverse secondary effects of sexually oriented businesses.

There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary in order to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this section.

A primary goal of regulation of these uses is to prevent a concentration of the uses in any one area of the Township; to minimize and/or prevent the well-documented adverse secondary effects of such uses; to insure the integrity of the Township's residential and agricultural areas; and to protect the integrity of churches and other places of religious worship, schools, licensed day-care facilities, parks and playgrounds, and other areas where persons congregate. Nothing in this section shall be construed as permitting a violation of any state or federal law.

A sexually oriented business shall be permitted only if approved as a special land use under the terms of this chapter. It shall be subject to review and approval by the Planning Commission under Chapter 26, Site Plan Review, and the following provisions.

- b. **Location.** A sexually oriented business shall be located only in the C General Commercial District. Further, a sexually oriented business shall not be located or operated within 1,000 feet of existing land uses, as follows:
 - i. Another sexually oriented business. This requirement may be waived upon a determination by the Planning Commission that a second sexually oriented business would not contribute to blighting or an excessive concentration of such uses.
 - ii. Church, synagogue, mosque or other place of religious worship, or a park, playground, school, or licensed day-care facility.
 - iii. An agricultural, recreational or residential zoning district, or any residential dwelling.

The measurement of the above-stated isolation-distance requirement shall be made by extending a straight line from the property line of the sexually oriented business to the nearest property line occupied by any other use or to the property line of any church, synagogue, mosque or other place of religious worship, park, playground, school, licensed day-care facility, or any adjacent agricultural, residential or recreational district.

- c. **Signs.** Any message, image or picture that depicts or refers to any specified anatomical area or specified sexual activity shall be prohibited. All signs shall comply with the requirements of Chapter 30.

- d. **Building Exterior.** Upon order of the Zoning Administrator, graffiti appearing on any exterior surface of a building or structure shall be removed and that surface restored within 72 hours of notification of the owner or person in charge of the premises. Adult products or services or any picture or other representation shall not be displayed so as to be visible from a point outside the establishment.

- e. **Lighting Requirements.**
 - i. All off-street parking areas and premises entries of sexually oriented businesses shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
 - ii. The premises of all sexually oriented businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination intensity of not less than two foot-candles of light as measured at the floor level.
 - iii. Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination intensity of not less than one foot-candle of light as measured at the floor level.

- f. **Age Requirement Regulations.**
 - i. It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.
 - ii. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during the business's regular business hours. It shall be the duty of the attendant to not allow any person under the age of 18 years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished a valid operators, commercial operators, or chauffeurs drivers license; or a valid personal identification certificate issued by the State of Michigan verifying that such person is 18 years of age or older.

- g. **Hours of Operation.** Hours of operation of a sexually oriented business shall be limited to 10:00 a.m. to 10:00 p.m.
- h. **Other Regulations, Permits or Licenses.** The provisions of this section do not waive or modify any other provision of this Ordinance, any other Ordinance of the Township, or any county, state or federal law or regulation.
- i. **Alcohol Prohibited.** Open alcohol shall not be permitted in any sexually oriented business.
- j. **Information Submission.** In addition to the information and documents required to be submitted with an application for a special land use in accordance with the requirements of this chapter, an applicant for a special land use to establish a sexually oriented business shall submit the following:
 - i. A floor plan of the premises showing the following:
 - A. Location and dimensions of any managers station, demonstrating that there is an unobstructed view from a least one of the managers stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
 - B. Location of all overhead lighting fixtures.
 - C. Identification of any portion of the premises in which patrons will not be permitted.
 - D. The location of any stage.
 - E. Identification of the use of each room or other area of the premises.
 - ii. A current certificate and straight-line drawing, prepared within 30 days prior to the application, by a land surveyor depicting the property lines and the structures of the sexually oriented business, showing a circle extending 1,000 feet from the property line of the property on which the business will be located, and depicting the property line of any church, synagogue, other place of worship, park, playground, school, licensed day care facility, or agricultural, recreational or residential zoning district or residences within 1,000 feet of the property on which the business will be located.
- k. **Application to be Complete.** The Township Clerk shall not accept any application that is not complete in every detail. In the event that the Clerk determines that an application is incomplete, the Clerk shall notify the applicant accordingly.

- l. **Limit on Reapplication.** No application for a sexually oriented business which has been denied in whole or in part shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence not previously available or proof of changed conditions.

- m. **Conditions Requiring Rejection of Special Land Use Application.** The Planning Commission shall not approve a special land use application for a sexually oriented business if it finds one or more of the following to be true:
 - i. An applicant is under 18 years of age.
 - ii. An applicant is overdue in payment to the Township of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business.
 - iii. An applicant has failed to provide information required by the Zoning Ordinance or has knowingly answered a question or request for information falsely.
 - iv. The premises to be used for the sexually oriented business have not been approved by the building inspector and the zoning enforcement officer as being in compliance with applicable laws and ordinances.
 - v. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license or adult business license revoked or suspended within one year prior to the date of application.
 - vi. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a sexually oriented business or adult business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application.
 - vii. The applicant is not in good standing or authorized to do business in Michigan.
 - viii. The application fee has not been paid.
 - ix. An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this section.
 - x. The applicant or owner has been convicted of any of the following criminal offenses in any jurisdiction within the last ten years:

- A. Prostitution, procuring a prostitute, or solicitation of a prostitute.
 - B. Sale, distribution or display of obscene material.
 - C. Sale, distribution or display of material which is harmful to minors.
 - D. Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor.
 - E. Possession, sale or distribution of child pornography.
 - F. Public lewdness.
 - G. Indecent conduct with a child.
 - H. Sexual assault or rape.
 - I. Sexual solicitation of a child.
 - J. Contributing to the delinquency of a minor.
 - K. Harboring a runaway child.
- n. **Inspection.** An applicant or owner shall permit all representatives of the Township, Kent County and the State of Michigan to inspect the premises of the sexually oriented business for the purpose of determining compliance with applicable law.
- o. **Exterior Structural Requirements.** All sexually oriented businesses shall comply with the following exterior structural requirements:
- i. The merchandise or activities of the sexually oriented business may not be visible from any point outside the business.
 - ii. The exterior portion of the sexually oriented business may not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any kind.
 - iii. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the sexually oriented business to be painted any color other than one neutral color.
- p. **Interior Structural Requirements.**
- i. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area

of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more managers stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the managers station. The view required in this subsection shall be by direct line of sight from the manager's station.

- ii. A manager's station shall not exceed 32 square feet of floor area.
 - iii. No alteration to the configuration or location of a manager's station shall be made without the prior approval of the Township zoning enforcement officer.
 - iv. Viewing rooms or peep booths shall be separated from other viewing rooms or peep booths by a solid, opaque, uninterrupted physical divider which is a minimum one-inch thick and serves to prevent physical contact between patrons.
 - v. No private viewing rooms or booths shall be constructed unless one side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent viewing rooms or peep booths.
- q. **Standards of Conduct.** The following standards of conduct shall be adhered to on the premises of the sexually oriented business by all employees, managers, officers and agents of any sexually oriented business:
- i. No employee or entertainer mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical areas.
 - ii. No employee or entertainer shall engage in, encourage or permit any specified sexual activities on the premises of the sexually oriented business.
 - iii. No employee or entertainer while in view of the patrons on the licensed premises shall be unclothed or in such attire, costume or clothing so as to expose any specified anatomical areas, except upon a stage which shall be fixed and immovable at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron or behind a solid, uninterrupted physical barrier which completely separates the entertainer from any patrons. Such barrier

shall be a minimum of one-quarter-inch thick and have no openings between the entertainer and any patrons.

- iv. A list of food and drink prices shall be conspicuously posted in the common areas of each sexually oriented businesses offering entertainment.
- v. Any tips for entertainers shall be placed by a patron into a tip box which is permanently affixed in the sexually oriented business and no tip may be handed directly to an entertainer. A business that desires to provide for such tips from its patrons shall provide one or more containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.
- vi. No entertainment occurring on the premises shall be visible at any time from the outside of the premises.
- vii. An owner, manager or an employee shall not allow the possession, use, or sale of controlled substances on the premises.
- viii. An owner, manager, or an employee shall not allow prostitution on the premises.
- ix. An owner, manager, or an employee shall not allow any live specified sexual activity to occur in or about the premises.
- x. An owner, manager, or an employee shall not illegally offer for sale or illegally allow to be consumed or possessed upon the premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.
- xi. At least one manager shall be on duty and situated in each managers station at all times that the business is open to the public.
- xii. All doors to public areas on the premises shall remain unlocked during business hours.
- xiii. It shall be the duty of the owner, and it shall also be the duty of any agents and employees present in the premises to ensure that any view area or peep booth remains unobstructed by any doors, curtains, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

- xiv. No viewing room or peep booth may be occupied by more than one person at any one time.

- r. **Massage Parlors.** No establishment, regardless of whether it is a public or private facility, shall operate as a massage parlor or any similar type of business where any physical contact with the recipient of such services is provided by a person of the opposite sex unless the person(s) massaging any client or customer is a graduate of a recognized school and certified as a massage therapist by the American Massage Therapy Association or by the Associated Bodywork and Massage Professionals. In addition:
 - i. The premises of each massage parlor may be inspected by law enforcement personnel or by the Township zoning enforcement officer during business hours and at other reasonable times to ensure compliance with this Ordinance.

 - ii. All persons offering massages in a massage parlor shall, not less than five months and not more than six months following the issuance of a special land use approval for a massage parlor, file with the Township Clerk a statement from a licensed medical doctor or osteopath certifying or recertifying that such person has been examined within the 30 days immediately prior thereto and has been found to be free from all communicable or contagious diseases, including but not limited to, sexually transmitted diseases. Failure to comply with this requirement shall constitute grounds for revocation of special land use approval.

 - iii. No employee of a massage parlor, or any other person associated with a massage parlor, on the premises of a massage parlor, may offer or engage in any specified sexual activity.

 - iv. Each massage parlor and massagist shall comply with the following standards:
 - A. No patron shall be served or treated who is infected with any fungus or other skin infection; nor shall any service be performed on a patron exhibiting skin inflammation or eruptions.

 - B. All massagists shall wash their hands in hot water before giving any service or treatment to each separate patron.

 - C. All towels, tissues, sheets or other coverings shall be used for only one patron and discarded for laundry or disposal immediately after use.

- D. Nondisposable tools of the trade shall be disinfected after use upon each patron.
 - E. In any establishment in which massage services are rendered to members of the same sex at any one time, such persons of the same sex may be placed in a single, separate room, or the operators of the massage parlor may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside such room or booth while massage services are being performed.
 - F. No massage or massage service may be carried on within any cubicle, room, booth, or area within a massage parlor which is fitted with a door capable of being locked.
 - G. Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and wash basin, shall be provided by every massage parlor; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room, or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.
 - H. All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and/or showers shall be thoroughly cleaned after each use.
- v. Non-transparent uniforms or garments covering the torso shall be worn by massagists at all times while attending patrons. Such uniforms or garments shall be of a washable material and shall be kept in a clean condition.
- s. **License Required.** It shall be unlawful to operate or cause to be operated a sexually oriented business in the Township without a valid license issued pursuant to the provisions of this section. The granting of a special land use under this section does not confer a license on the applicant.

t. **License Application.**

- i. All applicants for a sexually oriented business license shall file an application for such license with the Zoning Administrator. Each individual applicant, partner of a partnership, member of a limited liability company, partner of a limited liability partnership, officer and director of a corporation and all managers shall be named in each application and each of them shall be photographed and fingerprinted by the Kent County Sheriff's Department.
- ii. The applicant shall be qualified according to the provisions of this section and the premises shall be inspected and found to be in compliance with the law by the Township Building Inspector and zoning enforcement officer.
- iii. If a person who wishes to operate a sexually oriented business is an individual, he or she shall sign the application for a license as the applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a 10 percent or greater interest in the corporation shall sign the application for a license as applicant, along with each officer and director of the corporation. If the applicant is a partnership, each partner shall sign the application. If the applicant is a limited liability company each member shall sign the application. If the applicant is a limited liability partnership each partner shall sign the application.
- iv. Applications for a license, whether original or renewal, must be made to the zoning enforcement officer by the intended operator of the sexually oriented business. Applications shall be submitted by hand delivery to the office of the Zoning Administrator during regular working hours. The intended operator shall be required to give the following information on the application:
 - A. If the applicant is an individual, the individual shall state his legal name and address and any aliases.
 - B. If the applicant is a partnership, the partnership shall state its complete name, and the names and addresses of all partners and whether the partnership is general or limited.
 - C. If the applicant is a limited liability company, the limited liability company shall state its complete name and the names and addresses of all of its members.

- D. If the applicant is a limited liability partnership, the limited liability partnership shall state its complete name and the names and addresses of all of its partners.
- E. If the applicant is a legal entity other than a partnership, limited liability company or limited liability partnership, the application shall state its complete name, the date and place of its organization, the names, addresses and capacity of all officers and directors of a corporation and of the chief executive officer and manager for any other legal entity, and the name of the resident agent and the address of the registered office for service of process.
- F. The name under which the sexually oriented business is to be operated and a general description of the services to be provided.
- G. The telephone number of the sexually oriented business.
- H. The address and legal description of the real property on which the sexually oriented business is to be located.
- I. If the sexually oriented business is in operation, the date on which the owner(s) acquired the sexually oriented business for which the license is sought, and the date on which the sexually oriented business began operations as a sexually oriented business at the location for which the license is sought.
- J. If the sexually oriented business is not in operation, the expected start-up date (which shall be expressed in number of days from the date of the application). If the expected start-up date is to be more than ten days following the date of the application, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same is also required.
- K. Whether the applicant or any other individual identified in the application had a previous sexually oriented business license under this section or other adult business ordinance from another city, village, township or county denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.

- L. Whether the applicant or any other individuals identified in the application has been partner in a partnership, a member of a limited liability company or partnership or an officer, director, chief executive officer or manager of any other legal entity that is permitted under this section whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
- M. Whether the applicant or any other individual identified in the application holds any other licenses under this section or other similar sexually oriented or adult business ordinance from another city, village, township or county and, if so, the names and locations of such other permitted business.
- N. The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.
- O. The applicants mailing address and residential address.
- P. The applicant's driver license number, social security number and/or federally issued tax identification number.
- v. The application shall be accompanied by the following:
 - A. Payment of the application, investigation and license fees.
 - B. If the applicant is an individual, satisfactory proof that he or she is at least 18 years of age.
 - C. If the applicant is a Michigan corporation, a certified copy of the articles of incorporation, together with all amendments thereto, and a current good standing certificate.
 - D. If the applicant is a corporation incorporated in another state, a certified copy of the certificate of authority to transact business in Michigan.
 - E. If the applicant is a partnership, a copy of the partnership agreement, together with all amendments thereto.
 - F. If the applicant is a Michigan limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto.

- G. If the applicant is a limited partnership formed under the laws of another state, a certified copy of the Michigan certificate of registration.
 - H. If the applicant is a Michigan limited liability company, a certified copy of the articles of organization, together with all amendments thereto.
 - I. If the applicant is a limited liability company formed under the laws of another state, a certified copy of the Michigan certificate of authority.
 - J. If the applicant is a Michigan limited liability partnership, a certified copy of the registration of limited liability partnership, together with all amendments thereto.
 - K. If the applicant is a limited liability partnership formed under the laws of another state, a certified copy of the Michigan registration.
 - L. Documentation identifying the owner(s) of the real property on which the sexually oriented business is to be situated.
 - M. If the person(s) identified as the owner(s) of the real property identified above is not also the owner(s) of the sexually oriented business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the sexually oriented business to have or obtain the use and possession of the real property that is to be used for the purpose of the operation of the sexually oriented business.
- vi. The application shall contain a statement under oath that:
 - A. The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct.
 - B. The applicant has read the provisions of this section.
 - vii. A separate application and license shall be required for each sexually oriented business.
- u. **Approval of License Application.** The Zoning Administrator shall approve the issuance of a license to an applicant within 60 days after receipt of an application if the application is complete and meets all the requirements of

this section, unless he or she finds that the applicant or owner is ineligible for special land use approval for any of the reasons set forth in subsection m. above.

- v. **Display of License.** The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance of the sexually oriented business so that it may be easily read at any time.
- w. **Denial of License.** In the event that the Zoning Administrator determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within 60 days of the receipt of the application by the Zoning Administrator, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten days at any time before the notice is issued in order to make modifications necessary to comply with this section.
- x. **Appeal to Board of Zoning Appeals.** An applicant may appeal the decision of the Zoning Administrator denying an application or determining to revoke a license, to the Board of Zoning Appeals by filing a written notice of appeal within 15 days after the applicant is given notice of the Zoning Administrator's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Zoning Administrator may submit a memorandum in response to the memorandum filed by the applicant on appeal. After reviewing the relevant information, the Board of Zoning Appeals shall vote to either uphold or overrule the zoning enforcement officer's decision. Such vote shall be taken within 60 calendar days after the date on which the Board of Zoning Appeals receives the notice of appeal. However, the applicant shall be required to comply with the Zoning Administrator's decision during the pendency of the appeal.
- y. **Investigation of Applicant.** Upon receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of the application, investigation and license fee, the Zoning Administrator shall transmit the application to the Kent County Sheriff's Department for investigation of the background of each individual applicant, the partners of a partnership, the members of a limited liability company, the partners of a limited liability partnership, or the officers and directors of a corporation and manager of the proposed sexually oriented business.
- z. **Application Fee.** Each applicant shall pay an application fee at the time of filing an application for a license in an amount as established from time to time by resolution of the Township Board. The application fee shall include

the cost of the investigation by the Kent County Sheriff's Department. The application fee shall be non-refundable.

- aa. **License Fee.** Each licensee issued a license pursuant to this section shall pay an annual license fee at the time of application for the license as herein provided. The annual license fee shall be established from time to time by resolution of the Township Board. The license fee shall be refunded if the license is not approved.
- bb. **License Renewal.** Any application for renewal of a license shall be filed with the Zoning Administrator not less than 45 days prior to the date of expiration. The Zoning Administrator may, for good cause shown, waive the requirement for timely filing of a renewal application.
- cc. **Term of License.** All licenses issued pursuant to this section shall be for a term of one year. The term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated as if they were filed January 1 of that year and shall terminate on December 31 of the same year, and no proration of fees shall be permitted.
- dd. **Revocation of License.** The Zoning Administrator shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding 12 months. The Zoning Administrator shall also revoke a license if he or she determines that any of the following has occurred:
 - i. Any condition exists that would warrant disapproval of a license as set forth in this section;
 - ii. A licensee, operator manager or employee has engaged or has allowed patrons or employees to engage in acts of misconduct on the licensed premises in violation of any Township ordinance, the laws of the State of Michigan or of the United States when the licensee, operator, manager or employee knew or should have known such acts were taking place; or
 - iii. Repeated disturbances of public peace have occurred within the licensed sexually oriented business or upon any parking areas, sidewalks, access ways or grounds of the licensed sexually oriented business involving patrons, employees, or the licensee.

When the Zoning Administrator revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented license for one year from the date revocation became effective. If, subsequent to revocation, the Zoning Administrator finds that the basis for the revocation has been corrected or abated, a

license may be reinstated if at least 90 days have elapsed since the date the revocation became effective.

ee. **Registration of Managers, Entertainers and Employees.**

- i. No person shall work as a manager, entertainer or employee at a sexually oriented business without being registered under this section.
- ii. All managers, entertainers and employees shall provide to the Township their legal name and any aliases, social security number, home address, telephone number, date of birth and satisfactory proof that they are 18 years of age or older, and any other necessary identifying information for the Township to conduct a criminal background check on the manager, entertainer or employee.
- iii. The registration fee shall be as established from time to time by resolution of the Township Board.
- iv. The owner or manager of a sexually oriented business shall provide the Township with the names, any aliases, dates of birth, and social security numbers of all managers, entertainers and employees within five days of employment. This information will be used to verify the information submitted by the manager, entertainer or employee, who must also register with the Township within five days of employment.

ff. **Exemptions from Enforcement.** It is a defense to prosecution under this section that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

- i. By a proprietary school, licensed by the State of Michigan or a college, community college, or university supported entirely or partly by taxation; or
- ii. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by taxation.

gg. **Reporting of Violations.** Any owner, manager or employee shall immediately report to the Township Clerk and to the Kent County Sheriff's Office any violation of this section or any breach of the peace or unlawful or disorderly act, conduct or disturbance committed on the sexually oriented business, including any parking area or adjoining area under the control or management of the owner, provided that the owner, manager or employee knew or should have known of such violation of law.

hh. **Definitions.** For the purposes of this Section 24.13.B.18, the following words and terms shall be defined, as provided below:

- i. **“Adult Book Store.”** An establishment having more than an insubstantial or insignificant portion of its stock in trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein. An establishment may have other categories of items for sale which are not characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, but still be classified as an adult book store.
- ii. **“Adult Cabaret.”** A nightclub, bar, restaurant, lounge or similar establishment, whether or not alcoholic beverages and/or food are served, which regularly features one or more of the following: (i) persons who appear nude or in a state of nudity or semi-nudity; or (ii) live or recorded performances which are characterized by an emphasis on matter depicting “specified anatomical areas” or “specified sexual activities,” or which involve the exposure of “specified anatomical areas” or “specified sexual activities” as defined herein.
- iii. **“Adult Motion Picture Theater.”** An establishment predominantly used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by patrons therein.
- iv. **“Adult Novelty Store.”** An establishment having more than an insubstantial or insignificant portion of its stock in trade in devices that simulate human genitals or devices designed for sexual stimulation. An establishment may have other categories of items for sale which are not devices that simulate human genitals or devices designed for sexual stimulation, but still be classified as an adult novelty store.
- v. **“Adult Video Store.”** An establishment having more than an insubstantial or insignificant portion of its stock in trade in video or digital material (in any form) for sale or rental which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein. An establishment may have other categories of items for sale which are not characterized by their emphasis on matter depicting, describing or relating to “specified

sexual activities” or “specified anatomical areas,” as defined herein, but still be classified as an adult video store.

- vi. **“Employee.”** Any person who works or performs in and/or for a sexually oriented business, including the manager, regardless of whether such person is paid a salary, wage or other form of compensation.
- vii. **“Entertainer.”** Any person who performs any entertainment, exhibition or dance of any type within a sexually oriented business, whether or not such person or anyone else charges or accepts a fee for such entertainment, exhibition or dance.
- viii. **“Escort.”** A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie, to privately perform a striptease for another person, or to otherwise display specified sexual activities or specified anatomical areas.
- ix. **“Escort Agency.”** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- x. **“Manager.”** An employee, other than the licensee, who is employed by a sexually oriented business to act as a manager or supervisor of employees or who is otherwise responsible for the operation of, or in charge of, a sexually oriented business.
- xi. **“Massage.”** A method of treating or touching external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument, electric, magnetic or otherwise, with or without supplementary aids.
- xii. **“Massage Parlor.”** Any establishment having a fixed place of business where massages are administered solely or in combination with any other service or activity for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops, beauty salons, beauty or health spas, or athletic facilities, in which massages are administered only to the scalp, the face, the arms, the neck, the shoulder, the back above the waist or the legs below the upper area of the thighs, by persons who are graduates of a recognized school and certified as a massage therapist by the American Massage Therapy Association or by the Associated

Bodywork and Massage Professionals, and in good standing with such organization. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool or tennis court, or other educational, cultural, recreational or athletic facilities for the welfare of the residents of the area.

- xiii. **“Nude Artist and Photography Studios.”** Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display “specified anatomical areas” as defined herein for artists and photographers for a fee or charge.
- xiv. **“Operator.”** A person who owns, operates, directs, oversees, conducts, maintains, or effectively exerts management control or authority over a sexually oriented business or its affairs, without regard to whether such person owns the premises in which the sexually oriented business does business. An operator effectively exerts management control or authority when he or she actually participates, or is in a position to participate, in the management, direction or oversight of a sexually oriented business or its affairs, whether or not such persons name appears on any public record filed with any government agency in connection with a sexually oriented business or any parent company or affiliate.
- xv. **“Owner.”** A person owning, directly, indirectly or beneficially, any interest or part interest, however identified, in a sexually oriented business.
- xvi. **“Recognized School.”** Any school or educational institution which teaches the theory, method, profession, or work of massage; requires at least 500 class hours or other units of study before the student receives a diploma or certificate of graduation for having completed the course; and is either licensed to teach massage and to do business as a school or educational institution in the State of Michigan, or is approved by the American Massage Therapy Association.
- xvii. **“Sexually Oriented Business.”** Any of the uses defined in this subsection of this Ordinance as an adult bookstore, adult cabaret, adult motion picture theater, adult novelty store, adult video store, escort agency, massage parlor, and/or nude artist and photography studio, or any establishment which advertises or holds itself out to the public (on signs, publications, television, radio and/or other media forms) as being for the use or benefit solely of adults because of its products or services with an emphasis on, or associated with, specified anatomical areas and/or specified sexual activities, even if only a portion of the establishment is dedicated to one or more of the

activities listed herein. This definition shall include the conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.

- xviii. **“Specified Anatomical Areas.”** Less than completely and opaquely covered: (a) human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- xix. **“Specified Sexual Activities.”** Any of the following: (a) human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy; or (c) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

19. **Distribution Center.**

- a. A distribution center shall be located in an existing building of at least 50,000 square feet of gross floor area and on a site for such use of at least ten acres. An existing building for purposes of this subsection is one originally built for retail or similar commercial purposes and which is being repurposed for this use.
- b. A distribution center building shall not be located on a private street right-of-way.
- c. Truck docks and overhead doors shall be located at least 175 feet from a residential zoning district or dwelling, or 100 feet if separated by a public street right-of-way, and they shall be oriented away from, or shall be sufficiently screened from, an adjacent residential zoning district or public right of way.
- d. Truck parking and maneuvering areas shall be configured and be sufficient in area to avoid traffic congestion or unsafe conditions on the site.
- e. A distribution center shall be so located in relation to applicable truck routes so as to avoid congestion or unsafe traffic conditions on public streets.
- f. Off-street parking shall comply with Section 28.7.4.ee; off-street loading spaces and locations shall comply with Section 28.9.
- g. The Planning Commission or Site Plan Review Committee may require additional limitations or protective measures to avoid serious adverse effects of the use on other lands or on other uses on the site.

20. **Indoor Self-Service Storage Facility.**

- a. An indoor self-service storage facility (“Facility”) shall be located only in an existing building of at least 50,000 square feet and on a site for such use of at least ten acres. An existing building for purposes of this subsection is one originally built for retail or similar commercial purposes and which is being repurposed for this use.
- b. A Facility shall not be located on a private street right-of-way.
- c. Overhead doors, building entrances and loading bays or areas of a Facility shall be located at least 175 feet from a residential zoning district or any dwelling, or 100 feet if separated by a public street right-of-way, and they shall be oriented away from, or shall be sufficiently screened from, an adjacent residential zoning district or public right of way.
- d. Motor vehicle parking and maneuvering areas on the site shall be configured and be sufficient in area to avoid traffic congestion or unsafe conditions on the site.
- e. The use of an individual storage unit shall be limited to the deposit, storage and removal of personal or business goods, objects and supplies. Storage units shall not be used for any residential, office or workshop use.
- f. Storage units or any other part of the Facility shall not be used for manufacturing, fabrication, or process of goods or commodities, or the servicing or repair of motor vehicles, appliances, or other equipment, nor for any industrial activity.
- g. Retail sales of any kind, including garage or estate sales or auctions, or similar commercial activity, are prohibited.
- h. Storage of flammable, perishable or hazardous materials or the keeping of animals in any individual storage unit is prohibited.
- i. A Facility may include an office for the use of the operator of the Facility business.
- j. Outdoor storage is prohibited, including the outdoor storage of vehicles and the presence or use of outdoor storage pods and shipping containers.
- k. Access to individual storage units in the Facility shall be only from the interior of the building.
- l. Electrical service to individual storage units shall be for lighting and climate control only. No electric outlets shall be permitted inside individual storage units.

- m. A Facility shall not be operated, nor shall it permit customer or tenant access, between the hours of 11:00 p.m. and 5:00 a.m.
- n. Individual storage units shall not be premises for the purpose of obtaining a legal address for a business license or other business purpose.
- o. Off-street parking shall comply with Section 28.7.4.ee; off-street loading spaces and locations shall comply with Section 28.9.
- p. The Planning Commission or Site Plan Review Committee may require additional limitations or protective measures to avoid serious adverse effects of the use on other lands or on other uses on the site.

CHAPTER 26
SITE PLAN REVIEW

Section 26.1. Site Plan Review Committee. The Planning Commission shall appoint three members of the Planning Commission to the site plan review committee which shall be responsible for site plan review in accordance with this chapter. The members of the site plan review committee shall elect one of its members to serve as chairman.

Section 26.2. Site Plan. Site plan review and approval by the site plan review committee in accordance with the provisions of this chapter shall be required for all uses in the RR, R-1, R-2, R-3, SR, C-2, C-1, and C Districts, except single family dwellings, and two family dwellings. In addition, site plan review and approval is required pursuant to this chapter when an existing building or use, located in any zone district, has its form of ownership changed to that of a condominium. This chapter shall not apply to special land uses or PUD rezoning unless specifically referenced.

Section 26.3. Site Plan Content. A site plan shall include all of the following information:

1. A plot plan based on an accurate certified land survey showing:
 - a. Location, size and type of present buildings or structures to be retained or removed.
 - b. Location of all proposed buildings, structures or other improvements.
 - c. Location and dimensions of existing and proposed streets, drives and parking lots.
 - d. Location of existing and proposed water and sewer lines.
 - e. Storm drainage, existing and proposed.
 - f. Refuse and service areas.
 - g. Utilities with reference to location, availability and compatibility.
 - h. Screening and buffering with reference to type, dimensions and character.
 - i. Existing and proposed topographical features at contour intervals no greater than two feet.
 - j. Ditches and water courses.
 - k. Ground cover and other pertinent physical features of the site - including existing tree stands and individual trees over eight inches in diameter.
 - l. Proposed landscaping.
 - m. Location of existing improvements.

- n. Location of lot lines, existing and proposed easements; and encroachments.
 - o. Loading and unloading facilities.
 - p. Exterior lighting including the location, height and type of all exterior light fixtures.
 - q. Location of existing structures, driveways and streets and water bodies on land immediately adjacent to the site within 100 feet of the sites parcel lines and to a depth of 100 feet, on opposite sides of each street fronting the property.
 - r. Proposed signs, including their location, dimensions and type of construction.
 - s. The date, north arrow, and scale. The scale shall not be smaller than 1"=50' if the subject property is less than three acres and 1"=100' if the subject property is three acres or more.
 - t. The name and address of the professional individual responsible for the preparation of the site plan.
2. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.
 3. Gross areas of buildings and parking.
 4. The above listed items are minimum requirements. Additional information as reasonably necessary to evaluate the site plan may be requested by the site plan review committee and may include but shall not be limited to:
 - a. The proposed locations and approximate dimensions and duration of temporary soil stockpiles and the proposed location of temporary access drives, and staging areas for use in the construction phase.
 - b. Proposed temporary and permanent soil erosion and sedimentation controls.
 - c. An exterior lighting plan including a photometric grid showing illumination levels from all exterior light sources on the site including but not limited to parking lot fixtures, signs and building lighting.
 5. At the time of initial review the site plan review committee shall have the discretion to waive the inclusion in the site plan of any of the information required by this section, to reject a site plan on the basis of inadequate information, or to table a final decision on a site plan pending submittal of more detailed information.

Section 26.4. Review Standards. The site plan review committee shall approve a site plan if it determines that:

1. Complies with the requirements of this Ordinance;
2. The proposed project promotes the intent and purposes of this Ordinance;
3. The proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and
4. The proposed project will be consistent with the public health, safety, and welfare needs of the Township.

In making its determination, the site plan review committee shall apply the following standards:

- a. **Landscape Preservation.** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Berms, greenbelts, or other screening may be reasonably required to enhance compatibility with adjoining properties.
- b. **Relation of Buildings to Environment.** Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity.
- c. **Drives, Parking and Circulation.** With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement of parking areas that are safe and convenient and, insofar as practical, do not detract from the design of the proposed buildings and structures and the neighboring properties.
- d. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be drained away from all roofs, canopies, and paved areas by means of a suitable drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in paved areas.
- e. **Utility Service.** Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.

- f. **Signs.** The size, location and lighting of all signs shall be consistent with the requirements of Chapter 30 of this Ordinance and shall be compatible with adjoining properties.
- g. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas shall comply with reasonable setback requirements, screen plantings or other screening methods.

Section 26.5. Conditions. The site plan review committee may impose reasonable conditions on the approval of a site plan. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, including but not limited to, the standards in Section 26.4, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a site plan shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the site plan review committee and the landowner. The site plan review committee shall maintain a record of conditions which are changed.

Section 26.6. Review Procedure. A minimum of three copies of a site plan shall first be submitted to the Township Zoning Administrator. Upon determining that the proposed use complies with the Zoning Ordinance, the Township Building Code, and all other pertinent codes and ordinances of the Township, the Zoning Administrator shall cause the site plan to be placed on the agenda of a meeting of the site plan review committee and shall transmit the copies of the site plan to the site plan review committee for its review in accordance with this chapter.

Two members of the site plan review committee shall constitute a quorum. Decisions of the site plan review committee shall be made by a vote of two members.

Upon approval of a site plan by the site plan review committee, the site plan, as approved, shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved site plan.

Upon approval of a site plan, at least three copies of the site plan shall be signed and dated by the Zoning Administrator. One copy of the approved site plan shall be kept on file with the Zoning Administrator, one copy shall be submitted to the Township Building Inspector, and one copy shall be returned to the applicant. Following expiration of the appeal period provided in Section 26.7, the building inspector shall issue a building permit for an approved site plan. Failure to conform to an approved site plan shall constitute a violation of this Ordinance.

Section 26.7. Appeal. If any person shall be aggrieved by the action of the site plan review committee, appeal in writing to the Township Board may be taken within seven days after the date of such action. The Township Board shall fix and notify the appellant of a time and a place for a public hearing to be published in the newspaper of general circulation in the Township not less than ten days prior to the hearing. All parties in interest shall be afforded the opportunity to be heard at such public hearing. Following the public hearing, the Township Board shall affirm, modify, or reverse the action of the site plan review committee based on the standards set forth in Section 26.4, or shall remand the appeal to the site plan review committee for reconsideration. Any person aggrieved by the action of the site plan review committee upon reconsideration may appeal to the Township Board in accordance with this section. In all decisions on appeal, the Township Board shall state its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant and the site plan review committee.

Section 26.8. Referral to Full Planning Commission. Notwithstanding any other provision of this chapter, the site plan review committee may, in its discretion, decline to approve or disapprove any site plan and refer the site plan to the full Planning Commission for review and decision in which case the full Planning Commission shall perform all duties of the site plan review committee set forth in this chapter.

Section 26.9. Changes to an Approved Site Plan. An approved final site plan, and any conditions imposed in relation thereto, may not be changed except upon the mutual consent of the site plan review committee and the applicant, and as otherwise provided by this section.

1. **Major changes.** Except for changes as provided by Section 26.9.2 below, changes to an approved site plan shall be reviewed, approved, approved with conditions, or denied by the site plan review committee pursuant to the same procedures of this chapter as are applied to an original request for site plan review and approval.
2. **Minor changes.** Minor changes to an approved site plan may be approved by the Zoning Administrator, acting as the agent of the site plan review committee, without review and approval by the committee. For purposes of this section, “minor changes” means changes which meet one or more of the following qualifications:
 - a. For buildings, a reduction or increase by not more than 5 percent in the size of structures, provided that there is no increase in the number of dwelling units.

- b. A revision in floor plans, if consistent with the character of the use.
- c. The alteration of building and structure height by no more than 5 percent.
- d. The minor adjustment of building footprints unless a specific setback or separation distance was imposed as a condition of final approval.
- e. An increase or expansion of areas designated on the final site plan as “not to be disturbed.”
- f. The substitution of plant materials included in the final site plan, provided they are substituted by similar types of landscaping on a 1-to-1 or greater basis, as determined by the Zoning Administrator.
- g. Minor alterations made to access and circulation systems, such as the addition of acceleration/deceleration lanes, boulevards, curbing, sidewalks/bicycle paths.
- h. Changes made to exterior materials, if the changes provide for the use of materials of equal or higher quality than those originally approved, as determined by the Zoning Administrator.
- i. A reduction in the size of signs, or an increase in sign setbacks.
- j. The internal rearrangement of parking spaces in a parking lot, if the total number of parking spaces remains sufficient and circulation hazards or congestion are not created by the redesign as determined by the Zoning Administrator.
- k. A change in the name of the approved project or in the names of streets within the project.
- l. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the use which are deemed by the Zoning Administrator to be not material or significant in relation to the entire use and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

If the Zoning Administrator approves a minor change, the approval shall be in writing. The Zoning Administrator shall forward a copy of the written approval to the site plan review committee for inclusion in the record pertaining to the use.

- 3. The Zoning Administrator may in his or her discretion refer any decision regarding a proposed change to an approved final site plan to the site plan review committee for review and approval whether or not the change may qualify as a minor change under

Section 26.9.2. In making a determination as to whether a change is a minor change, or whether to refer a change to the committee for approval, the Zoning Administrator may consult with the chairperson of the site plan review committee.

Section 26.10. Time Limits and Expiration of an Approved Site Plan. An approved final site plan and the conditions imposed shall remain in effect for a period of two years following the date of approval. Commencement of construction activities and diligent progress toward completion within the two-year period shall be required for the approved site plan to remain valid after the two-year time period. A site plan that has expired due to lack of diligent action on the part of the applicant, shall be considered null and a new application for site plan approval will be required under the provisions of this chapter. Prior to the date of expiration, an extension may be applied for and granted by the site plan review committee or Planning Commission.

Section 26.11. Performance Guarantee. The site plan review committee may require as a condition of its approval that the applicant file surety in the form of a performance bond, letter of credit, or certified check in a form satisfactory to the Township and in an amount established by the committee conditioned upon the prompt and complete compliance with all the provisions of this Ordinance and the requirements upon which the committee may condition its approval. In establishing the form and amount of the surety, the site plan review committee shall consider the type and scale of the use and its operations, the prevailing cost to complete required improvements, safety measures and/or to rehabilitate the property upon default of the operator, court costs and other reasonable expenses. If the owner of the property and the operator of the proposed use shall be separate, each of them shall be required to execute the bond as principal.

Section 26.12. Compliance, Violation Revocation of Approval.

1. **Construction in Compliance with Final Site Plan.** Any building permit issued for construction pursuant to an approved site plan shall be valid only so long as there is compliance with the approved site plan and any other conditions of approval. Any deviation from the approved site plan or conditions shall operate to automatically invalidate the building permit and shall be a violation of this Ordinance.
2. If a violation of any condition of approval or applicable regulation is found to exist subsequent to construction and commencement of the authorized use, the Zoning Administrator shall notify the permit holder/land owner and the Planning Commission that a violation exists. The notice shall describe the violation and further state and that the approved site plan may be revoked if the violation is not remedied within 45 days or less (as specified by the Zoning Administrator in the letter of notification). If the violation is not corrected within the specified time, the Zoning Administrator shall suspend the approval and place the matter on the next agenda of the full Planning Commission for consideration and formal action on the revocation. The permit holder/landowner shall be given notice of such meeting. The full procedures outlined for initial site plan approval under this chapter shall be required prior to the reinstatement of an approved site plan that has been revoked by the Planning Commission.

CHAPTER 27 PRIVATE ROADS

Section 27.1. Definitions. For purposes of this chapter, the following words and phrases shall be defined as follows:

1. A “**driveway**” is an improved or unimproved path or road extending from a public or private road to a single lot, building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.
2. An “**existing shared driveway**” is a driveway existing as of January 19, 2000, and extending from a public street or private road to serve two lots, buildings, dwellings, dwelling units or structures, but not including any extension thereof after January 19, 2000, except in compliance with Section 27.2 of this chapter.
3. A “**shared driveway**” is a driveway constructed after January 19, 2000, and extending from a public street or private road to serve either two or three lots, buildings, dwellings, dwelling units or structures, or any combination thereof.
4. A “**private road**” is the entire length of any undedicated path, drive or road which is privately owned and maintained and which provides or is intended to provide the primary means of ingress to and egress from four or more lots, other parcels of land, buildings, dwellings, dwelling units or principal structures, or any combination thereof.

The private road provisions of this chapter shall not apply to internal roads serving only one lot or parcel of land which has direct public or private street frontage and is under the control of one person, corporation, or association, and which is to be developed for uses subject to site plan review under this Ordinance. Such internal roads shall not provide the principal means of access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this chapter include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile-home parks, and shopping centers.

5. A “**private-road easement**” is an easement which is granted exclusively for private access to four or more lots, other parcels of land, buildings, dwellings, dwelling units or principal structures, or any combination thereof, whether by grant of easement, designation as a general or limited common area, or other lawful means, and which includes a private road.
6. A “**cul-de-sac**” is the turnaround at the end of a dead-end street.
7. An “**existing-private road**” is a private road which is used to provide access to existing lots, other existing parcels of land, buildings, dwelling units or principal structures as of September 26, 1990.
8. An “**existing lot**” is a lot which, as of September 26, 1990, meets at least one of the following conditions:

- a. The lot consists of a parcel that is platted or described by metes and bounds for which a deed has been recorded with the Kent County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Kent County Register of Deeds;
 - b. The lot has been assigned its own permanent parcel number by the Kent County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
 - c. The lot consists of a site condominium unit (i.e., a portion of a site condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a site-condominium development for which a condominium master deed has been recorded with the Kent County Register of Deeds in accordance with the requirements of the Michigan Condominium Act.
9. An **existing building** or an **existing dwelling unit** is a building or dwelling unit for which a building permit has been issued by the Township as of September 26, 1990.
10. A “**speed bump**” is a traffic management device involving the construction or placement of a raised surface anomaly on and across the pavement surface of a street or traffic lane for the purpose of lowering the speed of motor vehicles along specific street sections.

Section 27.2. Shared Driveways.

- 1. After January 19, 2000, a shared driveway shall be constructed, extended, improved or relocated, only in accordance with the provisions of this section. Likewise, an existing shared driveway shall be extended and used to provide access to an additional lot, other parcel of land, additional building, dwelling or dwelling unit in any combination, only in accordance with this section.
- 2. A shared driveway shall be designed, constructed and used only in accordance with this subsection 2.
 - a. A shared driveway shall serve either two or three lots, dwellings, dwelling units or buildings, or any combination thereof.
 - b. A shared driveway shall be located only within an easement established by recorded instrument.
 - c. A shared driveway easement extending off a public street shall be at least 40 feet wide for its entire length; provided, however, that if the zoning administrator or other approving body determines that other lands adjacent or near the lands to be served by the shared driveway are reasonably likely to be developed at a future time, and could be served by a public street constructed at the location of the shared driveway, then the shared driveway easement shall be at least 66 feet wide for its entire length.

- d. A shared driveway easement extending off an approved private street shall be at least 40 feet wide for its entire length.
 - e. The easement in which the shared driveway is to be located shall have a minimum cleared width of 20 feet.
 - f. A shared driveway easement shall be located within a parcel of land that has at least 66 feet of frontage on the public street or private road right-of-way from which the shared driveway easement extends, for each lot or other parcel of land served by the shared driveway within the easement.
 - g. A lot or other parcel of land served by a shared driveway easement extending off a public street shall have at least 33 feet of frontage on the shared driveway easement.
 - h. A lot or other parcel of land served by a shared driveway easement extending off an approved private road shall have at least 20 feet of frontage on the shared driveway easement.
 - i. A shared driveway easement shall be separated from another shared driveway easement by at least 66 feet, as measured along the right-of-way line of the public street or private road from which the shared driveway easement extends. Such minimum separation distance between shared driveway easements shall continue for the entire length of the shared driveway easements.
 - j. The driving surface portion of a shared driveway easement shall be at least 12 feet wide.
 - k. All gravel shared driveways shall be constructed with a minimum 12-inch sand subbase with a minimum of 6 inches of MDOT 22A compacted road gravel on the top thereof.
 - l. All paved shared driveways shall be constructed with a minimum 12-inch sand subbase with a minimum base of 6 inches of MDOT 22A grade road gravel on top thereof, and a minimum top road surface of 3 inches of asphalt.
 - m. The driving surface portion of the shared driveway easement shall be adequately maintained by the property owners having legal rights to use the shared driveway.
 - n. House numbers shall be visibly displayed at the intersection of the shared driveway and the public street or private road.
3. A shared driveway shall be subject to Township review and approval in accordance with this subsection 3.

- a. The applicant for approval of a shared driveway shall prepare and submit an accurate plan of the shared driveway, with dimensions, and demonstrating the location of the driveway in relation to property lines, and including a diagram of the shared driveway profile demonstrating compliance with the shared driveway construction requirements of this Section. The shared driveway plan shall be subject to the approval of the zoning administrator.
- b. A shared driveway shall be subject to the approval of the Township fire chief with respect to safe and convenient access for fire department vehicles and other emergency vehicles.
- c. A shared driveway which is part of a planned unit development, condominium, site condominium or platted subdivision may be approved by the Planning Commission and Township Board, under the terms of this Section, as a part of their approval of such development proposals. A shared driveway which is proposed to serve parcels of land established by land division approval shall be subject to the approval of the zoning administrator.

Section 27.3. Reserved.

Section 27.4. Reserved.

Section 27.5. Reserved.

Section 27.6. Private Roads: Minimum Standards and Requirements Applicable. After the effective date of this chapter (September 26, 1990), no private road shall be constructed, extended, improved or relocated, nor shall an existing private road be used or extended to provide access to a lot, building or dwelling unit which was not existing and which was not provided access by the private road as of the effective date of this chapter, except in accordance with the minimum standards and requirements of this chapter.

Section 27.7. Private Roads: Minimum Standards for Design and Construction.

1. A private road shall be located within a private road easement. The easement shall be at least 40 feet wide at all points.
2. If determined necessary by the fire chief, the site plan review committee or Planning Commission for maneuvering emergency vehicles or other public safety purposes, a private road or segment of a private road which terminates in a cul-de-sac or dead-end shall be provided with an easement with a minimum radius of 50 feet at the terminal end of the private road. Within this turnaround easement, an area with a minimum radius of 40 feet shall be paved. A larger paved area may be required if an island is located within the turnaround. In the event that severe topography, mature trees or other similar significant natural feature prevents the reasonable installation of the turnaround, the approving body may allow some other turnaround design to enable emergency vehicles to maneuver.

3. All private roads shall be constructed on a base of at least six inches of MDOT 22A grade road gravel with a minimum of a 12 inch sand sub-base and a minimum roadway surface of three and one-half inches of asphalt.
4. A private road which serves at least three but not more than 20 residential lots, or dwelling units, shall have a minimum pavement width of 22 feet inclusive of curbs measured back to back. This includes cul-de-sacs which are connected to a larger private road system.
5. Any portion of a private road which serves more than 20 residential lots, or dwelling units, shall have a minimum pavement width of 26 feet inclusive of curbs measured back to back. This includes cul-de-sacs which are connected to a larger private road system.
6. A private road which serves commercial or office lots or buildings shall have a minimum pavement width of 30 feet inclusive of curbs measured back to back.
7. A three-foot wide road shoulder shall be provided along each side of the paved surface of a private road and around the circumference of the paved surface of any required turnaround area unless asphalt or concrete curbing is provided.
8. A private road, or interconnected private and public road system, or any combination of public and/or private roads shall not serve more than 75 residential lots, site condominium units, or dwelling units, unless a secondary means of egress is provided for the entire property served. This secondary access shall meet the minimum standards of this chapter.
9. A private road shall not exceed a grade of 10 percent; provided that within 30 feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of 4 percent.
10. A private road shall be constructed in a manner determined adequate by the Township Engineer to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure, for example) must be approved by the Township Engineer and must comply with applicable state and local requirements. The fire chief shall also approve the crossing structure to ensure fire truck access.
11. A private road shall be given a street name that is not the same or similar to any other street name in the county as determined by the Kent County Road Commission. A readily visible street sign bearing the name given the private road shall be erected and maintained at the intersection of the private road with another private road or a public right-of-way.

12. A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road.
13. The edge of the private road pavement shall be set back a minimum of 35 feet from any existing principal dwelling not served by the private road. For private roads serving commercial and office uses, the Planning Commission may modify this setback requirement if such modification is needed to achieve safe and efficient traffic flow both on and off site.
14. Speed bumps shall be spaced no less than 300 feet apart and must be designed to provide for proper street surface drainage. Speed bumps must have a 14-foot long vertical cross-section, measured in the direction of traffic flow. Each speed bump shall have a parabolic curve with a maximum height of three-inches at the mid-point.
15. In order to facilitate access to adjoining properties when appropriate, reserve strips may be required by the Planning Commission between the terminus of a private road and the property's boundary. The reserve strip shall be illustrated on the private road plans. In considering whether to require a reserve strip, the Planning Commission shall consider the following factors:
 - a. Whether cross-access across adjoining properties would improve traffic circulation in both developments.
 - b. Whether or not it is practical to align the private roads.
 - c. The relative size and intensity of the adjoining developments.
 - d. Whether or not there is an existing second means of access for the development.

Section 27.8. Review and approval of Private Road Plan.

1. Prior to constructing, extending, improving or relocating a private road, or using or extending an existing private road to provide access to a lot, building, or dwelling unit, which was not existing and which was not provided access by the private road as of the effective date of this chapter, a plan for the private road shall be submitted to the Township Fire Chief and to the site plan review committee of the Planning Commission to determine compliance with the standards and requirements of this chapter.

A private road which is part of a planned unit development, site condominium, subdivision or other land development proposal requiring approval by the Planning Commission may be approved by the Planning Commission subject to the private road regulations of this Ordinance and approval by the Township Engineer and Fire Chief.

2. The plan for the private road shall be prepared and sealed by a registered engineer or surveyor and shall show the location, route, dimensions, design and grade of the private road; the relation of the private road to adjacent or intersecting public or private roads; existing, or proposed curb cuts; the lots, buildings or dwelling units, existing and proposed, which will be provided access by the private road; the location of public utilities within the private road easement and within 20 feet of the easement; the location of any drainage courses, lakes, streams or other natural bodies of water within the private road easement and within 100 feet of the easement; and the street name and location of street signs.
3. Provision shall be made to insure the continued repair and maintenance of the private road, and financing of the costs thereof by the property owners benefiting from the private road. This shall be accomplished through the use of a recorded agreement between the parties in interest in the private street, or through a restrictive covenant, which shall run with the land. This recorded agreement shall ensure that easements are provided for access for emergency and other public vehicles and for installation of public utilities. The agreement shall also contain a statement that no public funds of Grand Rapids Charter Township shall be used to build, repair or maintain the private road. A copy of the agreement or restrictive covenant shall be provided to the Township as a condition to approval of the plan for the private road.
4. If the Township Fire Chief, Township Engineer, and the site plan review committee or the Planning Commission determine that the private road meets the standards and requirements of this chapter, then the plan shall be approved and the private road may be constructed, extended, improved or relocated in accordance with the approved plan.

Section 27.9. Private Roads: Issuance of Building Permits.

1. A building permit for a building or dwelling to be served by a private road shall not be issued unless the applicant for the building permit provides the Township Building Inspector with (1) proof of lawful access over the private road to the lot, parcel or building site; (2) an approved plan for the private road and a copy of the signed and recorded agreement or restrictive covenant as provided by Section 27.8; and (3) a driveway permit for the private road issued by the Kent County Road Commission, as applicable.
2. Drawings of the private road as it has been constructed shall be certified by the registered professional engineer who prepared the plans and shall be provided to the Zoning Administrator before a certificate of occupancy issued or the applicant shall provide a bond or irrevocable letter of credit in an amount determined by the Township to insure completion of the drawings as well as the completion of the private road if necessary.

Section 27.10. Application to Existing Private Roads. Except with regard to the requirements under Sections 27.3.12 and 13 regarding street names, street signs and house numbers, this chapter shall not apply to an existing private road which provides access solely to existing lots, buildings, or dwelling units.

CHAPTER 28 OFF-STREET PARKING AND LOADING

Section 28.1. Purpose. The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles, recreational vehicles, trucks and trailers in residential and nonresidential zoning districts, to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas.

Section 28.2. Scope.

1. At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this chapter.
2. No parking or loading area or space which exists at the time of the adoption of this chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this chapter.
3. Parking areas must be in the same zoning classification as the property it serves.

Section 28.3. Location of Parking Areas.

1. For all residential uses, the number of parking spaces required by this chapter shall be located on the same lot or parcel as the dwelling units served.
2. For all other uses, the number of parking spaces required by this chapter shall be located on the same lot, or lots under the same ownership, within 300 feet of the building it is intended to serve, measured from the building to the nearest parking space of the on-premise parking lot.

Parking on lots under different ownership within 300 feet of the building it is intended to serve shall also be permitted if such arrangement does not result in a parking deficiency for the other use, and a legal agreement specifying the terms for the parking arrangement, signed by all involved parties is provided.

Section 28.4. General Requirements.

1. **Units of Measurement.**
 - a. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
 - b. When units of measurement determining the number of required parking spaces result in a requirement of a fractional space, that fraction shall be counted as a full parking space.

2. **Mixed Occupancy and Alternative Parking Arrangements.**

- a. In the case of mixed uses in the same building or on the same lot or parcel, the total requirements for off-street parking and loading shall be the sum of the requirements for the individual uses computed separately, except as outlined in Section 28.4.2.d.
- b. **Shared Parking.** Where a mix of land uses in the same building or on the same lot or parcel creates staggered peak periods of parking, shared parking agreements that have the effect of reducing the total amount of needed parking spaces, may be allowed at the discretion of the Planning Commission or site plan review committee. Shared parking agreements shall be tied to a specific land use and not the land itself. Retail, office, institutional and entertainment uses may share parking areas. In no case shall shared parking include the parking required for residential uses.
- c. Joint or collective parking provisions of off-street parking areas for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately except that the Planning Commission or site plan review committee may approve a lesser parking requirement for such uses if evidence of a signed agreement between the owners of both properties agreeing to such joint use is provided to the Planning Commission. The lots shall be interconnected for vehicular passage.
- d. **Deferred Parking Construction.** In order to avoid excessive amount of impervious surface, the Planning Commission or site plan review committee may approve a development which provides less than the minimum number of parking spaces required herein if the applicant demonstrates to the satisfaction of the Planning Commission or site plan review committee that a reduced amount of total parking space will meet the projected parking needs of the project due to:
 - i. The nature, size, density, location, or design of the proposed development, including the design of the circulation and parking plan;
 - ii. Characteristics of the development which will affect the parking needs, including factors such as non-conflicting peak hours of operation and the sharing of spaces by different uses;
 - iii. Any other factors reasonably related to the need for parking for the proposed development; and
 - iv. The availability of vacant or otherwise undeveloped land on the same parcel as shown on the proposed development plan, shall remain available to provide additional off-street parking space if additional

parking space is subsequently determined to be necessary by the Planning Commission to meet the parking needs of the development.

The available land must be of sufficient size to accommodate the full amount of parking required under the Zoning Ordinance for the use, may not count as any type of required open space and shall be permanently reserved for parking as outlined in a signed and recorded agreement.

3. **Parking Requirements for Uses Not Listed.** The minimum parking space requirements for all uses shall be as listed in Section 28.7. For uses not specifically listed in Section 28.7, the Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirements to a use which is listed in Section 28.7. The Zoning Administrator shall refer to engineering or planning manuals, publications and reports, or to the parking requirements used by other municipalities in order to determine the minimum parking requirements.

Section 28.5. Design, Location, and Construction Requirements. The following regulations shall apply to all uses except one and two family dwellings and farm uses.

1. **Parking Lot Surface and Drainage.** All drives, driveways, and parking spaces shall be surfaced with asphalt or cement pavement. Such surfaces shall be graded and drained to dispose of all surface water and prevent drainage onto abutting properties.

In order to reduce the amount of impervious surface and the corresponding storm water runoff as well as improve parking lot aesthetics, the Planning Commission or site plan review committee may approve alternate parking lot surfaces for overflow parking or employee parking. Such alternate parking lot surfaces may include but shall not be limited to gravel, crushed stone, or products which are installed in the ground to support a vehicle but allow grass to grow within the supporting spaces.

2. **Lighting.** Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to deflect the light away from any adjoining properties or streets and highways. Lighting fixtures in required parking facilities for commercial, industrial, or office districts within 150 feet of any residentially zoned area shall not exceed 20 feet in height. All other fixtures shall not exceed 35 feet in height. Light fixtures shall be designed to achieve total luminary cutoff.
3. **Parking Lot Setbacks.** All off-street parking areas, except those serving residential dwellings with less than five dwelling units, shall be set back a minimum of five feet from the rear and side lot lines, and a minimum of 15 feet from the front lot line. The Planning Commission or site plan review committee may permit parking aisles or vehicle maneuvering areas to encroach within the parking setback where substantial additional screening or landscaping acceptable to the Planning Commission or site plan review committee is provided.

4. **Traffic Islands.** Parking areas shall be designed to delineate access aisles or drives and to provide drivers proper sight distance at the end of parking rows where such rows intersect access aisles or drive. The Planning Commission or site plan review committee may require traffic islands, striped pavement or other methods to achieve this.
5. **Pedestrian Protection.** Parking lots shall be designed to limit the number of points where pedestrians must cross in front of vehicles. In particular, vehicle access in front of building entrances and exits should be minimized. Landscaped pedestrian walkways to and from parking areas may be required to enhance pedestrian safety.
6. **Greenbelts.** Where off-street parking areas for non-residential uses abut or are across the street from residentially zoned property, a greenbelt not less than 15 feet wide shall be provided adjacent to the parking area. The greenbelt shall be landscaped according to the landscape requirements of this Ordinance.
7. **Driveways.** Driveways serving off-street parking areas shall be at least 20 feet from any residentially zoned property.
8. **Snow Storage.** Snow shall not be stored in areas with plantings or where it may create visibility problems for drivers or pedestrians.
9. **Side and Rear Location.** Parking areas wherever reasonably possible shall be placed at the side or rear of buildings.
10. **Uses Permitted.** Off-street parking areas shall only be used for the parking of vehicles and for no other purposes.

Section 28.6. Size of Parking Space and Aisle. Off-street parking spaces and aisles for various parking angles shall be designed and constructed in accordance with the minimum standards provided in Table 28-1.

**TABLE 28-1
MINIMUM STANDARDS FOR SIZE
OF PARKING AISLES AND DRIVEWAYS**

Parking Angle	Maneuvering Aisle Width		Parking Stall Width	Parking Stall Length	Total Width of 2 Stalls of Parking Plus Maneuvering Aisle	
	One Way	Two Way			One Way	Two Way
0° parallel	12 feet	22 feet	8.5 feet	22 feet	29 feet	39 feet
Up to 53°	13 feet	22 feet	9.0 feet	18 feet	49 feet	58 feet
54° to 74°	16 feet	22 feet	9.0 feet	18 feet	52 feet	58 feet
75° to 90°	12 feet	24 feet	9.0 feet	18 feet	48 feet	60 feet

Section 28.7. Schedule of Off-Street Parking Requirements. Each use shall provide parking spaces in conformance with the following schedule of requirements:

Use	Number of Motor Vehicle Parking Spaces Required per Unit of Measure
1. Residential	
a. Single family, two family	Two for each dwelling unit.
b. Multiple family	Two spaces for each two bedroom dwelling unit and 1.5 spaces for each one bedroom dwelling unit in developments having 25 or more dwelling units. Two spaces for each dwelling unit in developments having less than 24 units.
c. Efficiencies	One for each dwelling unit.
d. Elderly housing or communities	For independent living units, one for each retirement unit. For “interim” or “intermediate care” units, one for each two beds, plus one per employee. Should the units revert to another use, then the required parking shall be re-determined based on the new use.
e. Bed and breakfast, boarding houses	One for each guest room plus two for the dwelling unit.
2. Institutional/Public Assembly	
a. Churches, temples, mosques, synagogues, or similar types of facilities	One space per each four seats in the worship room.
b. Hospitals	One for each two beds plus one for each staff doctor, plus one for each two employees other than doctors.
c. Outpatient-care stations	Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee.

- d. Child care centers One space for every eight children of licensed capacity, plus one space for each employee. A minimum of three employee spaces shall be required.
- e. Elementary, junior high, middle schools Two spaces per classroom, plus one space for each three seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity.
- f. High schools Eight spaces per classroom, or one space per each four seats of maximum seating capacity for that indoor place of assembly having the greatest capacity, whichever is greater.
- g. Private club and lodges One space per 2.5 persons allowed within the maximum occupancy load as established by the appropriate fire, health, or building code.
- h. Auditoriums (non-school), stadiums, and sports arenas One space per each three seats.
- i. Conference rooms, exhibit halls, ballrooms, civic clubs, or similar places of assembly without fixed seats whether public or private One space per each four persons allowed halls, within the banquet maximum occupancy load as determined by the Township building or fire codes.
- j. Libraries, museums, and non-foot commercial art galleries One parking space per 400 square of gross floor area.

3. Offices

- a. Medical/dental clinics or offices Five spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
- b. General office buildings One space per 300 square feet of gross floor area. A minimum of six spaces shall be required.
- c. Banks, credit unions or savings and loans Six spaces per 1,000 square feet of gross floor area, plus two spaces per each non-drive-through automatic teller plus four on-site waiting spaces for each drive up window or drive-thru automatic teller.

4. Retail and Service Uses

- | | | |
|----|--|--|
| a. | Retail shopping centers, discount stores, and department stores containing between 25,000 and 40,000 square feet | Four spaces per 1,000 square feet of stores, of usable floor area. |
| b. | Retail centers containing between 400,000 and 600,000 square feet | Four and one-half spaces per 1,000 square feet of usable floor area. |
| c. | Retail centers containing greater than 600,000 square feet | Five spaces per 1,000 square feet of usable floor area. |
| d. | Other retail uses not otherwise specified herein | One space per 200 square feet of usable floor area plus one per employee. |
| e. | Supermarkets and grocery stores | One space per 200 square feet of usable floor area. |
| f. | Personal service establishments not otherwise provided herein | One space per each 300 square feet of usable floor area plus one per employee. |
| g. | Appliance stores | Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required. |
| h. | Automobile service stations | Two parking spaces per each service bay, plus one per each employee, plus one per each 200 square feet of retail area. A service bay and the area on each side of a gas pump may count as a parking space. |
| i. | Automobile wash establishments (automatic) | One parking space per each employee, plus fifteen on-site waiting spaces at each wash-bay entrance, plus two drying spaces at the exit. |
| j. | Automobile wash establishments (self-service) | One parking space per each employee, plus three on-site waiting spaces at each wash-bay entrance. |
| k. | Barber shops, beauty salons | Two for each barber or beauty operator chair/station plus one for every two employees. |

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|----|---|---|
| l. | Building supply store, home improvement store, paint and hardware store containing up to 25,000 square feet of gross floor area | One space per 200 square feet of usable floor area plus one for each employee. |
| m. | Building supply store, home improvement store, paint and hardware store with more than 25,000 square feet of gross floor area | Three and one-half spaces per 1,000 square feet of usable floor area plus one for each employee. |
| n. | Convenience stores | Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required. |
| o. | Dry cleaners | Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required. |
| p. | Funeral homes and mortuaries | One space per 50 square feet of parlor and chapel areas. |
| q. | Furniture, carpet, and home furnishing stores | One space per 800 square feet of usable floor area. |
| r. | Hotel, motel, or other commercial lodging establishment | One space for each guest room, plus one for each two employees, plus amount required for accessory uses provided at the rate of 50 percent of the requirements for such uses as specified herein. |
| s. | Laundromats | One space per three washing machines. |
| t. | Mini-storage houses/warehouses | Six spaces. |
| u. | Motor vehicle dealerships | One space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces shall be required. |
| v. | Quick oil change establishments | Two spaces per bay plus one per each employee. |

w.	Recreational vehicle and boat dealerships	One space per 800 square feet of gross floor area, plus two spaces per each vehicle service bay. A minimum of six spaces shall be required.
x.	Restaurants that serve non-fast food and have no drive-thru window	Twelve spaces per 1,000 square feet of gross floor area, or 0.4 spaces per seat, whichever is greater.
y.	Restaurants that serve mostly take out, with six or less booths or tables	Six spaces plus one for each employee.
z.	Restaurants that serve fast food and have no drive-thru window	Seven spaces per 1,000 square feet of gross floor area.
aa.	Restaurants that serve fast food and have a drive-thru window and indoor seating	Fifteen spaces per 1,000 square feet of gross floor area, plus three designated drive-thru, short-term waiting spaces plus ten on site waiting spaces.
bb.	Restaurants that serve fast food and have a drive-thru window, but no indoor seating	Fifteen spaces.
cc.	Video rental stores	One space per each 100 square feet of gross floor area plus one per each employee.
dd.	Service companies doing repair	Two spaces per 1,000 square feet of electrical, and plumbing work gross floor area. A minimum of five spaces shall be required.
ee.	Distribution Center	One space for each non-office employee during the largest shift, plus five, and in addition as required for general office use for the office area in the building. Spaces for temporary truck parking shall be of sufficient width and length to accommodate the largest truck using the distribution center.
ff.	Indoor Self-Service Storage Facility	One space for each 10 storage units, plus 5 spaces.

5. Recreational Entertainment

- a. Arcades One space for every 70 square feet of gross floor area. A minimum of six spaces shall be required.
- b. Batting cage facilities Three spaces per cage.
- c. Bowling centers Five spaces per bowling lane plus 50 percent of the spaces otherwise required for accessory uses such as restaurants, bars, banquet facilities, etc.
- d. Golf driving ranges One and one-half spaces per tee.
- e. Golf courses, miniature One and one-half spaces per each hole.
- f. Golf courses, par-three Three spaces per hole.
- g. Golf courses Five spaces per hole.
- h. Health fitness centers Five spaces per 1,000 square feet of gross floor area.
- i. Movie theaters One space per each four seats, plus four spaces per screen.
- j. Racquetball and tennis centers One space per 1,000 square feet of gross floor area or six spaces per court, whichever is greater.
- k. Public recreation centers Five spaces per 1,000 square feet of gross floor area.
- l. Roller/ice skating rink Six spaces per 1,000 square feet of gross floor area.

6. Industrial Uses

- a. Manufacturing, light industrial, and research establishment One and one-half parking spaces per 1,000 square feet of gross floor area.
- b. Wholesale, warehouses, or distribution facilities, and trucking terminals One parking space per each 1,500 square feet of gross floor area or one per employee whichever is greater.

Section 28.8. Barrier-Free Parking and Design Requirements.

1. Barrier-free parking shall be provided as follows:

Total parking spaces in lot	Minimum number of accessible spaces required
1 to 15	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total number of spaces provided
Over 1,000.	20 plus 1 for each 100 over 1,000

2. Requirements for barrier-free parking spaces, curb, ramps, and signs shall be as required by the Township Building Code and the Michigan Barrier Free Rules.

Section 28.9. Off-Street Loading Requirements.

1. Off-street loading spaces shall be provided in size and quantity sufficient to prevent interference with adjacent streets or required off-street parking areas.
2. Required loading spaces shall not be included in the count of off-street parking spaces.
3. Loading spaces shall not use any portion of any public or private road right-of-way.
4. Maneuvering space for trucks using the loading spaces shall be provided on premise, and shall not necessitate the use of public or private road right-of-way.
5. Loading spaces shall not be located within the front yard. This shall apply to both front yards on each street side of a corner lot.
6. The design, location, and screening of off-street loading areas shall be reviewed at the time of site plan approval to ensure adequate protection is afforded adjacent properties, especially residential districts.

7. Off-street loading spaces shall be no closer than the greater of the minimum required setback, or 50 feet from any residential zone unless such space is wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence of uniform appearance not less than six feet in height; provided, however, that off-street loading spaces for a distribution center and for an indoor self-service storage facility shall be located and screened in accordance with the applicable provisions for the use and as determined by the Site Plan Review Committee.

CHAPTER 29 LANDSCAPING

Section 29.1. Purpose and Intent. The purpose of this chapter is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as greenbelts and buffers between uses and along roadways, and adjacent to buildings. Landscaping is considered by the Township to be an important element of land development which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the Township. Landscaping is considered by the Township to be an integral part of a complete comprehensive development plan.

The landscape standards of this chapter are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

Section 29.2. Applicability. The standards contained in this chapter shall be applicable to any site plan, special land use or planned unit development request which is submitted for review and approval by the Planning Commission or site plan review committee (the committee), subject to the following limitations:

1. These regulations shall not apply to individual single and two family dwellings.
2. For existing and proposed uses which require site plan approval to either expand or be built, landscaping as noted herein shall be installed insofar as practical. The Planning Commission or committee in its review of the site plan, has the authority to increase, decrease or otherwise modify the landscaping and screening requirements of this chapter. In doing so, the commission or committee shall consider the following criteria.
 - a. The amount of space on the site available for landscaping.
 - b. Existing landscaping on the site and on adjacent properties.
 - c. The type of use on the site and the size of the development.
 - d. Existing and proposed adjacent land uses.
 - e. The effect which the required landscaping would have on the operation of the existing or proposed land use.
3. A landscape plan prepared in compliance with this chapter shall be submitted with the required site plan.

Section 29.3. Landscape Plan. A concept landscape plan indicating design intent shall be submitted as part of site plan, special land use, or PUD applications. Following PUD, special land use or site plan approval, a final landscape plan shall be submitted to the Planning Commission or its

designee to confirm compliance with the approved concept landscape plan. The final plan shall include, but not necessarily be limited to, the following:

1. Location, general type and quality of existing vegetation, including specimen trees.
2. Existing vegetation to be saved.
3. Methods and details for protecting existing vegetation during construction.
4. Location, sizes, and labels for all proposed plantings.
5. Existing and proposed contours on site and 50 feet beyond edges of the site at intervals no greater than two feet.
6. Typical cross section, including slope, height and width, of berms and the type of ground cover to be placed on them.
7. Location, height and type of any walls.
8. Plant list(s) showing the required and proposed quantities.
9. Description of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced in accordance with the standards of this Ordinance.

Section 29.4. General; Regulations.

1. Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer period is permitted in writing by the Zoning Administrator.
2. All landscaping shall be hardy plant materials and shall be maintained thereafter in a neat, healthy and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but not longer than one growing season.
3. For the purpose of this chapter, a corner lot is considered as having front yards along each street and the appropriate landscaping shall be provided for both.
4. All plant materials shall be installed so as not to alter drainage patterns on the site or on adjacent properties.
5. Plantings shall not be planted or maintained in such a way so as to create a sight obstruction for persons using street intersections.

Section 29.5. Size and Type.

1. Proposed plantings shall conform to the following minimum sizes except that the Planning Commission or committee in its discretion may allow or require variations in the size of plantings in order to achieve the intent and purposes of this chapter:

- a. Evergreen trees: 4-5 feet height
 - b. Deciduous canopy trees: 2 inches caliper
 - c. Ornamental trees: 2 inches caliper
 - d. Upright evergreen shrub: 2 feet height
 - c. Spreading evergreen shrub: 18 inch spread
2. Suggested types of trees to be planted may include, but need not be limited to, the following:
- a. **Canopy Trees.** Maple, Ash, Locust, Sycamore, Oak, Linden, Male Ginkgo, Beech.
 - b. **Ornamental Trees.** Callery Pear, Star Magnolia, Hawthorn, Flowering Crabapple, Flowering Dogwood, Flowering Cherry.
 - c. **Evergreen Trees.** Norway Spruce, Austrian Pine, White Pine, Blue Spruce, Hemlock, Douglas Fir, Cedar.
3. Existing trees, of sufficient size and good condition, may be credited toward landscaping requirements.
4. The following list of species are permitted species but will not be credited towards required landscaping because of their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, and or other undesirable characteristics. These species are not encouraged.

Box Elder	Cottonwood, Poplar, Aspen
Tree of Heaven	Willow
Catalpa	Black Walnut
Russian Olive	Black Locust
Female Ginkgo	Silver Maple
Osage Orange	Siberian Elm
Mulberry	Slippery Elm

Section 29.6. Refuse Containers. Refuse containers for other than single and two family uses shall be screened from view on all four sides. Screening shall consist of a six-foot high opaque wall or fence. Live landscape material located so it does not interfere with the function of the refuse container is encouraged in addition to the opaque screen.

Section 29.7. Greenbelts. A greenbelt shall be provided by any non-residential use including parking lots or any multi-family building with four or more dwelling units when such use abuts a single, two or three family dwelling or a residential zoning district, including residential planned unit development zones. The greenbelt shall be provided along the lot line which abuts the residential use or zone according to the following requirements:

1. Required greenbelts for buildings shall have a minimum width of 25 feet, except such greenbelt shall be reduced to ten feet when abutting an existing nonconforming residential use. Greenbelts for parking lots shall have a minimum width of 15 feet.
2. For each 100 feet of length or portion thereof of greenbelt, plantings shall consist of at least two deciduous canopy trees, two ornamental trees and four evergreen trees or any combination thereof; provided, however, that the Planning Commission or the committee may increase, decrease or modify such requirements in its discretion.
3. Berms, walls and fences may be permitted within a greenbelt area. The Planning Commission or committee may in their discretion reduce the amount of required plantings if the berm, fence or wall achieves the intent of this chapter.

Section 29.8. Front Yard Landscaping. Except for necessary driveways, frontage roads, service drives, or walkways, the front yard shall be landscaped according to the following minimum requirements:

1. Two deciduous canopy trees, three evergreen trees and eight shrubs for each 100 feet in length of road frontage or any combination thereof; provided, however, that the Planning Commission or the committee may increase, decrease or modify such requirements in its discretion.
2. Landscaping shall be located so it does not obstruct the vision of drivers entering or leaving the site.
3. Earthen berms within the front yard are encouraged to provide variety in appearance and for screening of parking areas.

Section 29.9. Parking Area Landscaping. For all off-street parking areas that accommodate ten cars or more, except those serving a four family dwelling or less, the following minimum requirements shall apply:

1. Landscaped islands and deciduous canopy trees shall be located throughout the parking lot so as to relieve and shade expanses of parking, and contribute to the orderly circulation of motor vehicle and pedestrian traffic. Landscaped islands must be a minimum of 160 square feet and a minimum of nine feet wide. Each island should be planted with at least one canopy tree that is located at least three feet from the edge of the island.
2. Landscape islands shall be calculated on the basis of one landscape island for every ten parking spaces. Landscape islands may be aggregated. Landscaped corners count towards the required number of islands.
3. Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct driver's sight distance within the parking area and at driveway entrances.

CHAPTER 30 SIGNS

Section 30.1. Scope, Description and Purpose. No sign shall be erected, altered, placed, installed, painted, created, maintained or removed except in compliance with the provisions of this chapter. This chapter regulates the size, number, location and manner of display of signs in the Township to achieve the following purposes:

1. To protect and further the health, safety and welfare of the Township residents, property owners and visitors.
2. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
3. To conserve and enhance community character.
4. To promote uniformity in the size, height, number and placement of signs within districts.
5. To promote the economic viability of commercial areas by minimizing visual clutter and allowing for the proper placement of signs to safely direct motorists to their destinations.
6. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the desires of businesses and other land uses to communicate by means of signs.
7. To maintain and enhance the Township's aesthetic environment in a manner that is consistent with the public health, safety and welfare.

Section 30.2. Definitions.

Abandoned Sign. A sign which no longer identifies or advertises a bona fide business, owner, lessor, person, service, product or activity, or for which no legal owner can be found.

Advertising Area. The actual total exterior surface area of a sign that is used, or that could be used, for advertising and/or identification purposes.

Alteration. As used in this chapter, the term "alteration" (or "alter" or "altered" or any variation thereof) means any change in a sign, including but not limited to any change in a sign's dimensions, shape, area, height, number or orientation of sign faces, structural support, location on the property, materials or lighting. A change solely in the wording of the copy of a sign shall not constitute an "alteration" for purposes of this chapter, unless the result of the change would cause the sign to be reclassified to a type of sign subject to different or more restrictive regulations (e.g., a change from an on-premises to off-premises sign).

Area of Sign. The total exterior surface devoted to advertising purposes as determined under the provisions of Section 30.5.4.

Community Service Group Sign. A sign which displays the name and/or logo of a non-profit agency, organization, club or group whose primary purpose is to promote or provide community or public service, including but not limited to service clubs and fraternal organizations.

Community Special Event Sign. A temporary sign that provides notice of special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolent.

Construction Sign. A sign which identifies the owners, lenders, contractors, architects and/or engineers of a project under construction, as well as the project itself.

Copy. The wording on a sign surface in either permanent or removable letter form.

Digital or Electronic Sign. A sign that has an image, display or sign face that is projected or otherwise produced, in whole or in part, by the use of specialized technologies such as but not limited to light-emitting diodes (LEDs), liquid crystal display (LCD), plasma display panels, computer-generated imaging or similar technical or electronic means. Digital or electronic signs may be characterized by their unusual brightness and intensity of image, greater color spectrum, wide viewing angle, high-contrast ratio between the brightest and darkest parts of the sign image and other features that tend strongly to attract the viewer's attention to the sign.

Directional Sign. A sign which gives directions, instructions or information for the movement of vehicles or pedestrians on the property on which the sign is located, such as parking or exit and entrance signs, but not including a commercial message.

Essential Services Sign. A sign installed and maintained by a public utility, municipal corporation, cable television company or telecommunications company for the purpose of identifying systems, installations, equipment and/or other components necessary for the furnishing of public utility and similar services for the public health, safety or benefit, but not including a sign identifying a building.

Foot-candle. A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. Foot-candle may be measured both horizontally and vertically by a light meter.

Ground Sign. A sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground, the bottom of which is no more than 24 inches above the finished grade.

Governmental Sign. A sign erected or installed by the Township, Kent County or the state or federal government, or an agency of any of them.

Memorial Sign. A non-illuminated sign, tablet or plaque memorializing a person, event, structure or site.

Nameplate Sign. A non-illuminated, on-premises sign giving only the name, address and/or occupation of an occupant or group of occupants.

Office Development Sign. A sign identifying an office subdivision, office condominium or site condominium development or other office development which has been approved by the Township.

Off-Premises Sign. A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located (including but not limited to a billboard).

On-Premises Sign. A sign which pertains solely to the use of the property on which it is located such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.

Political Sign. A temporary sign relating to an election of candidates for public office, a vote on a public proposal or other election or vote called by a governmental body.

Pylon Sign. A ground sign, the bottom of which is more than 24 inches above the finished grade and which is supported by a structure, poles or braces which are less than 50 percent of the width of the sign.

Pedestrian Sign. A portable sign held or worn by a person standing, walking or otherwise located out of doors on either public or private property, for the purpose of displaying the sign to passing motorists, pedestrians or other persons on the property where the person is located or on a nearby public street or sidewalk or other lands, and for the further purpose of directing attention to a business, product, service, event or other item or matter referred to on the pedestrian sign.

Portable Sign. A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another, whether rented or owned, such as “A” frame signs. A portable sign includes a pedestrian sign.

Real Estate Leasing Sign. A non-illuminated temporary sign pertaining to the lease or rental of the property, or any part thereof, on which the sign is located.

Real Estate Sale Sign. A non-illuminated temporary sign pertaining to the sale of the property on which it is located.

Residential Community Sign. A sign identifying a platted subdivision, site condominium project, multi-family development or other residential development which has been approved by the Township.

Roof Line. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

Roof Sign. A sign erected above (or which extends above) the roof line of a building.

Sign. A device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce or identify any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

Tri-vision Sign. A sign that has an image or images on a sign-display face that presents or is capable of presenting sequentially two or more separate images, in whole or in part, by means of components or devices such as rotating cylinders, slats that turn or twirl to change a sign image or other equipment, for the purpose of displaying a sign image for only a limited time, until the image changes to another image, on a generally continuous basis. The changing of sign images may be accomplished mechanically or by specialized computer software or through other automatic measures.

Vehicle Service and Gasoline Station Sign. A directional sign identifying and located above individual doors or bays at an establishment which provides repair services and/or gasoline for vehicles as either a principal or accessory use.

Vehicle Sign. A sign attached, painted or drawn on a parked vehicle or trailer which is visible from a public right-of-way, the primary purpose of which is to advertise or identify a business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public, rather than merely to identify the vehicle or trailer as a means of transport or delivery.

Wall Sign. A sign painted or attached directly to and parallel to the exterior wall of a principal building.

Section 30.3. Exempt Signs. The signs listed in Table 30.3 shall not require a permit and are otherwise exempt from the provisions of this chapter, except as stated in Section 30.5:

Table 30.3 Exempt Signs (but subject to the regulations in Section 30.5).	
Type of Sign	
1.	Governmental signs
2.	Memorial signs
3.	Essential services signs not more than two square feet in area
4.	Community service group signs not more than two square feet in area
5.	Nameplate signs not more than six square feet in area
6.	Political signs
7.	Directional signs not more than three square feet in area
8.	Construction signs
9.	Signs for residential yard sales and residential garage sales
10.	Real estate sale signs
11.	Real estate leasing signs
12.	Signs, to the extent exempt from local zoning pursuant to State law, including Section 205d of the Michigan Zoning Enabling Act, MCL 125.205d

Section 30.4. Sign Permit Required; Exceptions; Application for Permit.

1. **Permit Required.** Except as provided in Section 30.3, all signs require a permit. No sign requiring a permit shall be erected, used, constructed or altered until a permit has first been issued. A sign permit shall not be issued for a sign unless the sign fully complies with the requirements of this chapter.

2. **Application for Permit.** Application for a sign permit shall be made to the Township office, along with payment of the established fee.
 - a. The application shall include detailed drawings and narrative statements to show and describe the appearance, dimensions, design, structure and location of the sign. If the sign is to be lighted, all details thereof shall be provided. A single application and permit may include multiple signs on the same parcel.

 - b. After receiving a complete application for a sign permit, the Township shall either (i) issue the sign permit if the proposed sign fully conforms with the requirements of this chapter, or (ii) deny the sign permit if the proposed sign fails in any way to conform with such requirements. The Township may impose reasonable terms and conditions in a sign permit.

 - c. Signs requiring electrical service shall comply with the Township Electrical Code.

Section 30.5. General Provisions and Regulations. The provisions and regulations stated in Table 30.5 apply to all signs.

Table 30.5 Regulations Applying to all Signs	
Design and Construction	
1.	Signs may be internally or externally illuminated, unless otherwise prohibited by the terms of this chapter. The source of the light shall be enclosed and directed to prevent the source of light from shining directly or indirectly onto traffic or adjacent or nearby properties.
2.	Signs shall be stationary and, except for political signs, community special event signs and community service group signs, shall be on-premises signs.
3.	Except as otherwise expressly allowed by this chapter, signs shall be constructed of permanent materials and shall be permanently and safely attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or other structure.
Location	
4.	Signs shall not be placed in, upon or over any public street right-of-way, alley or other public right-of-way, except as permitted by the Kent County Road Commission or Michigan Department of Transportation.
5.	A sign shall not be erected in any place where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or constitute a nuisance.

6.	A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.
7.	A wall sign shall extend no greater than 12 inches from the exterior face of a wall to which it is attached, shall not project beyond the wall to which it is attached, and shall not extend above the roof line of the building to which it is attached.
Maintenance, Abatement and Removal	
8.	A sign shall be properly maintained in good structural condition in compliance with the requirements of this chapter and shall not be permitted to become unsightly through disrepair or as a result of weather effects. A sign or any part thereof shall not constitute a hazard to the health, safety or welfare of the public or to property.
9.	A sign shall be removed by the owner within 24 hours of receipt of notice from the Township stating that the sign is unsafe or not properly maintained or otherwise does not comply with the requirements of this chapter.
10.	Any sign which the Township determines to be abandoned shall be removed by the owner. If the owner does not remove the sign, or if no owner can be found, the Township may remove the sign. If the sign is removed by the Township and the owner is known, the Township shall have the right to recover from the owner of the sign the full costs of removing and disposing of the sign.

1. Measurement of Signs.

- a. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of all writing, representations, emblems, logos or any other figures of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.
- b. The area of a ground sign or other sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- c. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

Section 30.6. Signs Prohibited in All Districts. The signs stated in Table 30.6 are prohibited in all zoning districts.

Table 30.6 Signs Prohibited in All Districts.	
Type of Sign	Exception or Regulation
Signs not expressly permitted by the terms of this Ordinance	Except exempt signs under Section 30.3
Strings of light bulbs, pennants, streamers, ribbons, flags, sequins, discs, banners or similar material; balloons and balloon signs; and flags	Except customary holiday decorations installed and maintained only during the holiday season and except non-commercial flags not used for a commercial purpose
Portable signs	Except real estate sale signs, real estate leasing signs, community special event signs and political signs, which are permitted subject to any applicable Township sign policies; other types of portable signs may be permitted if and to the extent authorized by applicable Township sign policies
Signs that include flashing, blinking, moving or oscillating lights, including signs that are (or have the appearance of being) animated or projected and signs that include scrolling, tracing, sequencing or moving (or apparently moving) lights, images, letters, figures, symbols or messages	
Digital, electronic and tri-vision signs	
Roof signs	
Pylon signs	
Off-premises signs	Except community special event signs, community service group signs and political signs
Signs that include any moving or animated parts	
Vehicle signs	Except registered vehicles or trailers lawfully parked and regularly used for vehicular travel purposes in the normal day-to-day operations of a bona fide business located on the same premises to which the vehicle sign relates

Section 30.7. Signs Permitted in All Districts. The signs set forth in Table 30.7 are permitted in all zoning districts, subject to the regulations set forth therein and other applicable provisions of this chapter.

Table 30.7 Signs Permitted in All Districts.	
Real Estate Sale Signs	
Maximum Number	One per parcel
Maximum Size	6 square feet for single-family and two-family dwellings or 32 square feet for other land uses

Maximum Height	7 feet
Location	At least 5 feet from all property lines and any street right-of-way
Other	Must be removed within 30 days after completion of the sale of the property
Real Estate Leasing Signs	
Maximum Number	One per project
Maximum Size	6 square feet for single-family and two-family dwellings; 32 square feet for other land uses
Maximum Height	7 feet
Location	At least 5 feet from all property lines and any street right-of-way
Other	Must be removed within one year after completion of the building or any part thereof that is the subject of the sign, except that such period of time may be extended as to all or any part of a property by decision of the Zoning Administrator under applicable Township zoning policy
Construction Signs	
Maximum Number	One per project
Maximum Size	32 square feet
Maximum Height	7 feet
Location	At least 5 feet from all property lines and any street right-of-way
Other	Must be removed before the placement of a permanent residential community sign, office development sign or other sign advertising the principal use of the property; provided, however, that the construction sign shall be removed no later than the completion of the project or when buildings have been constructed on at least 75 percent of the lots or units in the project or development, whichever occurs first
Community Special Event Signs	
May be approved by the Zoning Administrator under applicable Township policy; such approval may include maximum number, size and height of signs, the location(s) thereof, requirements for removal, monetary deposit and other regulations	
Directional Signs	
Maximum Size	3 square feet
Maximum Height	7 feet
Location	At least 5 feet from all property lines and the edge of any driving lane
Other	Limited to traffic and pedestrian control functions; may not contain a commercial message; may be placed upon light poles, buildings or other structures
Nameplate Signs	
Maximum Size	6 square feet
Maximum Height	4 feet if ground sign
Location	May be a wall sign or a ground sign
Other	May be placed only on or at each public exterior building entrance

Section 30.8. Signs Permitted in SR and R-1 Districts. The signs set forth in Table 30.8 are permitted in the SR and R-1 Districts, subject to the regulations set forth therein and other applicable provisions of this chapter.

Table 30.8 Signs Permitted in SR and R-1 Districts.	
Wall Signs	
Maximum Number	One per street frontage
Maximum Size	24 square feet for a single sign; 60 square feet in total area for all wall signs and ground signs on a single parcel
Other	Allowed only if the land use is a permitted use other than a single-family or two-family dwelling
Ground Signs	
Maximum Number	One per street frontage.
Maximum Size	24 square feet for a single sign; 60 square feet in total area for all wall signs and ground signs on a single parcel
Maximum Height	7 feet
Location	At least 5 feet from all property lines and any street right-of-way
Other	Allowed only if the land use is a permitted use other than a single-family or two-family dwelling; for parcels which have frontage on more than one street, a minimum of 40 feet of frontage on the other street is required for the placement of a sign on the other street frontage
Residential Community Signs	
Maximum Number	One per entrance road to a platted subdivision, site condominium or other residential development, not to exceed two signs per development
Maximum Size	24 square feet
Maximum Height	7 feet
Location	At least 5 feet from all property lines and any street right-of-way

Section 30.9. Signs Permitted in R-3 District. The signs set forth in Table 30.9 are permitted in the R-3 District, subject to the regulations set forth therein and other applicable provisions of this chapter.

Table 30.9 Signs Permitted in R-3 District.	
Wall Signs	
Maximum Number	One per street frontage
Maximum Size	24 square feet for a single sign; 60 square feet in total area for all wall signs and ground signs on a single parcel
Other	Allowed only if the land use is a permitted use other than a single-family or two-family dwelling
Ground Signs	
Maximum Number	One per street frontage.
Maximum Size	24 square feet for a single sign; 60 square feet in total area for all wall signs and ground signs on a single parcel
Maximum Height	7 feet
Location	At least 5 feet from all property lines and street right-of-way
Other	Allowed only if the land use is a permitted use other than a single-family or two-family dwelling; for parcels which have frontage on more than one street, a minimum of 40 feet of frontage on the other street is required for the placement of a sign on the other street frontage

Residential Community Signs	
Maximum Number	One per entrance road to a platted subdivision, site condominium or other residential development, not to exceed two signs per development
Maximum Size	24 square feet
Maximum Height	7 feet
Location	At least 5 feet from all property lines and any public right-of-way

Section 30.10. Signs Permitted in C, C-1 and C-2 Districts. The signs set forth in Table 30.10 are permitted in the C, C-1 and C-2 Districts, subject to the regulations set forth therein and other applicable provisions of this chapter.

Table 30.10 Signs Permitted in C, C-1 and C-2 Districts.	
Wall Signs	
Maximum Number	<p>One per street frontage, except as follows:</p> <p>a. Multi-tenant building: If a multi-tenant building has two or more tenant entrances on a front or side wall facing a street, then not more than two wall signs are permitted on any such wall; if a second wall sign cannot be accommodated within the maximum total signage area, then the zoning administrator may approve an increase of up to 15 percent of the total area otherwise permitted for all ground and wall signs on such parcel of land if the increase is justified by a need for tenant identification and is consistent with the intent and purposes of the zone district.</p> <p>b. Limited-access highway: If a parcel of land is adjacent at its rear lot line to the right-of-way of a limited-access highway and a wall of the principal building faces the right-of-way, the zoning administrator may approve wall signage on such wall (the “special approval wall signage”), subject to the following regulations:</p>
	<p>i. The special approval wall signage shall otherwise comply with the wall sign requirements of the zone district, except as specifically stated in this Table 30.10.</p> <p>ii. If the principal building includes two or more tenant spaces, such wall signage may include not more than one such sign for each building tenant, up to 4 such tenant signs on the building wall facing a limited-access highway, but there shall not be more than one such sign for each 100 lineal feet of the building wall; any such sign shall not be larger than 60 square feet.</p> <p>iii. The zoning administrator may permit special approval wall signage of smaller area, lesser height, different placement and/or other modifications or departures from the sign characteristics requested by the applicant.</p>

	<p>iv. If the parcel of land has one or more nonconforming signs, the zoning administrator may require the removal of any or all of the nonconforming signs as a condition of the special approval wall signage.</p> <p>v. The applicant shall file a written application for the special approval wall signage, including an accurate drawing of the signage and specifying its dimensions; the length of the wall on which the signage would be placed and all other details and information determined by the zoning administrator to be necessary for a decision.</p> <p>vi. In considering the application, the zoning administrator shall consider the following:</p>
	<p>A. Whether the special approval wall signage is justified due to the nature, size, location or design of the building, including the design, placement and likely effects of the wall signage.</p> <p>B. Whether the installation and use of the signage would result in traffic or other safety hazards; whether it would have a serious adverse effect on adjacent or nearby lands, including whether it would result in visual blight, driver distraction or other adverse effect; and whether it would result in other detrimental conditions.</p> <p>C. Whether the signage would be consistent with the intended purposes of the zone district.</p>
Maximum Size	Not more than one square foot of sign for each lineal foot of the building wall but in any event not larger than 60 square feet for a single sign, and not more than 180 square feet in total area for all wall signs and ground signs on a single parcel; provided, however, that this 180-square-foot area limitation shall not apply to limited-access highway special approval wall signage as stated in b. above
Other	For parcels which have frontage on more than one street, a minimum of 40 feet of frontage on the other street is required for the placement of a sign on the other street frontage
Ground Signs	
Maximum Number	One per street frontage
Maximum Size	In the C and C-1 Districts, 60 square feet for a single sign; 180 square feet in total area for all wall signs and ground signs on a single parcel; in the C-2 District, 24 square feet for a single sign; 180 square feet in total area for all wall signs (other than limited-access highway special approval wall signage in b. above) and ground signs on a single parcel
Maximum Height	7 feet
Location	At least 5 feet from all property lines and any street right-of-way

Other	For parcels which have frontage on more than one street, a minimum of 40 feet of frontage on the other street is required for the placement of a sign on the other street frontage
Vehicle Service and Gasoline Station Signs	
Maximum Number	One per individual door or bay
Maximum Size	3 square feet
Location	Above the door or bay being identified
Other	Allowed only in C and C-1 Districts; customary lettering, insignias or symbols which are a permanent or structural part of a gasoline pump are permitted
Office Development Signs	
Maximum Number	One per entrance road to an office platted subdivision, office site condominium or other office development, not to exceed two signs per development
Maximum Size	24 square feet
Maximum Height	7 feet
Location	At least 5 feet from all property lines and any street right-of-way
Other	Office development signs are in addition to any permitted ground signs

Section 30.11. Signs Permitted in R-PUD and OR-PUD Districts. The signs set forth in Table 30.11 are permitted in the R-PUD and OR-PUD Districts, subject to the regulations set forth therein and other applicable provisions of this chapter, including the modification of sign provisions under Section 30.13.

Table 30.11 Signs Permitted in R-PUD and OR-PUD Districts.	
Wall Signs	
Maximum Number	One per street frontage
Maximum Size	24 square feet for a single sign; 32 square feet in total area for all wall signs and ground signs on a single parcel
Other	Allowed for non-residential land uses only
Ground Signs	
Maximum Number	One per street frontage
Maximum Size	24 square feet for a single sign; 32 square feet in total area for all wall signs and ground signs on a single parcel
Maximum Height	7 feet
Location	At least 5 feet from all property lines and any street right-of-way
Other	For parcels which have frontage on more than one street, a minimum of 40 feet of frontage on the other street is required for the placement of any sign on the other street frontage
Office Development Signs	
Maximum Number	One per entrance road to an office platted subdivision, office site condominium or other office development, not to exceed two signs per development

Maximum Size	24 square feet
Maximum Height	7 feet
Location	At least 5 feet from all property lines and any street right-of-way
Other	Office development signs are in addition to any permitted ground signs
Residential Community Signs	
Maximum Number	One per entrance road to a platted subdivision, site condominium or other residential development, not to exceed two signs per development
Maximum Size	24 square feet
Maximum Height	7 feet
Location	At least 5 feet from all property lines and any street right-of-way

Section 30.12. Signs Permitted in O-PUD, CS-PUD, NC-PUD and HC-PUD Districts. The signs set forth in Table 30.12 are permitted in the O-PUD, CS-PUD, NC-PUD and HC-PUD Districts, subject to the regulations set forth therein and other applicable provisions of this chapter, including the modification of sign provisions under Section 30.13.

Table 30.12 Signs Permitted in O-PUD, CS-PUD, NC-PUD and HC-PUD Districts.	
Wall Signs	
Maximum Number	One per street frontage, but not more than a total of two street frontages, except as follows: Limited-access highway: If a parcel of land in the O-PUD or NC-PUD District is adjacent at its rear lot line to the right-of-way of a limited-access highway and a wall of the principal building faces the right-of-way, the approval of the PUD may include wall signage in accordance with Section 30.10.b, in Table 30.10, of this chapter. In the case of a currently approved PUD, such signage on a building wall facing a limited access highway shall be permitted as stated in Section 30.10.b, in Table 30.10 of this chapter, as described and limited in that section.
Maximum Size	Not more than 60 square feet in area, provided that the area of a wall sign shall not exceed one square foot for each lineal foot of wall on which the sign is placed
Maximum Vertical Length	Four feet
Other	Shall not face a residential zoning district unless the district and the building on which the sign is placed are separated by a street or other non-residential zoning district
Ground Signs	
Maximum Number	One per parcel
Maximum Size	60 square feet for a single sign; 180 square feet in total area for all wall signs and ground signs in a development
Maximum Height	7 feet

Location	At least 5 feet from other property lines and any street right-of-way
Other	Sign materials shall reflect the architectural character and materials of the building façade; the use of natural materials is encouraged, such as carved wood, brick, stone, wrought iron, terra cotta, glazed tile or similar material; ground signs shall be landscaped with low-level plantings or other decorative landscape materials

Section 30.13. Modification of Requirements for Signs in All PUD Districts and for Signs in Special Land Uses.

1. Except as provided in Section 30.13.2, all signs approved in a special land use or a planned unit development shall meet the requirements of this chapter for signs for the zoning district in which the special land use or PUD is located.

2. In cases where extenuating or extraordinary circumstances create practical difficulties in complying with the requirements of this chapter and where a modification of the requirements may still result in achieving the objectives of the zoning district in which the sign is to be located, the size, placement, number and height requirements for signs may be modified as provided by this subsection. If the sign is part of a PUD, the Planning Commission may recommend to the Township Board, and the Board may modify the size, placement, number and height requirements for signs in the PUD. If the sign is part of a special land use request, the Planning Commission alone may modify the size, placement, number and height requirements for any signs proposed. In the case of a proposed PUD sign modification, the Planning Commission and the Township Board shall each find, and in the case of a special land use sign, the Planning Commission shall find, based upon the facts presented by the applicant, that the following criteria have been met:
 - a. The modification of requirements is justified due to the nature, size, density, location or design of the proposed PUD or special land use, including the design or placement of proposed signs;
 - b. The modification of requirements will not result in traffic or other safety hazards, will not be injurious to the use or enjoyment of nearby property, will not result in visual blight, distraction or clutter and will not otherwise result in a detriment to the public health, safety or general welfare; and
 - c. The modification will still achieve the intended purpose of the PUD district, or the zoning district if it is a special land use, in which the sign is to be located.

Section 30.14. Nonconforming Signs, and Signs Accessory to Nonconforming Uses.

1. **Continuance.** Notwithstanding any other provision of this chapter to the contrary, a permanent sign which was erected lawfully and which lawfully exists at the time of the enactment of this chapter, but which does not conform to the height, size, area or

location requirements of this chapter, is deemed to be lawfully nonconforming and may continue to be used subsequent to that time, as provided by this section.

2. **Alteration/Repair.** Nonconforming signs may not be altered, expanded, enlarged, extended or repaired without being brought into full compliance with all applicable regulations under this chapter, except as provided by this subsection 2.
 - a. A nonconforming sign may be diminished in size or dimension without jeopardizing the privilege of nonconforming use. A change solely in the wording of the copy of a nonconforming sign shall not constitute an alteration for purposes of this section, unless the result of the change would cause the sign to be reclassified to a type of sign subject to different or more restrictive regulation.
 - b. Routine repair to maintain a nonconforming sign in a safe and aesthetic condition to the same extent as existed at the time of the enactment of this chapter and to continue the useful life of the sign shall not constitute an alteration for purposes of this chapter, unless the estimated cost of repair exceeds 50 percent of the appraised replacement cost of the entire sign prior to the repair, as determined by the Township. If the estimated cost of repair exceeds 50 percent of the appraised replacement cost, efforts to continue using the nonconforming sign shall thereupon terminate, and the sign shall be brought into full compliance with all applicable provisions and requirements of this chapter prior to further use.
 - c. The Planning Commission may permit an alteration of a nonconforming sign that may include an increase in the sign's advertising area if the alteration includes other changes which cause the sign to be more conforming or which result in other improvements in the sign and/or the sign structure, or in improvements in other signs on the same parcel of land.
 - i. In considering whether to approve an alteration under this subsection, the Planning Commission shall consider the following:
 - A. Whether and to what extent the alteration would reduce the total height or other dimension(s) of the sign;
 - B. Whether the alteration would replace a pole sign with a ground sign;
 - C. Whether the alteration would eliminate nonconforming features of the sign;
 - D. Whether the alteration would include changes that would lessen the potential for distraction of motor vehicle drivers;

- E. Whether the alteration would take place in conjunction with other signage improvements on the same parcel of land, including but not limited to the removal of another sign or signs, the reduction in the height, area or other dimension of another sign or signs, increasing the setback of another sign or signs or other improvements in existing signage; and
 - F. Whether the alteration would result in other significant improvements in the sign that is proposed to be altered, or as to another sign or signs located on the same parcel of land.
- ii. An applicant seeking such approval shall file an application, together with the required fee and zoning escrow deposit. The application shall include a detailed site plan that complies with Section 30.4.2. The site plan shall provide the information required by Section 30.4.2 for each existing and proposed sign on the same parcel of land, except as to any matters that the Planning Commission determines are not necessary for the making of a decision.
 - iii. The Planning Commission shall consider and make a decision to approve, deny or approve with conditions a proposed alteration of a nonconforming sign at a public meeting, though a public hearing shall not be required unless the Planning Commission determines to convene a hearing. In such case, the notice given for a public hearing shall be the same as that required by this Ordinance for a hearing on a special land use.
- d. In no event shall the alteration of a nonconforming sign result in an increase in the nature or extent of any aspect of the sign's nonconformity, except to the extent permitted, if at all, by the Planning Commission under the procedures specified above in subsection c.
- 3. **Signs Accessory to Nonconforming Uses.** A sign that is accessory to a lawful nonconforming use may be erected in the Township in accordance with the sign regulations for the zoning district in which the property is located.
 - 4. **Damage or Destruction.** If a nonconforming sign is damaged or destroyed by fire, explosion, flood, wind or other calamity, the sign may be restored to the condition that existed immediately prior to the damage or destruction, unless the estimated cost of restoration or replacement exceeds 50 percent of the appraised replacement cost of the entire sign prior to the loss, as determined by the Township. If the estimated cost of restoration or replacement exceeds 50 percent of the appraised replacement cost, the right to continue using the nonconforming sign shall thereupon terminate, and the sign shall be brought into full compliance with all applicable provisions and requirements of this chapter prior to further use.

CHAPTER 32
NONCONFORMING STRUCTURES AND USES

Section 32.1. Intent and Purpose. This chapter regulates nonconforming structures and nonconforming uses as defined by this Ordinance.

Alterations to nonconforming structures, and changes to nonconforming uses are permitted only as specifically provided in this chapter. Unless permitted by this chapter or permitted elsewhere in this Ordinance, structures and uses which do not comply with the current provisions of this Ordinance shall be brought into immediate compliance. This chapter does not apply to nonconforming signs, which are addressed in Chapter 30 of this Ordinance.

Section 32.2. Nonconforming Structures. A nonconforming structure may be continued even though the structure does not comply with the provisions of this Ordinance or any relevant amendment thereto, subject to the following:

1. **Changes to Nonconforming Structures.**
 - a. A nonconforming structure shall not be enlarged, expanded or increased in a manner that will increase or enlarge the nature or extent of the nonconformity.
 - b. A structure which is a nonconforming structure because it does not comply with minimum required setback distances on one or more sides of the structure may be expanded on the other sides of the structure which are conforming, subject to applicable setback requirements for those other sides.
 - c. An increase in the length or height of a side of a structure which does not comply with current setback requirements is an increase or enlargement of the nature or extent of the nonconformity, and is not permitted.
 - d. A nonconforming structure which is moved, in whole or in part, to another location on the lot shall comply with all current regulations of the zoning district in which the lot is located.
 - e. A nonconforming structure may be altered, modernized, restored or otherwise improved if such change will have no effect upon, or will reduce, the nonconforming characteristics of the structure. Once a nonconforming structure has been altered or modified in a manner that eliminates, removes, or lessens any of its nonconforming characteristics, then such nonconforming characteristics shall not be subsequently re-established or increased.
2. **Maintenance of Nonconforming Structures.** A nonconforming structure may be maintained, repaired or restored to a safe condition, but any such action shall not increase the extent of the nonconformity.

3. **Casualty or Damage to Nonconforming Structures.** If a nonconforming structure is damaged by wind, fire, or other casualty then such structure may be restored or reconstructed, but only to the extent of the size and location of the structure as it existed prior to such damage or destruction, plus only such expansion that would be permitted under subsection 1 of this section, and its use may then be resumed or continued, provided that such restoration or reconstruction shall be commenced by physical improvement on the site not later than one year after the occurrence of the casualty and shall be diligently pursued thereafter to completion of the structure.

Section 32.3. Nonconforming Uses. A nonconforming use of any lot or parcel, or the use of any structure located thereon, may be continued even though the use of such lot or parcel, or such structure located thereon does not comply with the provisions of this Ordinance or any relevant amendment thereto, subject to the following:

1. **Expansion within a Structure.** A nonconforming use may be expanded or extended throughout any parts of a structure which were manifestly arranged or designed for such use at the effective date of this Ordinance or any relevant amendment thereto, but only if any additional parking required by this Ordinance for such expansion can be accommodated within existing parking areas.
2. **Limited Expansion of a Structure.** A structure in which a nonconforming use is being conducted may be enlarged by not more than 50 percent of the floor area devoted to the nonconforming use and used for such nonconforming use, if such extension or enlargement is made on lands which were owned by the owner of the nonconforming use at the effective date of this Ordinance, or any relevant amendment thereto. Such expansion shall comply with all applicable yard, off-street parking and other requirements.
3. **Casualty Damage to a Structure Containing a Nonconforming Use.** If a structure which conforms with the provisions of this Ordinance, but which is used for or occupied by a nonconforming use, is damaged by fire, wind, or other casualty, then notwithstanding the other provisions of this section, the structure may be restored or reconstructed to the extent of the size and location existing prior to such damage or destruction, and the nonconforming use may then be resumed or continued, provided that such restoration or reconstruction shall be commenced (by physical improvement on the site) not later than one year after the occurrence of the casualty and shall be diligently pursued to completion.
4. **Maintenance of a Structure Containing a Nonconforming Use.** This chapter shall not prevent the maintenance, repair, strengthening or restoring to a safe condition of any structure or any part thereof in which a nonconforming use is being conducted.
5. **Re-establishing a Nonconforming Use.** If a nonconforming use of any lot, parcel or structure is terminated and is replaced by a permitted use, the nonconforming use shall not later be re-established.

6. **Discontinuance of a Nonconforming Use.**

- a. If a nonconforming use of a lot, parcel or structure is discontinued or abandoned for at least one year, the structure, or the structure and land in combination, shall not thereafter be used except in compliance with the provisions of the zoning district in which the structure, or structure and land in combination, are located. This subsection 6 shall not apply in cases of damage by casualty if timely restoration is undertaken as provided in subsection 3.
- b. A nonconforming use shall be determined by the Zoning Administrator to be abandoned if, after a period of at least one year from the time the use is discontinued, there is evidence of intent to abandon, including disconnection of utilities, removal of signs or other advertising, absence of efforts to sell a business, disrepair of buildings and grounds, removal of inventory, equipment or other items necessary for the use, failure to occupy the premises or other actions or conditions which demonstrate an intent to abandon the nonconforming use.

7. **Removal of Structure Containing Nonconforming Use.** Except as provided in subsection 3, the removal or destruction of the structure in which a nonconforming use is conducted shall terminate the nonconforming use.

8. **Changing to Another Nonconforming Use.** A nonconforming use shall not be changed to another nonconforming use.

CHAPTER 33
ADMINISTRATION AND ENFORCEMENT

Section 33.1. Administrative Officials. The Zoning Administrator shall administer and enforce the provisions of this Zoning Ordinance. The Zoning Administrator or in his or her absence, the Township Supervisor, is authorized to designate the building inspector and other assistants and agents to aid him or her in the enforcement and administration of this Zoning Ordinance.

Section 33.2. Permits, Zoning Compliance and Change of Use.

1. No activity which requires the issuance of a zoning compliance or change of use permit shall be undertaken until such permit has been obtained from the Zoning Administrator. Activities requiring a zoning compliance or change of use permit shall include:
 - a. The erection, movement, placement, reconstruction, extension, enlargement or alteration of any building or structure in any zoning district.
 - b. The initial use of any property.
 - c. The change of any building or property from one type of use to a different type of use.
 - d. Site grading, excavation or filling in preparation for construction.

An application for permit shall be in writing upon printed forms furnished by the Township. The forms shall indicate the type of activity requiring approval and the approval(s) requested by the applicant.

A zoning compliance or change of use permit issued by the Zoning Administrator is nontransferable and must be obtained before any work, excavation, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Administrator. If approved, the Zoning Administrator shall provide the applicant with a compliance card signed by the Zoning Administrator stating, as applicable, the type of activity and the extent of the work authorized. This card shall be attached to and remain on the lot or premises during the process of any authorized work.

A building permit issued by the building inspector, if that official is other than the Zoning Administrator, may serve as the zoning compliance and change of use permit. The building permit and posted construction card must be signed by both Zoning Administrator and building inspector, and the appropriate indications of approved activities and/or use changes appear in writing on the building permit and construction card.

2. **Contents of Application.** Each application shall include such reasonable information as may be requested by the Zoning Administrator in order to determine

compliance with the terms and provisions of this Ordinance and shall include, as a minimum, the following information: (1) the location and actual dimensions of the lot or premises to which the permit is to apply; (2) the kind of buildings or structures to which the permit is to apply; (3) the width of all abutting streets; (4) the area, size and location of all buildings or structures to which the permit is to apply; (5) the type of use to be made of the building or structure to which the permit is to apply; (6) the use of buildings or structures on adjoining lands; and (7) the estimated cost of the building or structure. The Zoning Administrator, in his or her discretion, may waive the inclusion of any of the foregoing information in an application if it is determined that such information is not reasonably necessary to determine compliance with the terms and provisions of this Ordinance.

3. **Accessory Buildings or Structures.** Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building, shall not require the issuance of a separate zoning compliance permit. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended enlarged or altered separately or at a different time than the principal building on the same lot or premises.
4. **Other Approvals.** When the terms of this Ordinance require authorization as a special use and/or site plan by the Planning Commission or Site Plan Review Committee, variance or special exception approval by the Zoning Board of Appeals, other official body having zoning authority under this Ordinance, or a court of law, the Zoning Administrator shall not issue a zoning compliance or change of use permit until such authorization has been made and documented in the public record.

Section 33.3. Building Permits and Certificates of Occupancy Required. It shall be unlawful for any person to commence construction, alteration or conversion of any building, dwelling, structure or parking area, or to make structural changes in any existing building, dwelling or structure, without first obtaining a building permit from the building inspector. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code. No plumbing, electrical or drainage permit shall be issued until the building inspector has determined that the plans and designated use indicate that the structure and premises, if constructed and used as planned and proposed, will conform with the provisions of this Ordinance.

In addition it shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended or erected, until the building inspector shall have made an inspection of the premises and issued a Certificate of Occupancy stating that the structure complies with this Ordinance and filed a copy thereof in the office of the Township Clerk.

The following additional provisions shall govern the issuance of building permits and certificates of occupancy:

1. Development requiring site plan review or any other type of zoning review approval under the authority of this Ordinance shall not receive a building permit until it has received the necessary Township approvals and a certificate of zoning compliance from the Zoning Administrator.
2. **Issuance.** No building permit or certificate of occupancy shall be issued by the building inspector unless there is compliance with this Ordinance and other applicable ordinances and laws, decisions of the Planning Commission, Zoning Board of Appeals, Township Board or court decisions.
3. **Revocation.** The building inspector may revoke a building permit or certificate of occupancy in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material fact(s) in the application or plans upon which the permit of approval was based.
4. **Suspension.** The building inspector may suspend a building permit or certificate of occupancy where an administrative determination has been duly made that an error or omission on either the part of the permit applicant or government agency existed in the issuance of the permit or certificate. A new permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.
5. **Notice and Appeal.** All building inspector decisions concerning the issuance, revocation, or suspension of building permits and certificates of occupancy pursuant to this Ordinance shall be stated in a written notice to the permit applicant. Any decision of the building inspector with regards to this Ordinance may be appealed to the Zoning Board of Appeals.

Section 33.4. Building Permit Applications. Every application for a building permit shall be made as required by the building code and shall designate the existing and/or intended use of the structure or premises or part thereof which it is proposed to alter, erect or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by an ink, blue-print or photostat copy of drawings, drawn to scale, showing the actual lines, angles and dimensions of the lot to be built upon or used, the exact size and location on the lot of all existing and proposed structures and uses, together with their specifications, and any other information with respect to the lot and adjoining property required by the building inspector. In cases of minor alterations to existing structures, the building inspector may waive any of the requirements of this paragraph obviously not necessary for his determination of its compliance with this Ordinance.

Section 33.5. Nuisance Per Se. Any building or structure erected, altered, razed, converted, moved or maintained, or any use of land, building or structure carried on or maintained in violation of any provision of this Ordinance is a nuisance per se.

Section 33.6. Municipal Civil Infraction.

1. A person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50, plus costs and

other sanctions, for each violation (as authorized by Section of 7(b) of the Michigan Zoning Enabling Act, Public Act 110 of 2006 and the Grand Rapids Charter Township Municipal Civil Infraction Ordinance, as amended).

2. Repeat offenses under this Ordinance shall be subject to increased fines as provided by this section, below. As used in this section, “repeat offense” means a second (or any subsequent) violation of the same requirement or provision of this Ordinance (i) committed by a person within any 90-day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
 - a. The fine for any offense which is a first repeat offense shall be not less than \$250, plus costs.
 - b. The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be not less than \$500 each, plus costs.
3. Each day on which any violation of this Ordinance continues constitutes a separate offense subject to separate sanctions.
4. The building inspector is hereby designated as the authorized Township official to issue municipal civil infraction citations for violations of this Ordinance, as provided by the Grand Rapids Charter Township Municipal Civil Infraction Ordinance.
5. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Ordinance.

Section 33.7. Cease and Desist Orders. The Zoning Administrator shall have the authority to issue a cease and desist order in the form of a written notice for the violation of any provision of this Zoning Ordinance. A cease and desist order may be issued to any person referred to in Section 33.2 hereof. Such cease and desist order shall become effective once it has been posted on the property where the violation has occurs and a copy of the notice has been sent to the person involved by first class mail at the persons last known address. Once a cease and desist order is effective, any use or work done in violation of the Zoning Ordinance shall stop immediately and shall not be recommenced until the Zoning Administrator issues a written notice dissolving the cease and desist order. Any person who violates a cease and desist order shall be responsible for a municipal civil infraction as authorized above. Any decision of the Zoning Administrator regarding a cease and desist order may be appealed to the Zoning Board of Appeals. A cease and desist order shall be in addition to the other violation penalties and remedies provided in this Ordinance and chapter.

Section 33.8. Publication and Delivery of Notice of Public Hearing. Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

1. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
2. For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
 - a. The applicant;
 - b. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application; and
 - c. The occupants of all structures within 300 feet of the property that is the subject of the application.

If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.

3. The notice of public hearing shall include the following information:
 - a. A description of the nature of the application or request.
 - b. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
 - c. State when and where the application or request will be considered.
 - d. Identify when and where written comments will be received concerning the application or request.

CHAPTER 34
BOARD OF ZONING APPEALS

Section 34.1. Creation and Membership. A Board of Zoning Appeals of five members is hereby established as provided in and having the powers given by Act 184 of the Public Acts of Michigan of 1943, as amended, and by this Ordinance. Each member shall receive such sum for his services in attending each regular or special meeting of the Board as the Township Board may from time to time establish in accordance with said Act 184.

Section 34.2. Rules of Procedure. The Board may adopt rules and regulations, copies of which shall be made available to the public at the office of the board.

1. Meetings of the Board shall be held within a reasonable time following the presentation of matters to the Board for its consideration and at such other times as the Board may determine. The time and place of meetings shall be specified by the Board in its rules and regulations.
2. The presence of three members shall constitute a quorum. The Board shall act by resolution and the concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the building inspector or to decide in favor of the applicant on any matter upon which it is required to pass by this Ordinance, or to grant variations from the requirements of this Ordinance; provided, however, that a use variance shall not be granted unless approved by at least a two-thirds vote of the members of the Board.
3. The Board shall keep minutes of its proceedings showing the action of the Board and the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of any other official action, all of which shall be filed promptly in the office of the Township Clerk and shall be a public record.
4. The Board may call on any other officers or Boards of the Township for assistance in the performance of its duties.
5. For a period of 90 days following a decision by the Board, no reconsideration of that decision shall be given unless the Board, in its sole discretion, determines that there has been a material change in applicable facts and circumstances.

Section 34.3. Jurisdiction. The Board of Appeals, in conformity with the provisions of this Ordinance and of Act 184 of the Public Acts of 1943, as amended, may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers to hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The Board of Appeals shall have no jurisdiction or authority over or with regard to any aspect or part of a request for approval of a special land use or planned unit development and shall have no jurisdiction or authority to hear an

appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.

Section 34.4. General. Except as otherwise specifically provided by this Ordinance, the Board may grant a variance from the provisions or requirements of this Ordinance only if the Board finds from reasonable evidence that all of the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
3. That authorizing such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purposes of this Ordinance or the public interest.
4. That the condition or situation of the piece of property or the intended use of said property, for which the variance is sought, makes impracticable the formulation of a general regulation for such condition or situation.

Section 34.5. Special Exceptions. The Board of Appeals, after public hearing, shall have the power, if it finds from the evidence presented that the erection or conversion of a building or structure or the use of property for one of the special exceptions herein authorized will not be of substantial detriment to adjacent property, but without making the findings set forth in Section 34.4 which are applicable to variances, to grant the special exceptions heretofore authorized in this Ordinance and, in addition, may authorize the following additional special exceptions provided the specific conditions herein set forth in relation to a special exception are met and complied with and, provided further, that there is compliance with any conditions of approval attached by the Board of Appeals as authorized by Section 34.6:

1. The vertical extension of a building existing at the time of enactment of this Ordinance to such height as the original drawings of said building indicated, provided such building was actually designed and constructed to carry the additional stories necessary for said height limit.
2. The erection or structural alteration, in a district where such use is permitted, of a water tank, or other utility structure, excluding wireless communications facilities, to a height over the limit specified for such district.
3. The enclosure of an existing open front porch where said enclosure is in character with the adjoining neighborhood.

4. The erection of a two family dwelling or the conversion of an existing dwelling into a two family dwelling provided that at least the following minimum conditions are met:
 - a. The minimum lot area shall be not less than 150 percent of the minimum number of square feet required for a single family residence in the district involved.
 - b. The minimum lot width at the building line shall be equal to at least 150 percent of the minimum lot width required for a single family residence in the district involved.
 - c. The minimum floor area in each dwelling unit shall be not less than the minimum floor area required for the same type of building if used for single family residential purposes in the district involved.

This subsection shall not apply to accessory dwellings as defined and regulated under the procedures and standards of Chapter 24.

5. Authorization for any part of any building or structure declared to be unsafe by the building inspector to be strengthened or restored to a safe condition.
6. The occupant of a one family dwelling to furnish lodging or meals and lodging for compensation for not more than two persons who regularly live in such dwelling, other than members of the family.

Section 34.6. Conditions of Approval, Revocation of Approval and Time Limits. In authorizing a variance or exception, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment of the buildings or premises or such other matters as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest.

Approved variances shall be null and void if conditions of approval are not adhered to. Approved variances shall also be null and void if not significantly and material acted upon with all conditions of approval met within one year of the date of approval.

Section 34.7. Procedure. The following procedure shall be required for a variance or a special exception:

1. An appeal from any ruling of the Zoning Administrator, building inspector or other administrative officer, commission or committee administering any portion of this Ordinance may be taken by any person or any governmental department affected or aggrieved.

2. An application for a variance or a special exception authorized by this Ordinance may be taken by any person, or governmental department having any legal interest in the property concerned.
3. The Board of Appeals shall not consider any application or appeal without the payment by the applicant or appellant to the Township Treasurer of a fee as determined by resolution of the Township Board. Such application or appeal shall be filed with the building inspector who shall transmit the same, together with all plans, specifications and other papers pertaining to the application or appeal, to the Board of Appeals.
4. When an application or appeal has been filed in proper form and with the required data, the secretary of the Board shall, within a reasonable time, place the application or appeal upon the calendar for hearing and cause notices of the public hearing to be published and delivered in accordance with Section 33.8 of this Ordinance. Any interested party may appear at such hearings in person or by agent or by attorney.
5. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

Section 34.8. Decision of the Board. The Board shall decide all applications and appeals within 30 days after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant or appellant, and to the building inspector. Such decision shall be binding upon the building inspector and be observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

Section 34.9. Stay of Proceedings. An appeal taken to the Board shall stay all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board of Appeals after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board of Appeals or by the circuit court on application, after notice to the building inspector.

Section 34.10. Alternate Members. Pursuant to Michigan Zoning Enabling Act, the Township Board shall appoint two alternate members to the Board of Zoning Appeals ("Board"). The Township Supervisor ("Supervisor") shall call one or both of the alternate members to serve on the Board by such method or in such manner as the supervisor deems appropriate, whenever the supervisor is informed that one or more regular members of the Board will be unable to attend one or more meetings or will abstain for reason of conflict of interest in a particular matter before the Board.

Whenever a regular member is not available or will abstain for reason of conflict of interest in a particular matter and is replaced by an alternate member, the regular members shall not be included for purposes of determining a quorum or majority of the members of the Board, but that alternate members shall be included. Whenever an alternate member is called to serve because a regular member will obtain for reason of conflict of interest, the alternate member shall serve only to hear and decide the matter giving rise to the conflict of interest and shall not hear or decide any other matters before the Board. For service on the Board for all or part of any regular or special meeting, an alternate member shall receive the same sum as is paid to regular members for attending a regular or special meeting of the Board.

Section 34.11. Special Exception Uses for Reasonable Accommodations for Dwellings for Persons with Disabilities.

1. **Purpose; Policy of Township.**
 - a. This Ordinance shall in every instance be construed, applied and enforced in a manner consistent with applicable federal law, including but not limited to, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988 (the "Fair Housing Act"), 42 U.S.C. §§3601-3619; and Title II of the Americans With Disabilities Act (the "ADA"), 42 U.S.C. §§12131-12134.
 - b. It is the policy of the Township that the Zoning Administrator, Planning Commission, Zoning Board of Appeals, and other Township officials with zoning-related responsibilities, shall make reasonable accommodations in the policies, practices and procedures of their offices or bodies, so that handicapped or disabled persons or a provider of housing for a handicapped or disabled person are not discriminated against and are afforded an equal opportunity to use and enjoy dwellings.
 - c. This section provides for the granting of a special exception use by the Zoning Board of Appeals (the "Board of Appeals"), for the purpose of implementing the Township's policy that reasonable accommodations shall be made in the zoning policies and practices of the Township so that handicapped or disabled persons, or those providing housing for them, shall not be discriminated against by reason of any such handicap or disability in the use and enjoyment of dwellings in the Township.
2. **Definitions.** Words and phrases used in this section shall have the meanings as provided by the Fair Housing Act and ADA, or otherwise by this Ordinance.
3. **Request for Reasonable Accommodations; Application.**
 - a. In order to make specific housing available to one or more individuals with disabilities, a disabled person or a person or provider acting on behalf of an individual with a disability (collectively "Applicant") may request a

reasonable accommodation relating to this Ordinance as applied to a dwelling.

- b. If an Applicant has a disability or acts on behalf of an individual with a disability which entitles such Applicant to protection under the ADA or the Fair Housing Act, and the use and enjoyment of the dwelling requires an exception from this Ordinance as a “reasonable accommodation,” as defined by appropriate federal statutory authority or relevant case law in effect at the time, the Applicant may apply for a special exception use for a reasonable accommodation.
- c. The Applicant shall apply for the special exception use on a form provided by the Township and shall provide all information requested by the Township with respect to the proposed special exception use. If requested by the Applicant, the Zoning Administrator shall, in a timely manner, assist the Applicant in obtaining information required for the information required for the purpose of the application, and if requested, shall assist in the filling out of the application.
- d. A written application for the special exception use for reasonable accommodation shall include the following information:
 - i. The current zoning of the property on which the dwelling is located.
 - ii. The name of the owner of the property and the dwelling (if other than the Applicant); if the Applicant is not the owner, but resides or will reside in the dwelling, written evidence, such as a lease or rental agreement, that the Applicant has the right to occupy the dwelling.
 - iii. The nature of the disability that requires the reasonable accommodation. If the specific persons who are expected to reside in the dwelling are not yet known to the Applicant, the application shall include details describing the expected range of disabilities of prospective residents of the dwelling.
 - iv. The specific type of accommodation requested by the Applicant, with sufficient detail to enable the Board of Appeals to evaluate all that is requested with respect to reasonable accommodation. The application shall include information as to the impact of the reasonable accommodation on adjacent and nearby lands and uses; the number of persons who are expected to be availing themselves of the reasonable accommodation; and any other information which would assist the Board of Appeals in determining the reasonableness of the accommodation.
 - v. Whether the proposed reasonable accommodation would require any additional approval from the Township or other government body.

- vi. Any other information reasonably requested by the Zoning Administrator to determine the Applicant's qualification for the requested reasonable accommodation.

4. Confidentiality of Medical Information.

- a. If the information provided by the Applicant includes medical information or records of the Applicant or proposed residents, including records indicating the identity, medical condition, diagnosis or medical history, the Applicant may, at the time of submitting such medical information, request that the Township, to the extent permitted by law, treat such medical information as confidential information of the Applicant and/or proposed residents.
- b. In the case of such a request as to confidentiality of medical information provided by the Applicant, the Board of Appeals shall, to the extent permitted by law, review and discuss such medical information only in a closed session. That part of the meeting and public hearing that does not include the information requested to be kept confidential shall be conducted in public session.

5. Recommendation by Zoning Administrator.

- a. Within 30 days after submission of a complete application, the Zoning Administrator shall review the application and make a written recommendation to the Board of Appeals, stating the reasons that the request for the special exception use should be approved, approved with conditions or denied. A copy of the recommendation shall be provided to the Applicant.
- b. After receiving the recommendation, the Board of Appeals shall conduct a hearing on the application, with prior notice being given by publication and U.S. mail, in the same manner and to the same extent provided by the Michigan Zoning Enabling Act for an appeal to the Board of Appeals.

6. Decision by Board of Appeals.

- a. After the public hearing, the Board of Appeals shall approve, approve with conditions or deny the application for the special exception use. The decision of the Board of Appeals shall be based on the following factors:
 - i. Whether the requested reasonable accommodation is necessary to afford a person or persons with a disability an equal opportunity to use and enjoy a dwelling.
 - ii. Whether the requested accommodation would require other approval on the part of the Township under the terms of this Ordinance or other applicable Township ordinances and, in that case, the Board of Appeals shall identify such other required approval.

- iii. Whether, if such is the case, the Board of Appeals determines that the stated handicap or disability may be reasonably accommodated by means or procedures of lesser scope and impact than those requested by the Applicant; and if so, the Board of Appeals shall identify the reasons that such lesser accommodation would nonetheless afford the Applicant an equal opportunity to use and enjoy the dwelling.
 - iv. Whether the requested accommodation would impose undue administrative or financial burdens on the Township.
7. **Decision.** The Board of Appeals shall adopt a resolution stating its decision on the application for the special exception use; the resolution shall include the grounds for approving, approving with conditions or denying the application.
8. **Special Exception Use Limited to Applicant.**
- a. The special exception use, if approved, shall be granted to only the Applicant. If the dwelling involved is sold, otherwise changes ownership, or is leased to a party other than the Applicant, or if the Applicant no longer lives in the dwelling, the reasonable accommodation is not transferrable to a different property owner, lessee or any other third party. In the event of any sale of the property, lease of the dwelling to another party or the departure of the Applicant from the premises, the property owner shall promptly notify the zoning administrator.
 - b. If a new property owner or new occupant of the dwelling desires to continue the reasonable accommodation because that person is handicapped or disabled, the Township shall provide the new owner or lessee an opportunity to renew and/or modify the reasonable accommodation, in accordance with the requirements and procedures of this section. If, however, the existing reasonable accommodation is not renewed or modified within 60 days from the date of the change in ownership, new lease, departure of the Applicant from the premises or otherwise, the reasonable accommodation shall lapse and be of no further effect, whereupon the dwelling shall then comply with all applicable requirements of this Ordinance.
9. **Effectiveness of the Special Exception Use.**
- a. The special exception use for the reasonable accommodation shall be in force and effect so long as the Applicant owns and/or resides in the dwelling. The reasonable accommodation shall be limited to the number of persons availing themselves of the reasonable accommodation, as approved by the Board of Appeals.
 - b. If the number of persons for whom the reasonable accommodation in or at the dwelling materially increases from the number of persons specified in the special exception use as approved by the Board of Appeals, a new application

for such additional or modified reasonable accommodation shall be submitted, and the consideration and decision thereon shall proceed in the same manner and to the same extent as is provided for an original application.

10. **Public Funds.** No provision of this section shall require the Township to expend any public funds to achieve a reasonable accommodation except and to the extent required by applicable federal law.
11. **Maintenance of Records.** The Township shall maintain files and records of all applications for a special exception use for reasonable accommodation, the Township's responses thereto and all proceedings resulting from such applications.
12. **Additional Fees or Charges.** Other than a reasonable application fee, the Township shall not impose any additional fees, costs or charges, nor shall it retaliate in any way, against any person who has exercised his or her right under the Fair Housing Act or the ADA to apply for one or more special exception uses for reasonable accommodation.

CHAPTER 35 AMENDMENTS

Section 35.1. Procedure. Amendments and supplements to this Zoning Ordinance may be initiated by the Township Board upon its own motion, by the Township Planning Commission, or may be proposed for consideration by the owner(s) of, or those having a legal interest in, real estate within the Township, and all amendments to this Ordinance with reference to the text thereof or the zoning of the land as appears on the zoning map shall be made in the same manner as provided in Act 184, Public Acts of 1943, as amended, for the enactment of this Ordinance, except that the public hearing conducted by the Township Board shall not be necessary unless a request in writing is made by a property owner.

Section 35.2. Application for Rezoning. Any property owner or other person having a legal interest in a property in the Township may file a petition with the Township Planning Commission at any time requesting a change in “The Zoning District Map” or in the text of this Ordinance as applied to the property. Such application must contain the original signatures of the applicants and shall state clearly and concisely:

1. The change desired.
2. The reason therefore.
3. The precise description of the boundaries of the property requested to be changed.
4. The name and address of each petitioner and a description of the property owned by each petitioner.
5. The ordinance text which would be corrected by the proposed amendment, with a detailed explanation of the reasons why the proposed amendment is requested.
6. Any changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare; and all other circumstances, factors and reasons which the petitioner offers in support of the proposed amendment.
7. A development plan for the property subject to a rezoning request and the use that the property will be put to if it is rezoned. (This may be shown by maps, drawings, plot plans and renderings which accompany the application.)

A fee, as determined by resolution of the Township Board, shall be charged any such person who appears, or makes any request to change the zoning map or zoning text.

**CHAPTER 36
SEPARABILITY**

Section 36.1. Separability. Sections of this Ordinance shall be deemed separable, and should any section, clause or provisions of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

CHAPTER 37
CONFLICTING ORDINANCES REPEALED

Section 37.1. Repeal. The Zoning Ordinance for the Charter Township of Grand Rapids, Kent County, Michigan, adopted July 17, 1979, as amended, is hereby repealed, and all other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are likewise repealed.

Adopted and approved by the Township Board of the Charter Township of Grand Rapids, Michigan, in regular session held on January 6, 2004. This Ordinance shall be effective on January 28, 2004, which date is more than seven days after publication of the ordinance as is required by Section 11a of Act 184, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 12 of Act 184, as amended.

Janice K. Hulbert
Township Clerk
Grand Rapids Charter Township