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Chesterfield Township  
Chapter 76  
Zoning Ordinance  
Adopted: September 21, 2020  
Amended: October 13, 2021

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# How to Use This Ordinance

## 1. Content Organization and Page Layout

The Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

**Article Tabs** link to the first page of each Article. **Green** tab indicates the Article in which the current page is located

**User Notes** provide helpful information for digital and hard copy formats. User Notes are always highlighted in gray

**Sections and subsections** contain the ordinance regulations in a hierarchal manner

**Blue bold font** links to standards in other sections of the Ordinance

**Graphics, figures, and tables** illustrate concepts or clarify regulations

**Pages** are numbered sequentially within each article

**Notes** provide relevant district information recommended for review

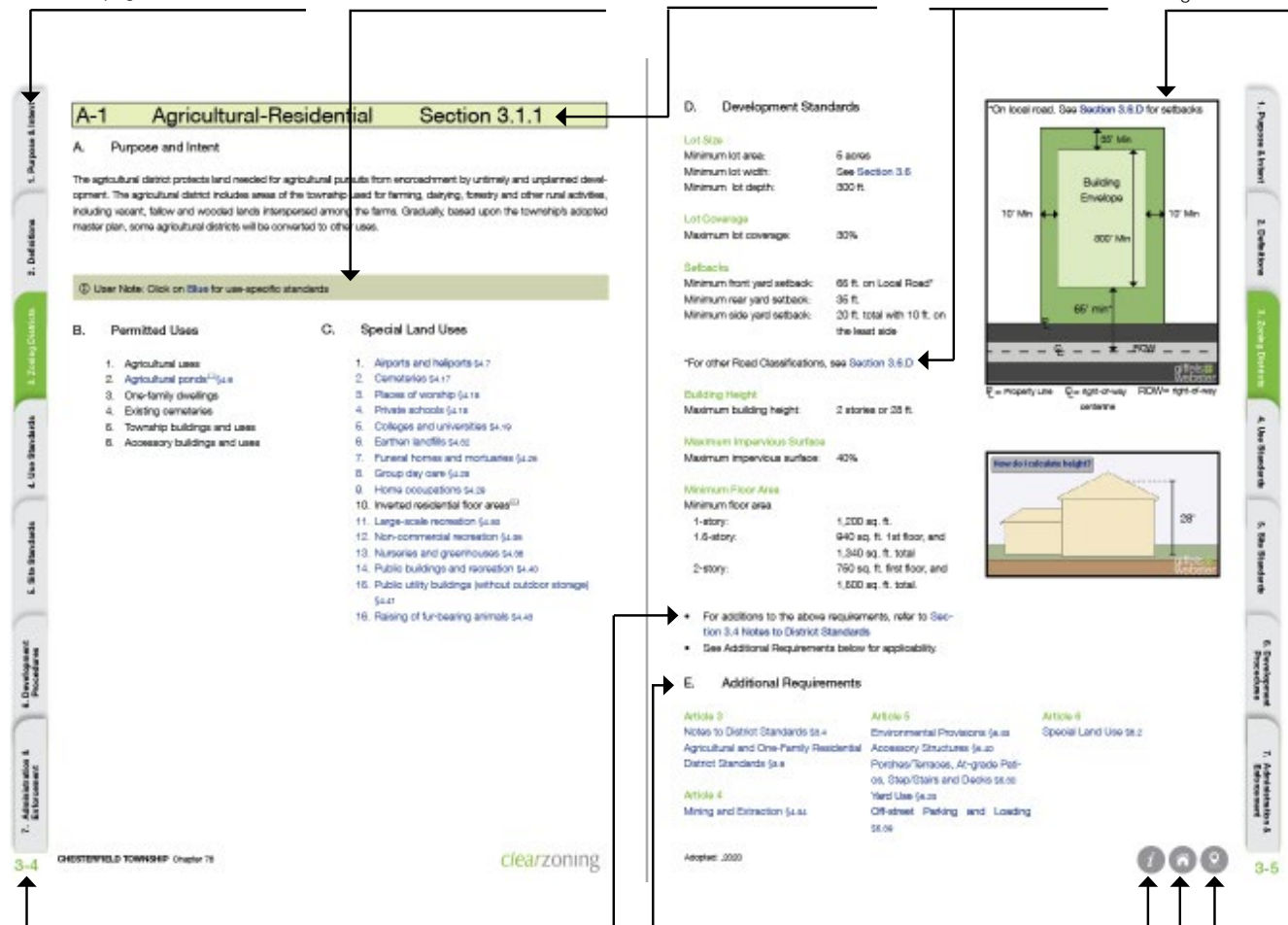
**Additional Requirements** list other sections or Ordinances that may pertain to a development in the district

**Link to How to Use This Ordinance**

**Link to Table of Contents**

**Link to Zoning Map**



# How to Use This Ordinance

## 2. Symbols and User Notes

The following symbols are used throughout the Zoning Ordinance:



Indicates the term is defined in [Article 2 Definitions](#). (Note: Not every defined term is designated with a  symbol. Consult Article 2 Definitions, for a list of all defined terms.)



Indicates there is a graphic that illustrates the standard or requirement.



Identifies a property line.



Identifies the right-of-way centerline.



Identifies the right-of-way.



Identifies a User Note that provides helpful information for all users.



Identifies a Digital User Note that provides helpful information for users with a digital version of the Zoning Ordinance.

# How to Use This Ordinance

## 3. Reading the Ordinance

- Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:
- Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may be discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- Article 2, Definitions, contains over 200 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- Conjunctions are often used and must be read accurately:
- AND indicates that all connected items, conditions, provisions or events shall apply.
- OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
- EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

**For more rules, see [Section 2.1 Construction of Language](#)**



### Digital User Note

#### What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.

If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

#### What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.

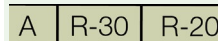
In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:



Article tabs located on the side of each page are linked to the Contents page of each Article.



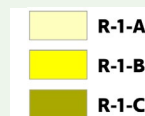
Icons located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in [Article 3](#).

#### How do I calculate height?

‘How do I calculate height’ button located on each district regulations page is linked to the definition of building height in [Article 2](#).



Zoning Map Legend headings are linked to the corresponding district regulations page in [Article 3](#).



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# Use Matrix

## 4. Residential Use Matrix

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in [Section 3.1](#), the latter will control.

P = Principal Permitted Use

S = Special Land Use

P\* As permitted in nearest one-family district

RESIDENTIAL USE MATRIX												
Uses	A	R-30	R-20	R-1-A	R-1-B	R-1-C	R-2	MHP	RM-1	RM-2	RM-3	HMR
Apartments <sup>Ⓜ</sup>									P	P	P	P
Agricultural Ponds <sup>Ⓜ</sup>	P	P	P	P	P	P		P*	P*	P*	P*	
Agricultural Uses <sup>Ⓜ</sup>	P	P							P*	P*	P*	
One-Family Dwellings	P	P	P	P	P	P		P*	P*	P*	P*	
Cemeteries, Existing	P	P	P	P	P	P		P	P	P	P	
Township Buildings and Uses	P	P	P	P	P	P		P	P	P	P	
Accessory Buildings and Uses <sup>Ⓜ</sup>	P	P	P	P	P	P	P	P	P	P	P	P
Airports and Heliports	S	S										
Cemeteries	S	S	S	S	S	S	S					
Cluster Housing		S	S	S	S							
Colleges and Universities	S	S	S	S	S	S	S		S	S	S	S
Convalescent or Nursing Home <sup>Ⓜ</sup>									S	S	S	
Day Care and Nursery Schools <sup>Ⓜ</sup>					S	S	S		S	S	S	S
Detached One-Family Planned Project									S	S	S	S
Earthen Landfills <sup>Ⓜ</sup>	S	S	S	S	S	S						
Funeral Homes and Mortuaries	S	S	S	S	S	S	S					
General Hospital									S	S	S	S
Group Day-Care <sup>Ⓜ</sup>	S	S	S	S	S	S	S					
Home Occupations <sup>Ⓜ</sup>	S	S	S	S	S	S						
Hotels and Motels												P
Housing for the Elderly or Senior Citizen Housing									S	S	S	S
Inverted Residential Structures <sup>Ⓜ</sup>	S	S	S	S	S	S						
Large Scale Recreation	S	S										

## RESIDENTIAL USE MATRIX

Uses	A	R-30	R-20	R-1-A	R-1-B	R-1-C	R-2	MHP	RM-1	RM-2	RM-3	HMR
Local Convenience												P
Mobile Home Parks <sup>ⓘ</sup>								P				
Multiplexes												P*
Non-Commercial Recreation	S	S	S	S	S	S	S					
Nurseries and Greenhouses <sup>ⓘ</sup>	S	S	S	S	S	S	S					
Personal Service Establishments												P
Places of Worship	S	S	S	S	S	S			S	S	S	S
Planned Unit Development <sup>ⓘ</sup>		S	S	S	S	S	S		S	S	S	S
Private Clubs, Fraternal Organizations		S	S	S	S	S	S		S	S	S	S
Private Schools	S	S	S	S	S	S			S	S	S	
Public Buildings and Recreation	S	S	S	S	S	S						
Public Utility Building without Storage	S	S	S	S	S	S	S		S	S	S	S
Raising of Fur-Bearing Animals	S											
Restaurants (excluding drive thrus and fast food) <sup>ⓘ</sup>												P
Theaters, Indoors												P
Townhouses <sup>ⓘ</sup>									P	P	P	
Touristhome, Lodging House, Boarding Home <sup>ⓘ</sup>									P	P	P	
Two-Family Dwellings <sup>ⓘ</sup>							P		P	P	P	



# Use Matrix

## 4. Non-Residential Use Matrix

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in [Section 3.1](#), the latter will control.

P = Principal Permitted Use

S = Special Land Use

NON-RESIDENTIAL USE MATRIX										
Uses	O-1	O-2	C-1	C-2	C-3	C-4	WF	RT	M-1	M-2
Accessory Buildings and Uses <sup>Ⓜ</sup>	P	P	P	P	P			P	P	P
Adult Bookstores, Adult Motion Picture Theaters, Adult Minimization Picture Theaters, Group D Cabarets, Hotels or Motels, Pawnshops, Pool or Billiard Halls, Public Lodginghouses, Secondhand Stores, Shoeshine Parlors and Taxi Dance Halls <sup>Ⓜ</sup>					S					
Amusement Device Centers <sup>Ⓜ</sup>				S	S	P				
Apartments <sup>Ⓜ</sup>						P				
Automotive Dealerships and Rentals					P					
Automobile Service and Repair Garages <sup>Ⓜ</sup>				S	S				S	S
Building Materials Store				P						
Car Washes <sup>Ⓜ</sup>					S					
Cemeteries	P									
Cemeteries, Existing	P									
Cluster Housing	P									
Coin-Operated Service Machines				P						
Colleges and Universities	P	S								
Community and Regional Retail Service <sup>Ⓜ</sup>				P	P	P				
Convalescent or Nursing Homes <sup>Ⓜ</sup>		S								
Day Care and Nursery Schools <sup>Ⓜ</sup>	P	S	S		P	P				
Drive-Through Facilities <sup>Ⓜ</sup>				S	S	P				
Drycleaning and Laundry Services			S		P					
Drycleaning Pick Up Services			P		P					
Engine and Hull Repair Shops <sup>Ⓜ</sup>							S			
Fuel stations for boats							S			
Funeral Homes and Mortuaries					P					
Gasoline Service Stations <sup>Ⓜ</sup>			P	P	S	S				

## NON-RESIDENTIAL USE MATRIX

Uses	O-1	O-2	C-1	C-2	C-3	C-4	WF	RT	M-1	M-2
General Merchandise Stores				P	P					
Health and Athletic Club						P				
Hotels and Motels					P					
Industrial, Light Manufacturing Uses <sup>Ⓜ</sup>						S			P	P
Industrial, General <sup>Ⓜ</sup>										P
Indoor Storage of Boats in a Permanent Structure.							P			
Inverted Residential Floor Area <sup>Ⓜ</sup>	P	P								
Junkyards <sup>Ⓜ</sup>										S
Landfills										S
Large Scale Recreation	P	P								
Libraries						P				
Local retail and service <sup>Ⓜ</sup>		P	P	P	P	P				
Marine Construction and Maintenance Equipment Use and Storage							S			
Membership Organizations				P						
Non-Commercial recreation	P	S								
Nurseries and Greenhouses	P	P		P					S	S
Office, Medical <sup>Ⓜ</sup>	P	P	P	P	P					
Office, Professional <sup>Ⓜ</sup>	P	P	P	P	P					
Offices for Contractors with Garages and Outdoor Storage								P	P	P
Office Retail Businesses		P								
One-Family Dwelling	P									
One-Family Dwelling (existing)								P	P	P
One-Family Dwelling (non-residential)	P		S	S	S	S	S	S	S	S
Open-Air Business					S					
Open Space <sup>Ⓜ</sup>						P				



# How to Use This Ordinance

## 4. Non-Residential Use Matrix

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in [Section 3.1](#), the latter will control.

P = Principal Permitted Use

S = Special Land Use

NON-RESIDENTIAL USE MATRIX										
Uses	O-1	O-2	C-1	C-2	C-3	C-4	WF	RT	M-1	M-2
Outdoor Storage <sup>☐</sup>									S	S
Outdoor Storage of Recreational Boats							P			
Outdoor Retail Sales of Plants				S						
Outdoor Sales of Vehicles and Mobile Homes					S					
Paint, Glass and Wallpaper Store				P						
Pilot Plants set up to demonstrate creative technologies that can serve as the basis for enlarged facilities elsewhere								P	P	P
Places of Worship <sup>☐</sup>	P	P		P	P	P				
Planned Unit Development <sup>☐</sup>	P	S	S	S	S		S	S	S	S
Private Clubs, Fraternal Organizations	P	S					S			
Private Schools	P	P								
Production of Prototype Products								P	P	P
Production Facilities and Operations with a High Degree of Technological Input, and determined to be an integral part of or essential to a permitted operation								P		
Public Beaches and Recreation Areas Directly Related to the Waterfront.							P			

## NON-RESIDENTIAL USE MATRIX

Uses	O-1	O-2	C-1	C-2	C-3	C-4	WF	RT	M-1	M-2
Public buildings and recreation	P	P								
Public or Private Facilities for the berthing, launching, handling or servicing of recreational boats							P			
Public Utility Building with Storage									S	S
Public Utility Building without Storage	P	S	S	P	S	S			P	P
Quilting for Individuals			P							
Racetracks										S
Recreation, Indoors					S	P				
Recreation Services					S					
Recreation Space (as part of planned development)				S		P				
Refuse Disposal Incinerators and Transfer Stations										S
Rental of Tools/Household Goods				P						
Repair Shops for Appliances					P					
Research, Development and Testing Facilities for Industrial, Scientific and Business Establishments								P		
Restaurants, Carry Out <sup>☞</sup>			S							
Restaurants, Standard <sup>☞</sup>		S					S			
Restaurants, Fast Food, Drive-Through <sup>☞</sup>					S					
Restaurants, Fast Food, Non-Freestanding, Enclosed <sup>☞</sup>				S		P				
Restaurants (excluding Drive Throughs and Fast Food)				P	P					



# How to Use This Ordinance

## 4. Non-Residential Use Matrix

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in [Section 3.1](#), the latter will control.

P = Principal Permitted Use

S = Special Land Use

NON-RESIDENTIAL USE MATRIX										
Uses	O-1	O-2	C-1	C-2	C-3	C-4	WF	RT	M-1	M-2
Sleeping Quarters for Security and Maintenance Personnel. Such quarters shall not be constructed as permanent housekeeping facilities or units for family living										P
Stack Storage							S			
Stadiums, Auditoriums, Outdoor Theaters										S
Storage of Flammables or similar hazardous materials, Bulk										S
Technical and Business Schools						P				
Theaters, Indoors						P				
Theaters, Motion Picture (excluding adult theaters)				P	P					
Warehousing and Wholesale Establishments, Storage <sup>1</sup>									P	P
Watch and Jewelry Repair			P							
Wireless Communication Towers <sup>1</sup>								S	S	S
Yard Clippings Compost Facilities <sup>1</sup>										S

# How to Use This Ordinance

## 5. District Summary Table

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width	Front Yard Setback* (For additional road classifications, (See Section 3.6.D))	Side Yard Setback	Rear Yard Setback
A	5 acres	See Section 3.6	65 ft. from local road	20 ft. total, 10 ft. on the least side	35 ft.
R-30	30,000 sq. ft.	110 ft.	65 ft. from local road	20 ft. total, 10 ft. on the least side	35 ft.
R-20	20,000 sq. ft.	100 ft.	65 ft. from local road	20 ft. total, 10 ft. on the least side	35 ft.
R-1-A	13,500 sq. ft.	90 ft.	65 ft. from local road	20 ft. total, 10 ft. on the least side	35 ft.
R-1-B	9,750 sq. ft.	75 ft.	60 ft. from local road	15 ft. total with 5 ft. on the least side	35 ft.
R-1-C	7,800 s ft.	65 ft.	60 ft. from local road	15 ft. total with 5 ft. on the least side	35 ft.
R-2	12,000 sq. ft.	80 ft.	60 ft. from local road	10 ft.	35 ft.
MHP	N/A				
RM-1	12,000 sq. ft.	100 ft.	120 ft.	50 ft.	50 ft.
RM-2					
RM-3					
HMR	12,000 sq. ft.	100 ft.	See Section 3.10.G		
O-1	12,000 sq. ft.	80 ft.	90 ft. from major road	0 ft.	20 ft.
O-2	15,000 sq. ft.	100 ft.	110 ft. from major road	0 ft.	20 ft.
C-1	12,000 sq. ft.	80 ft.	110 ft. from major road	0 ft.	30 ft.
C-2	5 acres	300 ft.	140 ft. from major road	40 ft.	60 ft.
C-3	15,000 sq. ft.	80 ft.	110 ft. from major road	0 ft.	40 ft.
C-4	Overall 50-100 Individual 1 acre	150 ft.	140 ft. from major road	20 ft.	30 ft.
WF	15,000 sq. ft.	100 ft.	110 ft. from major road	10 ft.	20 ft.
RT	20,000 sq. ft.	80 ft.	135 ft. from major road	20 ft.	30 ft.
M-1	20,000 sq. ft.	80 ft.	100 ft. from major road	0 ft.	20 ft.
M-2	20,000 sq. ft.	100 ft.	135 ft. from major road	20 ft.	20 ft.

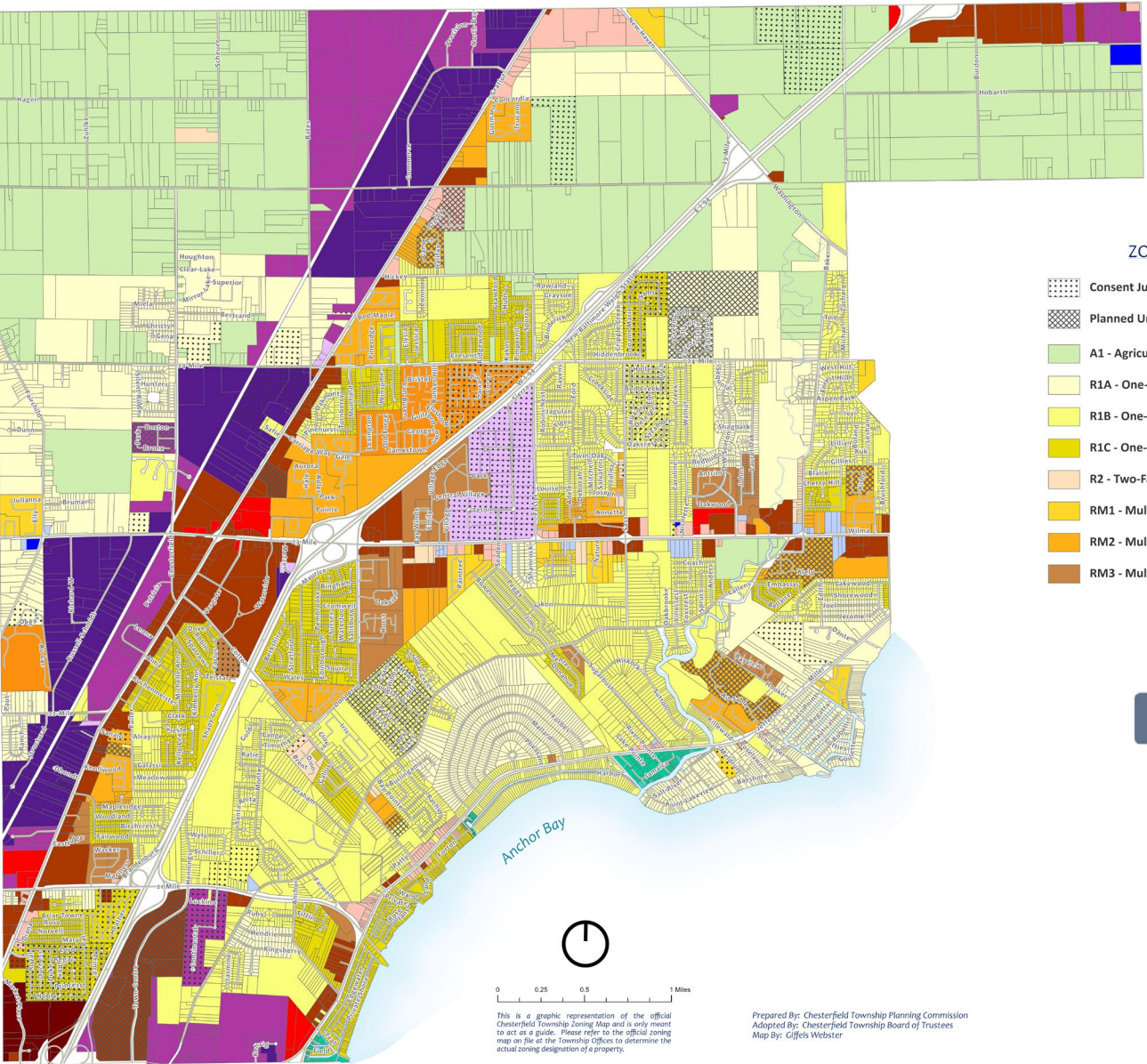
# Zoning Map

## MICHIGAN CHESTERFIELD TOWNSHIP

ZONING - CURRENT AS OF SEPTEMBER 2020

- |  |                                   |  |                                    |
|--|-----------------------------------|--|------------------------------------|
|  | Consent Judgment                  |  | MHP - Mobile Home Park Residential |
|  | Planned Unit Developments         |  | WF - Waterfront                    |
|  | A1 - Agricultural                 |  | O1 - Professional Office           |
|  | R1A - One-Family Residential      |  | O2 - General Office                |
|  | R1B - One-Family Residential      |  | C1 - Local Commercial              |
|  | R1C - One-Family Residential      |  | C2 - Planned Shopping Center       |
|  | R2 - Two-Family Residential       |  | C3 - General Commercial            |
|  | RM1 - Multiple-Family Residential |  | C4 - Multi-Use Commercial          |
|  | RM2 - Multiple-Family Residential |  | RT - Resource Technology           |
|  | RM3 - Multiple-Family Residential |  | M1 - Light Manufacturing           |
|  |                                   |  | M2 - General Manufacturing         |

[Interactive Zoning Map](#)



This is a graphic representation of the official Chesterfield Township Zoning Map and is only meant to act as a guide. Please refer to the official zoning map on file at the Township Offices to determine the actual zoning designation of a property.

Prepared By: Chesterfield Township Planning Commission  
Adapted By: Chesterfield Township Board of Trustees  
Map By: Giffels Webster



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# Chapter 76 | Article 1

## Purpose and Intent



# Article 1 - Purpose & Intent

- 1.1 Title and Citation ..... 1-3
- 1.2 Interpretation and Application ..... 1-3
- 1.3 Vested Right of Structures under Construction ..... 1-3
- 1.4 Conflicting Provisions ..... 1-3

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement





## Section 1.1 - 1.3

### 1.1 Title and Citation

This Ordinance shall be known and may be cited as the Chesterfield Township Zoning Ordinance. When making reference to a section in this ordinance, it shall begin with the chapter number. For example, this section shall be referenced as section 76-1.1.

### 1.2 Interpretation and Application

- A. Interpretation. The respective provisions of this chapter shall be interpreted and construed to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare. Wherever any provision of this chapter imposes more stringent requirements, restrictions or limitations than are imposed or required by the provisions of any other ordinance, then the provisions of this chapter shall govern. Whenever the provisions of any other ordinance impose more stringent requirements than are imposed or required by this chapter, then the provisions of such ordinance shall govern.
- B. Application. No building or structure, or part of a building or structure, shall be moved into the township, erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any structure or land, or part of such structure or land, except in conformity with the provisions of this article.

### 1.3 Vested Right of Structures under Construction

Any structure for which a building permit has been issued and construction begun, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of the ordinance from which this chapter is derived, may be completed and used in accordance with the plans and applications upon which the building permit was granted. Any such permit for a use which would be nonconforming under this chapter, or any amendment to this chapter, shall not be renewed if construction pursuant to such permit is not commenced within one year from the date of issuance of the permit.

### 1.4 Conflicting Provisions

Other ordinances and parts of ordinances in conflict with this chapter, to the extent of such conflict and no further, are hereby repealed. This chapter shall be construed to be a comprehensive amendment and reformatting of the Zoning Ordinance of the Township adoption by the Chesterfield Township Board of Trustees, and shall replace Chapter 76, Zoning, in the Chesterfield Charter Township Code of Ordinances.

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# Chapter 76 | Article 2

## Definitions

# Article 2 - Definitions

2.1 Construction of Language.....2-5  
 2.2 Definitions.....2-6

## Definitions A-B

- Abandonment
- Abutting
- Accessory building/structure
- Accessory use
- Activity
- Adult book store
- Adult motion picture theater
- Adult mini-motion picture theater
- A.E.G
- Agricultural pond
- Agricultural use
- Air Rights
- Airport
- Alley
- Alterations
- Alterations
- Amusement device
- Amusement device center
- Antenna
- Apartment
- Apartment building
- Architectural features
- Automobile repair
- Automobile wrecking yard
- Basement (cellar)
- Bed and breakfast establishment
- Berm
- Block
- Boat, recreational
- Buildable area
- Building
- Building envelope
- Building group
- Building height
- Building, main or principal
- Building, multiplex

## Definitions B-E

- Building official
- Building permits
- Building, temporary
- Canal
- Carport
- Car wash
- Car wash, automatic
- Cemetery
- Clinic
- Club, lodge, or fraternity
- Cluster development
- Commercial use
- Commission
- Community and regional retail and service establishments
- Community center
- Compost
- Composting
- Composting facility
- Condominium
- Convalescent or nursing home
- Court
- Deck
- Density
- Detached non-residential building
- Developer
- District
- Drive-in establishment
- Drive-through service facility
- Drive-up window facility
- Dwelling, multiple-family
- Dwelling single family
- Dwelling, two-family
- Dwelling unit
- Earthfill
- Easement
- Enclosed locked facility
- Equal degree of encroachment
- Erected

## Definitions E-G

- Essential services
- Excavation
- Facade
- Family
- Farm
- Farm buildings
- Farm operation
- Farm products
- Fence
- Filling
- Flea market
- Flood
- Flood frequency
- Floodplain
- Floodway
- Floodway fringe
- Floor area ratio
- Floor area, residential
- Foot candle
- Freeway
- Frontage
- Garage, private
- Garage, public
- Garage, storage
- Garbage
- Gas and service station
- Gasoline self-service station
- Gasoline service station
- Generally accepted agricultural and management practices
- Grade
- Grade, building
- Gross floor area
- Gross site area
- Group day care
- Group “D” cabaret



## Definitions G-L

Grubbing  
Hazardous substances  
Heliport, limited use  
Heliport, unlimited use  
Home occupation  
Hospital  
Hotel  
House, boarding  
House, rooming  
Household pet  
Impervious surface  
Indoor recreation facilities  
Industrial park  
Industrial, general  
Industrial, light  
Industrial research  
Interstate highway  
Inverted residential structures  
Junk  
Junkyard  
Kennel  
Laboratory  
Lake  
Lake, private  
Lake, public  
Land clearing  
Loading space  
Local convenience retail and service establishments  
Lot  
Lot area  
Lot, condominium  
Lot, corner  
Lot coverage  
Lot depth  
Lot, double frontage  
Lot, front, rear and depth  
Lot interior  
Lot lines\*  
Lot of record  
Lot, substandard  
Lot width

## Definitions M-P

Major thoroughfare  
Marijuana  
Marina  
Master plan  
Mean grade  
Medical marijuana dispensary, compassion center or similar  
Medical offices  
Medical use  
Mezzanine  
MMMA  
Mobile home  
Mobile home park  
Motel  
Multiplex  
Municipality  
Neighborhood  
Nonconforming structure/building  
Nonconforming use  
Nuisance  
Nuisance factors  
Nursery, plant materials  
Nursery/day school or child center  
Nursing/convalescent/rest home  
Obstruction, water  
Occupancy load  
Occupied  
Off-street parking lot  
Open air business uses  
Open front store  
Open space  
Open space, common  
Outdoor storage  
Outlot  
Parcel  
Park  
Parking  
Parking space  
Performance guarantee  
Person  
Place of worship  
Planned development  
Planned shopping center  
Planned unit development

## Definitions P-S

Planning commission  
Porch, enclosed  
Porch, open  
Principal building  
Principal use  
Private drive  
Private launching ramp  
Private street or road  
Professional offices  
Public launching ramp  
Public road  
Public utility  
Putrescible  
Quarry excavation  
Recreation vehicles\*  
Recreational vehicle park  
Recycling center  
Recycling collection point  
Recycling plant  
Registered primary care giver  
Registered qualifying patient  
Regulated tree  
Regulatory flood protection elevation  
Repairs  
Restaurant  
Restaurant, fast-food  
Right-of-way  
Roadside stands  
Room  
Rubbish  
Satellite dish antenna  
Scenic easement  
Screening  
Secondary road  
Separate ownership  
Setback  
Shopping center  
Site  
Soil removal  
Special land use  
Specified anatomical areas  
Specified sexual activities

### Definitions S-W

- Stable, commercial
- Stable, private
- Stack storage
- State equalization valuation
- Story
- Story, half
- Street
- Structural alteration
- Survival wind speed
- Swimming pool
- Temporary structure
- Tents
- Terratecture
- Township
- Township board
- Townhouse
- Transfer
- Transfer of development rights
- Transitional use
- Transplanting
- Travel trailer park (overnight camping facility)
- Tree canopy
- Use
- Utility room
- Variance
- Vertical projection
- Veterinarian clinic
- Walls, obscuring
- Walk-up window facility
- Warehousing and distribution
- Wetland
- Wind energy conversion systems (WECS)
- Wind rotor
- Wind turbine
- Wireless communication co-location

### Definitions W-Z

- Wireless communication facilities
- Wireless communication facility, attached
- Wireless communication, support structure
- Woodland/woodlot
- Yard\*
- Yard clippings
- Zero lot line
- Zoning Board of Appeals



## 2.1 Construction of Language

Rules of Construction. The following rules of construction apply to the text of this chapter:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
3. The words “shall” and “will” are always mandatory and not discretionary. The word “may” is 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. A building or structure includes any part of such building or structure.
6. The term “lot” includes any site or parcel comprising an individual piece of land, whether created by platting, splitting, condominium or other legal process.
7. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
8. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
9. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions “and,” “or,” “either . . . or,” the conjunction shall be interpreted as follows:
  - a. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply but not in combination.
10. Terms not defined in this article shall have the meaning customarily assigned to them.

## Section 2.2A

### 2.2 Definitions

**ABANDONMENT** means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**ABUTTING** means having a common border with, or being separated from such a common border by, a right-of-way, alley or easement.

**ACCESSORY BUILDING/STRUCTURE** means a subordinate building or structure detached from, but located on the same lot as, the principal structure, the use of which is clearly incidental and accessory to that of the principal structure. For measurement of area proposed, an attached garage or deck shall be considered an accessory structure.

**ACCESSORY USE** means a use which is clearly incidental to, customarily found in connection with and (except in the case of accessory off-street parking spaces or loading) located on the same lot as the principal use to which it is related. When the term “accessory” is used in this chapter. Accessory uses include, but are not limited to: Residential accommodations for servants and/or caretakers, Swimming pools for the use of the occupants of a residence or their guests, Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure, storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations, storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations, accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the lot is located, accessory off-street loading, and accessory signs.

**ACTIVITY** means any use, operation, development or action caused by any person, including, but not limited to, constructing, operating or maintaining and use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining or diverting of water; pumping or discharge of surface water; grading; paving; tree removal or other vegetation removal; excavation; mining or drilling operations.

**ADULT BOOK STORE** means an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to the term “specified sexual activities” or the term “specified anatomical areas,” or an establishment with a segment or section devoted to the sale or display of such material.



## Section 2.2A

**ADULT MINI MOTION PICTURE THEATER** means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to the term “specified sexual activities” or the term “specified anatomical areas” for observation by patrons therein.

**ADULT MOTION PICTURE THEATER** means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to the term “specified sexual activities” or the term “specified anatomical areas” for observation by patrons therein.

**A.E.G.** means the diameter in inches of a tree measured at four-and-one-half feet above the existing grade.

**AGRICULTURAL POND** means a water impoundment made by constructing a dam or embankment, or by excavating a pit or dugout to provide water for livestock, fish and wildlife, fish production, recreation, fire control, crop and orchard spraying and related uses. Such ponds shall meet the minimum standards set by the soil conservation service (SCS) for design, engineering, construction and maintenance. This definition shall also include water and land areas devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use.

**AGRICULTURAL USE** means farms and general farming, including horticulture, floricultural, dairying, livestock and poultry raising, farm forestry, sod farming, greenhouses and tree and shrub nurseries where only stock raised on the premises may be sold at retail, and other similar enterprises or uses; and no agricultural use shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption of persons residing on the premises.

**AIR RIGHTS** means the ownership or control of all land, property, and that area of space at and above a horizontal plane over the ground surface of land. The horizontal plane shall be at a height that is reasonably necessary or legally required for the full and free use of the ground surface.

**AIRPORT** means any area of land or water designed and set aside for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**ALLEY** means any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation and not more than 20 feet wide.

## Section 2.2A

**ALTERATIONS** means any change, addition or modification in construction in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to in this chapter as “altered” or “reconstructed.” See the definition Structural alteration.

**AMUSEMENT DEVICE** means any coin, token or otherwise mechanically or electronically operated device which may be operated or set in motion by the insertion of a coin, token or other mechanical or electronic means. Examples of such devices, by way of illustration and not by way of limitation, are video game, pinball machine, skee-ball machine, air hockey machine, pool table, miniature pool table, shuffle board, motion picture machine, bagatelle, pigeonhole, pingame, puckgame, marblegame, baffleboard, tabletop game, music playing machine commonly known as juke box or any similar machine, instrument or contrivance.

**AMUSEMENT DEVICE CENTER** means a structure, tenant space or building containing six or more amusement devices.

**ANTENNA** means a wire or set of wires used in transmitting and receiving electromagnetic waves and including the supporting structure, including, but not limited to, amateur radio antennas, television antennas and satellite receiving dishes. See the definition Satellite dish antenna.

**APARTMENT** means a room or suite of rooms used as a dwelling for one family which does its own cooking and contains sanitary facilities therein.

**APARTMENT (HOUSE) BUILDING** means a building containing three or more dwelling units whose entrances are from a common hallway or area or series of hallways or areas.

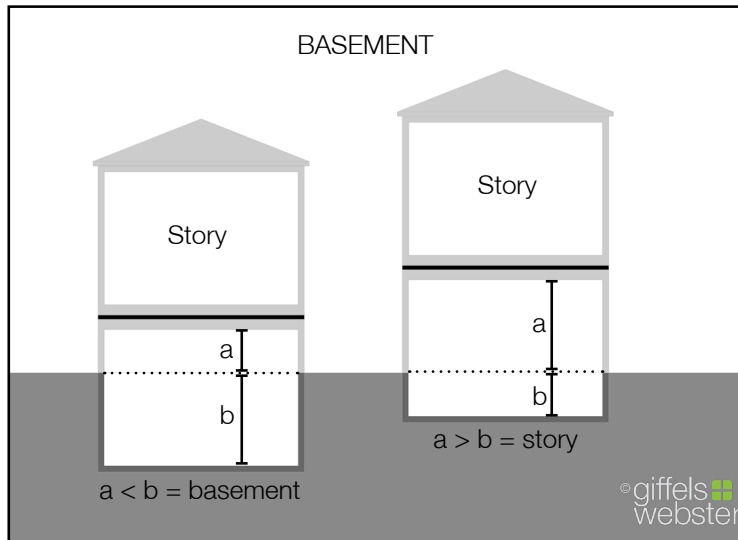
**ARCHITECTURAL FEATURES** means architectural features of a building and includes cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**AUTOMOBILE REPAIR** means general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service (such as body, frame or fender straightening and repair), overall painting, and vehicle rustproofing.

**AUTOMOBILE WRECKING YARD** means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of an automobile wrecking yard.

## Section 2.2B

**BASEMENT (CELLAR)** means that portion of a building partly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five feet or more, such areas shall be considered as a story. ✎



**BED AND BREAKFAST ESTABLISHMENT** means an owner-occupied dwelling unit that contains no more than three guest rooms where overnight lodging, with or without meals, is provided for compensation.

**BEDROOM** means a room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

**BERM** means an earthen mound graded, shaped and improved with landscaping in such a fashion as to be utilized for screening purposes.

**BLOCK** means the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or boundary lines of the township.

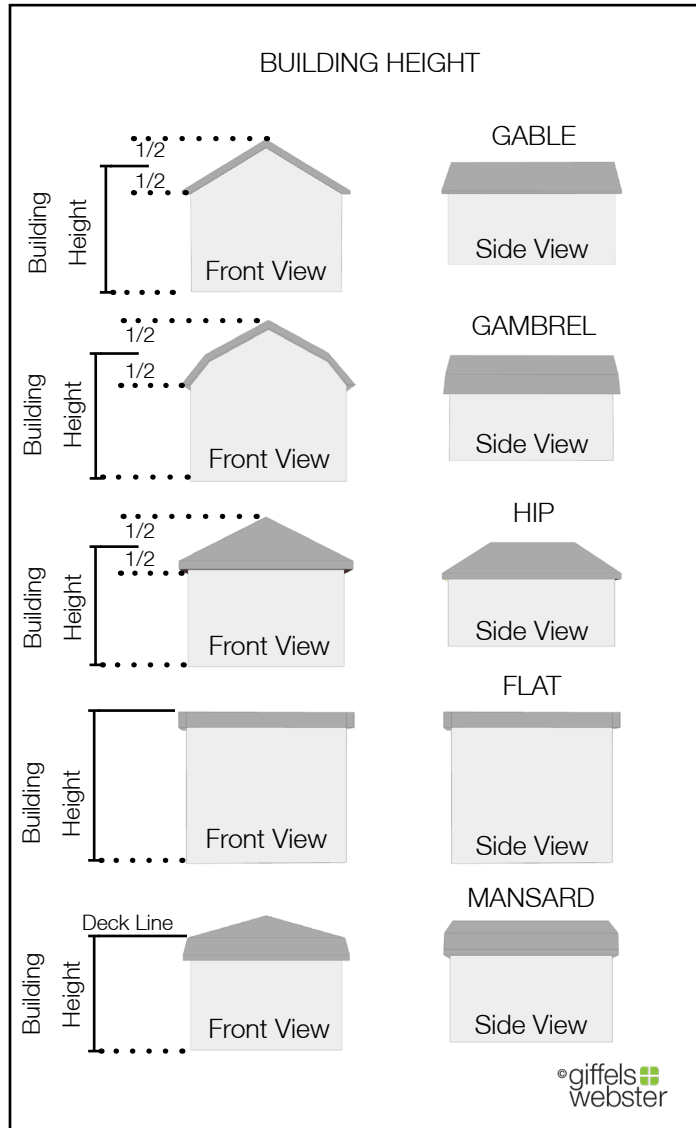
**BOAT, RECREATIONAL** means any vessel used primarily for noncommercial use or leased, rented, or chartered to another for the latter's noncommercial use. Commercial boats used by six or fewer persons for recreational purposes shall be considered as recreational boats for purposes of this chapter.

**BUILDABLE AREA OF A SITE OR LOT** means the space remaining after the minimum space requirements of this chapter have been deducted.

## Section 2.2B

**BUILDING** means a structure having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind.

**BUILDING ENVELOPE** means that portion of a lot or parcel remaining after all setbacks have been subtracted.



**BUILDING GROUP** means a group of two or more detached or semidetached buildings occupying a parcel of land in common ownership and having yards or courts in common.

**BUILDING HEIGHT** means the vertical distance from the average elevation of the street curb paralleling the front, or if on a street corner the front and side of the building, to the highest point of the roof surface if the roof is flat; to the deck line if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is gable, hip or gambrel type. For buildings set back from the street line, this vertical distance shall, be taken above the average elevation of the ground along the front of this building, provided its distance from the street line is more than the average height of such ground above the established curb elevation. Total height is measured from the ground to the highest point of the structure. ✍

**BUILDING LINE** means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.

**BUILDING, MAIN OR PRINCIPAL** means a building in which is conducted the principal use of the lot on which it is situated.

## Section 2.2B - C

**BUILDING, MULTIPLEX** means a building designed exclusively for occupancy by two or more families living independently of each other. Each dwelling unit shall have a separate main entrance directly to the outside.

**BUILDING OFFICIAL** means the building official of the township or his authorized representative.

**BUILDING PERMITS** means the written authority issued by the building official permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this chapter.

**BUILDING, TEMPORARY** means a structure without permanent foundation erected or devoted to the development of, or in connection with, the principal site used for a limited period of time.

**CANAL** means an artificially constructed or excavated channel used for navigation purposes or boat docks and as a means of ingress or egress to other bodies of water or for building lots on the banks thereof.

**CARPORT** means a partially open structure for sheltering vehicles erected in conformity with the site requirements for garages.

**CAR WASH** means an area of land and/or structure with machine-operated or hand-operated facilities used principally for the cleaning and washing of motor vehicles. In no instance shall a commercial car wash so defined be considered an accessory use.

**CAR WASH, AUTOMATIC** means a building that provides facilities for washing and cleaning motor vehicles, which uses production line methods with a conveyor, blower or other mechanical devices, and which may employ some hand labor for drying, polishing or waxing.

**CEMETERY** means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**CLINIC** means a place for the care, diagnosis and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.

## Section 2.2C

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

**CLUSTER DEVELOPMENT** means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**COMMERCIAL USE** means an occupation, employment or enterprise dealing with the public that is carried on for profit by the owner, lessee or licensee.

**COMMISSION** means the Chesterfield Township Planning Commission.

**COMMUNITY AND REGIONAL RETAIL AND SERVICE ESTABLISHMENTS** include department stores, supermarkets & grocery stores, paint, glass & wallpaper stores, retail nursery, lawn & garden supply stores, motion picture theatres, membership organizations, or similar uses and any local convenience retail or service establishment exceeding 20,000 SF (gross floor area).

**COMMUNITY CENTER** means a place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**COMPOST** means a stabilized organic product produced by a controlled aerobic decomposition process that can be used as a soil additive, fertilizer, growth media, or other beneficial use.

**COMPOSTING** means the accelerated biological decomposition of organic matter under managed aerobic conditions resulting in compost.

**COMPOSTING FACILITY** means a facility where composting of yard clippings occurs using mechanical handling techniques, such as physical turning, windrowing, or sedation or using other management techniques.

**CONDOMINIUM** means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space. A condominium may include, in addition, a separate interest in other portions of such real property.

**CONSERVATION EASEMENT** means an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition, retaining such areas as suitable habitat for fish, plants or wildlife, or maintaining existing land uses.

## Section 2.2C - D

**CONVALESCENT OR NURSING HOME** means a home for the care of children or the aged or infirmed, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Such home shall conform and qualify for license under state law, even though state law has different size regulations.

**COURT** means an open space on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. A court shall be unoccupied, except as otherwise provided in this chapter.

**DECK** means a wooden platform structure higher than 18 inches above the mean yard grade.

**DENSITY** means the number of families residing on, or dwelling units developed on, an acre of land.

**DEVELOPMENT** means the division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining excavation, fill or land disturbance; and any use or extension of the use of land.

**DETACHED NON-RESIDENTIAL BUILDINGS** including but not limited to, boathouses, garages or storage buildings customarily accessory to a principal residential use may be permitted as freestanding non-accessory structures

**DISTRICT (ZONING DISTRICT)** means a portion of the township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

**DRIVE-IN ESTABLISHMENT** means a business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (i.e., restaurants, cleaners, banks, theaters, etc.).

**DRIVE-THROUGH SERVICE FACILITY** means an establishment that accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait. Examples include but are not limited to drive-through businesses where ordering occurs on-site prior to pick up at an on-site service window and similar uses, it includes menu boards, order boards or related boxes. Drive-through facilities shall not include the direct refueling of motor vehicles, drive-up window facilities, parking spaces used for customer pick-up or loading of goods or products purchased on-site or prior to the customer's arrival, or parking and loading spaces used for the donation of secondhand goods.

**DRIVE-UP WINDOW FACILITY** means an establishment that accommodates automobiles and from which the occupants of the automobiles pick up goods, food and/or beverages or otherwise conduct business at a single window. For fast food restaurants to qualify as a drive-up window facility, food shall be pre-paid, with no on-site ordering from a vehicle permitted, and these facilities include the stacking spaces in which automobiles wait.

## Section 2.2D - E

**DWELLING, MULTIPLE-FAMILY** means a building, or portion thereof, used or designed as residence for three or more families living independently of each other and doing their own cooking in the building. This definition includes three-family building, four-family building, and apartment building, but does not include trailer camps or mobile home parks.

**DWELLING, SINGLE-FAMILY** means a detached building designed or occupied exclusively by one family.

**DWELLING, TWO-FAMILY** means a detached building designed for or occupied exclusively by two families living independently of each other, such as a duplex dwelling unit.

**DWELLING UNIT** means any house or building, or portion thereof, having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer, automobile chassis, tent or portable building be considered a dwelling unit.

**EARTHFILL** means the orderly deposit of earthen materials for the purpose of elevating the grade to develop the site for specific use.

**EASEMENT** means the right of a person, government agency or public utility company to use public or private land owned by another person for a specific purpose.

**ENCLOSED LOCKED FACILITY** means a closet, room or other comparable stationary and fully enclosed area equipped with secure locks or other functioning security devices that permit access only by a registered primary care giver or registered qualifying patient.

**EQUAL DEGREE OF ENCROACHMENT** means a standard applied in determining the location of encroachment limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of floodflows. This standard is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream for significant reach.

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



## Section 2.2E - F

**ESSENTIAL SERVICES** means the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities or municipal departments or commissions of underground, surface or overhead distribution of gas, electricity, communication transmission lines, steam or water transmission or distributing systems, collection, supply or disposal system including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service to this municipality and immediate surrounding territory by such public utilities or municipal departments or commissions. Facilities both above and below ground, including storage fields and high pressure mains designated to serve users principally outside of this municipality and immediate surrounding territory, shall not be considered essential services under this definition. Wireless communication towers and facilities shall not be deemed an essential service.

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

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

**FAMILY** means the or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit. A group of four or more persons who are not within the second degree of kinship shall not constitute a family. A family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in this definition.

**FARM** means all of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees. This land shall include a continuous parcel of five acres or more in area. Farms may be considered as including nurseries, orchards, chicken hatcheries, poultry farms, apiaries and sod farms.

**FARM BUILDINGS** means any building or structure, other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

**FARM OPERATION** means a condition or activity, which occurs on a farm in connection with the commercial production of farm products as defined by the Michigan Right to Farm Act, being Act No. 93 of the Public Acts of 1981, as amended.

**FARM PRODUCTS** Those plants and animals useful to human beings as defined by the Michigan Right to Farm Act, being Act No. 93 of the Public Acts of 1981, as amended.

## Section 2.2F

**FENCE** means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

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

**FLEA MARKET** means an occasional or periodic sales activity within a building or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique, and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

**FLOOD** means a temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

**FLOOD FREQUENCY** means the average frequency, statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

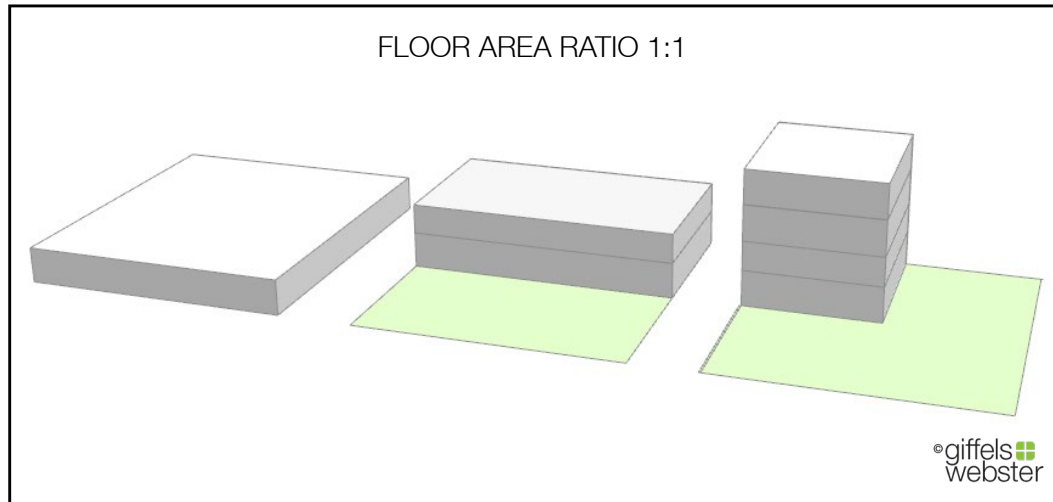
**FLOODPLAIN** means the channel of the watercourse and those portions of the adjoining floodplains which must be reserved to carry and discharge the base flood without cumulatively increasing the water surface elevation, shown as zones A1-30, AO and unnumbered A zones on the Flood Insurance Rate Map (FIRM).

**FLOODWAY** means that portion abutting floodplains with flood depth range of less than one foot where the path of flooding is unpredictable and indeterminate and shown on the Flood Insurance Rate Map (FIRM) as zone B.

**FLOODWAY FRINGE** means all land in a floodplain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths (see following illustration).

## Section 2.2F

**FLOOR AREA RATIO** means is determined by dividing the gross floor area of all buildings on a lot or site by the area of that lot/site ✍



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

**FOOTCANDLE** means the unit of illumination when the foot is taken as the unit of length. It is the illumination on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illumination produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.

**FREEWAY** means a divided highway of not less than two lanes in each direction to which owners or occupants of abutting property or the public do not have a right of ingress or egress to, from or across the highway, except at points determined by, or as otherwise provided by, the authorities responsible for the freeway.

**FRONTAGE** means that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

**FUNERAL HOME** means a building, or part of a building, used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for burial; for the performance of autopsies and other surgical procedures; for the storage of caskets, funeral urns and other related funeral supplies; and for the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

## Section 2.2G

**GARAGE, PRIVATE** means an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory, with no facilities for mechanical service or repair of a commercial or public nature, having capacity for not more than three automobiles.

**GARAGE, PUBLIC** means any building or premises, other than a gasoline filling station, used for housing or care of more than three automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire or sale.

**GARAGE, STORAGE** means any premises, except those defined in this section as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

**GARBAGE** means all wastes, animal, fish, fowl or vegetable matter incident to the preparation, use and storage of food for human consumption, spoiled food, dead animals, animal manure and fowl manures.

**GAS AND SERVICE STATION** means a building or structure designed or used for the retail sale or supply of fuels (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats. This building or structure includes the customary space and facilities for the installation of such commodities on or in such vehicles, and includes space or facilities for the storage, minor repair or servicing, but does not include bumping, painting, refinishing, large parts installation where the primary use of the premises is such, or high speed washing of such vehicles, aircraft or boats.

**GASOLINE SELF-SERVICE STATION** means an establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**GASOLINE SERVICE STATION** means a place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair as defined for Automobile repair.

**GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES** means those practices as defined by the Commission of Agriculture of the State of Michigan.

**GRADE** means the lowest point of elevation of the finished surface of the ground. The established grade of the street or sidewalk shall be the elevation of the curb, or the centerline of the road if there is no curb, at the midpoint of the front of the lot.

**GRADE, BUILDING** means the finished grade at the building.

## Section 2.2G - H

**GREENBELT** means a strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this chapter. See the definition Screening.

**GROSS FLOOR AREA** means the total area of a building measured from the interior of all walls of the building and including all levels.

**GROSS SITE AREA** means the total site area under the ownership of the applicant before any deductions are made for roads, open space or parcels to be separated or planned for later development.

**GROUP DAY CARE** means a private residence where care, protection and supervision are provided, for a fee, to at least seven and no more than 12 children, including children of the adult provider.

**GROUP D CABARET** means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

**GRUBBING** means the effective removal of understory vegetation from a site.

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

**HELIPORT, LIMITED USE** means any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling and emergency service facilities.

**HELIPORT, UNLIMITED USE** means any landing area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie-down areas, hangars, and other necessary buildings and open spaces.

**HOME OCCUPATION** means an activity carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes.

**HOSPITAL** means a building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the state health department and this state, and is used for primarily in-patient services, and including such related facilities as laboratories, out-patient departments, central service facilities and staff offices.

**HOTEL** means a series of attached, semidetached or detached rental units which provide overnight lodging and are offered to the public for compensation. Hotels may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

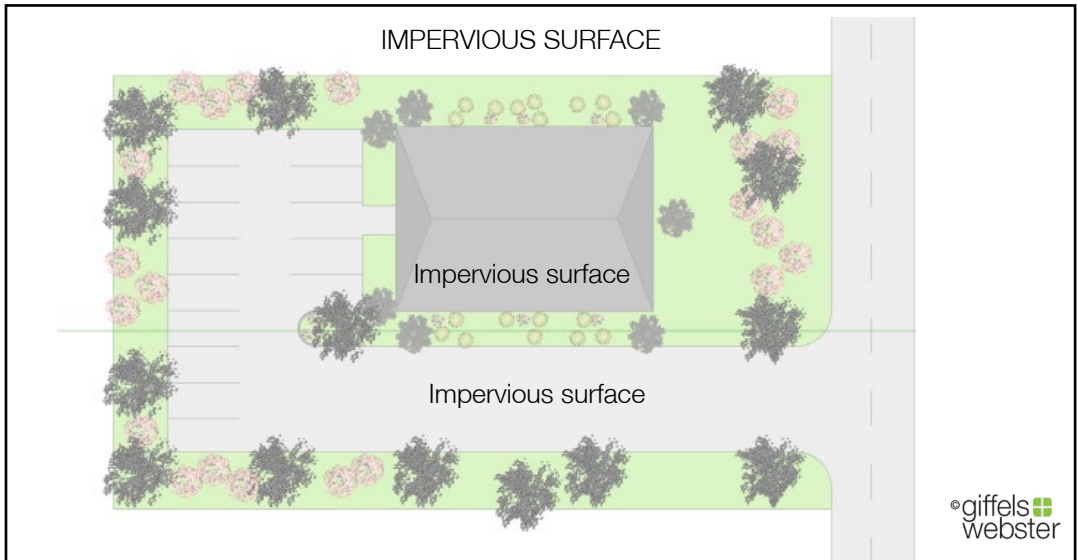
## Section 2.2H-I

**HOUSE, BOARDING** means a residential structure in which non-family members are sheltered and fed for a fee.

**HOUSEHOLD PET** means animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds and rodents. The term “household pet” does not include potbelly pigs or reptiles.

**HOUSE, ROOMING** means a residential structure in which non-family members are sheltered for a fee.

**IMPERVIOUS SURFACE** means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar improvements and structures. ✍



**INDOOR RECREATION FACILITY** means a non-profit or for-profit enterprise conducted entirely within a building, which provides some form of recreational activity for people. Such activities and facilities include, but are not limited to: health and athletic clubs, physical fitness facilities, bowling alleys, racquetball, tennis courts, gymnasiums, swimming pools, skating rinks, performance studios, indoor skateboard parks, climbing facilities, indoor driving ranges, batting cages, basketball courts, indoor soccer fields, dance studios, yoga studios, cycling studios, and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars. Also included are instructional studios that teach the activities or similar activities listed above.

## Section 2.2I

**INDUSTRIAL PARK** means a planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

**INDUSTRY, GENERAL** means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in accessory storage of or manufacturing processes using flammable or explosive materials, or accessory storage or manufacturing processes that potentially involve nuisances or commonly recognized offensive conditions. Such use shall be within the limits of the district's performance standards. This definition does not include bulk storage of flammable and other hazardous materials.

**INDUSTRY, LIGHT** means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. Such use shall be within the district's performance standards. Examples of light industrial uses, include, but are not limited to:

- A. Manufacture or assembly of electrical appliances, electronic instruments and devices, telecommunications equipment and products, and other similar forms of light product assembly as determined by the planning commission.
- B. Manufacture, compounding, assembling, or improvement of articles or merchandise from previously prepared materials such as canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood and yarns or such other similar materials as determined by the planning commission.
- C. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, etc.
- D. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas
- E. Processing, packaging or treatment of such products such as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops

## Section 2.2I - I-L

**INDUSTRIAL RESEARCH** means a use engaged in the research, testing, development, production and/or design of new or existing products, processes or services. Examples of industrial research uses include, but are not limited to:

- A. Research, development and testing facilities for industrial, scientific and business establishments
- B. Production of prototype products
- C. Pilot plants set up to demonstrate creative technologies that can serve as the basis for enlarged facilities elsewhere
- D. Production facilities and operations with a high degree of technological input, and determined to be an integral part of or essential to a permitted operation
- E. When a component of one of the uses listed above, manufacture of light products, such as industrial controls; electronic components and accessories; measuring, analyzing and controlling instruments; photographic (except chemicals and sensitized materials); medical, optical goods; and other similar forms of light products assembly, as determined by the planning commission.

**INTERSTATE HIGHWAY** means a highway officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

**INVERTED RESIDENTIAL STRUCTURES** means a residential structure where the floor area of the second floor exceeds the floor area of the first floor.

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

**JUNKYARD** means an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes automobile wrecking yards and any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**KENNEL** means any lot or premises on which three or more dogs, six months old or older are kept, either permanently or temporarily.

**LABORATORY** means a place devoted to experimental or routine study, such as testing and analytical operations and in which manufacturing of product or products is not permitted.



## Section 2.2L

**LAKE** means any body of water which is not private and which is accessible to the public via publicly owned lands, waters or highways, contiguous thereto or via the bed of a stream and which may be used for navigation, fishing, hunting or other lawful purpose and reasonably capable of supporting a beneficial public interest.

**LAKE, PRIVATE** means any body of water, other than a public lake, which is owned by one person, group of persons, association, partnership or corporation for use regulated by the owners only.

**LAND CLEARING** means those activities where trees and vegetation are removed from a site prior to construction or development.

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

**LOCAL CONVENIENCE RETAIL OR SERVICE ESTABLISHMENT** includes beauty shops, barber shops, drug & proprietary stores, laundry and dry cleaning pick up, restaurants (no fast food or drive thru), party stores, liquor stores, delicatessens, banks and credit unions (without drive thru), hardware stores, variety/general merchandise (dollar stores), grocery stores, meat & fish markets, fruit & vegetable markets, candy, nut & confectionary stores, retail bakery, shoe repair, watch and jewelry [repair] stores, video tape rental, toning & tanning salons, diet workshops, quilting for individuals, sporting good & bicycle repair shops, bookstores (excluding adult bookstores), stationary, office supply & office machine repair shops, hobby, toy & game shops, camera & photo supplies, studio/gallery, museum & art galleries, costume or tuxedo rental, pet shop, gift, novelty & souvenir shops, florists, tobacco stores, luggage & leather goods stores, sewing & needlework stores, and similar uses, provided no individual use exceeds 20,000 SF (gross floor area) on a lot.

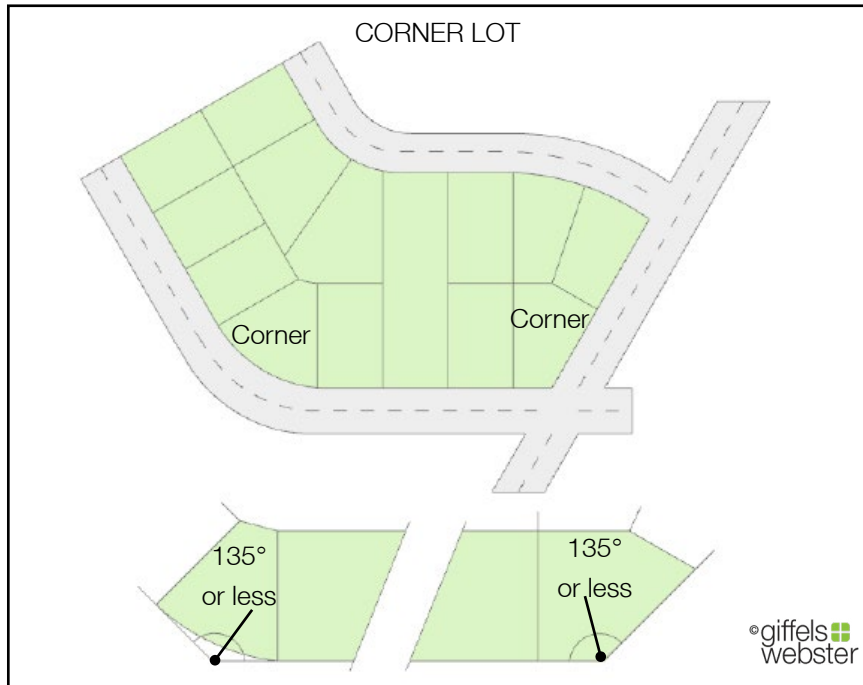
**LOT** means a parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records. Each such parcel shall also have its front lot line abutting a public street or approved private road.

**LOT AREA** means the total horizontal area within the lot lines of a lot. In the HMR Zoning District, the term "lot area" shall include, in addition to the area otherwise includable, the area of any air lot or lots owned by the owner of the surface lot on which the structure is built or to be built

**LOT, CONDOMINIUM** means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. A condominium lot shall be of sufficient size and area of the zoning district within which it is located to accommodate a structure observing all required yard setbacks.

## Section 2.2L

**LOT, CORNER** means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than  $135^\circ$ . A lot abutting upon a curved street shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than  $135^\circ$ . See the definition Lot lines. ✍



**LOT COVERAGE** means the percent of the lot occupied by buildings or structures, including accessory buildings or structures.

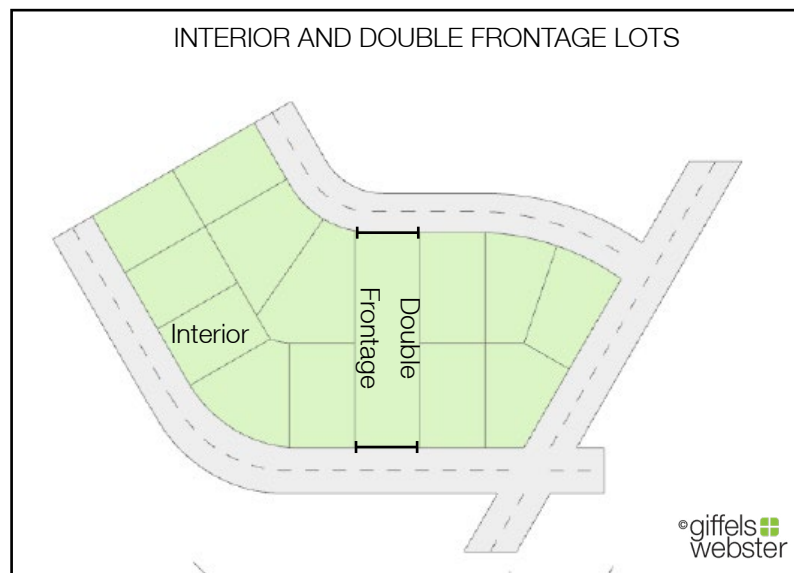
**LOT DEPTH** means the mean horizontal distance measured from the front street right-of-way line to the rear lot line.

## Section 2.2L

**LOT, DOUBLE FRONTAGE (also THROUGH LOT)** means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required. ✍

**LOT, FRONT, REAR AND DEPTH** means the front of a lot is that boundary line which borders on a street other than an alley. For purposes of this section, the phrase “front of a lot” shall mean that portion of a lot abutting Anchor Bay and the Salt River south of Callens Road. In case of a corner lot, the side which has the narrowest dimension bordering on a street shall be deemed to be the front of such lot. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. The rear of a lot is the side opposite to the front. In the case of a triangular or irregular lot, the rear is the boundary line not bordering on a street. The depth of a lot is the dimension measured from the front of the lot to the extreme rear line of the lot. In the case of irregularly shaped lots, the mean depth shall be taken.

**LOT, INTERIOR** means any lot other than a corner lot. See the definition Lot lines. ✍



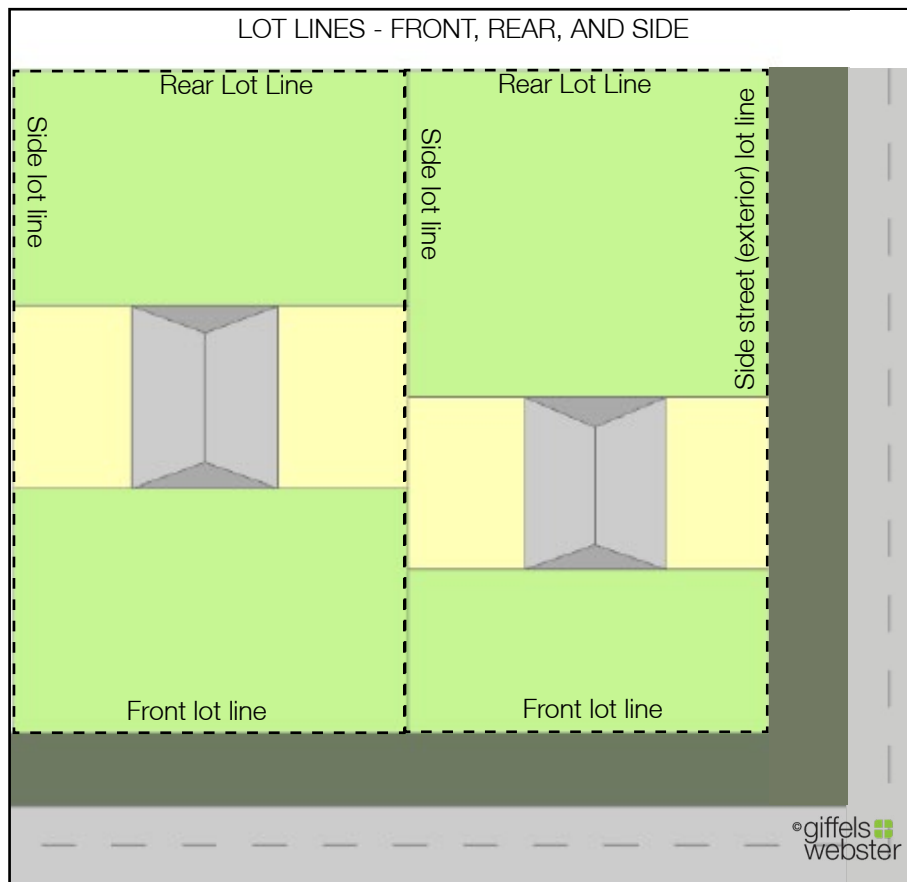
## Section 2.2L

**LOT LINES (FRONT, REAR, AND SIDE)** means the lines bounding a lot. ↗

Front Lot Line, in the case of an interior lot, means that line separating the lot from the street. In the case of a through-lot, the front lot line is the line separating the lot from both streets.

Rear Lot Line means the lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line and wholly within the lot.

Side Lot Line means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street (exterior) lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

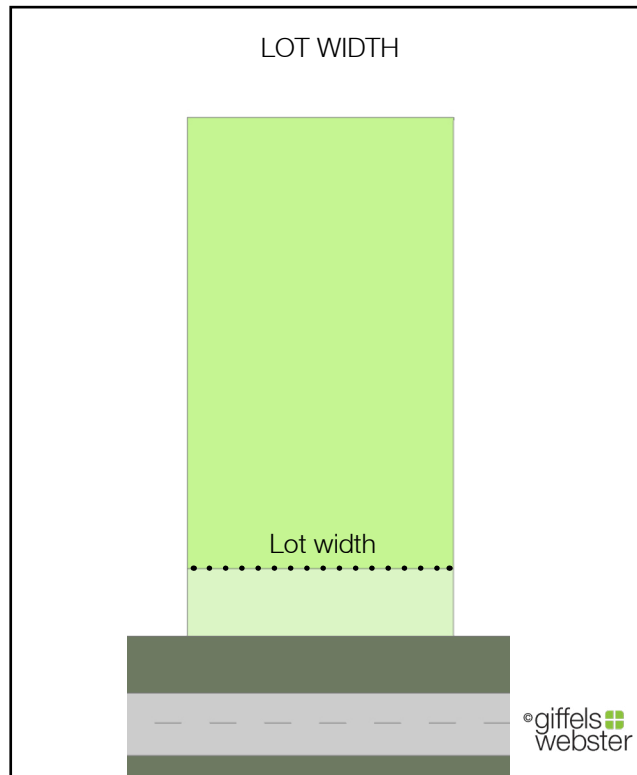


**LOT OF RECORD** means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or a system of registration used by township or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**LOT, SUBSTANDARD** means a lot or parcel of land that has less than the required minimum area, depth or width as established by the zone in which it is located, and provided that such lot or parcel was of record as a legally created lot on the effective date of the ordinance from which this chapter is derived.

## Section 2.2L - M

**LOT WIDTH** means the horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines if the side property lines are not parallel. The width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoint of the front and rear property lines. ✎



**MAJOR THOROUGHFARE** means an arterial street which is intended to serve as a large volume traffic-way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the major thoroughfare plan to identify those streets as depicted in the master plan.

**MARIJUANA** means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

**MARINA** means a waterfront parcel with facilities for the storage, berthing, securing and servicing of all types of watercraft, as well as providing supplies, provisions and other facilities.

**MASTER PLAN** means the township's basic land use plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan and any amendment to such plan or parts thereof. Such plan shall be adopted by the planning commission.

## Section 2.2M

**MEAN GRADE** the arithmetic average of elevations of points on the boundary lines of a site (parcel of land) uniformly spaced and not more than 100 feet apart.

**MEDICAL MARIJUANA DISPENSARY, COMPASSION CENTER OR SIMILAR OPERATION FOR THE CONSUMPTION OF MEDICINAL MARIJUANA** means any facility or location where medical marijuana is grown or possessed for the purpose of distributing to a registered primary caregiver who does not reside at the location where the medical marijuana is grown, cultivated, or possessed, or any facility or location where medical marijuana is grown, processed, possessed or where a means is provided for the purpose of distributing or facilitating the distribution of medical marijuana to more than five qualified patients.

**MEDICAL OFFICE** includes doctor of medicine, dentistry, optometry, osteopathy, psychology, physicians & surgeons, chiropractors, orthodontists, physical therapy, licensed mental health professionals and similar professions

**MEDICAL USE** means the acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, transportation of marijuana, marijuana infused products or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition, or symptoms associated with the debilitating medical condition, as further defined under the MMMA.

**MEZZANINE** means an intermediate floor in any story occupying an area not to exceed one-third of the floor area of such story. See the definition Story.

**MMMA** means the Michigan Medical Marijuana Act, MCL 333.26421 et seq. currently, or as amended.

**MOBILE HOME** means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term "Mobile home" does not include a recreation vehicle.

**MOBILE HOME PARK** means a parcel or tract of land under the control of a person upon which two or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park and licensed pursuant to the provisions of Act No. 419 of the Public Acts of Michigan of 1976 (MCL 125.1101 et seq., MSA 19.855(1) et seq.), as amended. This term also applies to manufactured housing parks.

## Section 2.2M-N

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

**MULTIPLEXES:** See [Building, multiplex](#)

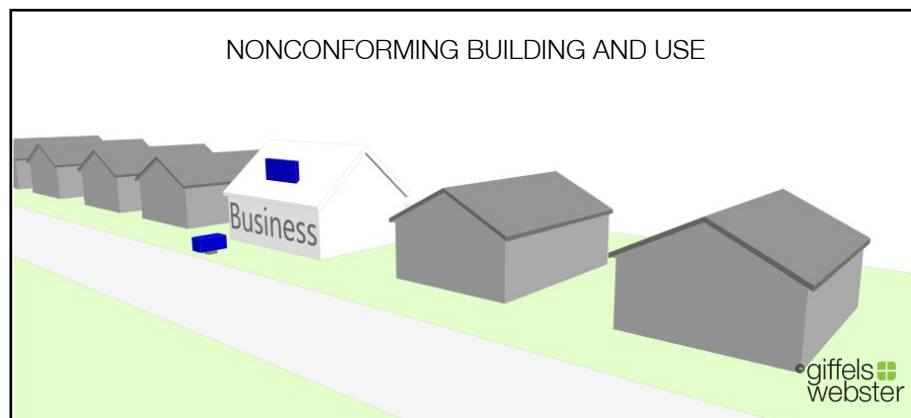
**MUNICIPALITY** means the Charter Township of Chesterfield.

**NEIGHBORHOOD** means subcommunity area used in planning to describe a service area with a radius of approximately 1/2 mile defined to support a park or convenience commercial uses. Boundaries are often defined along major or secondary roads, railroads, freeways or natural features, such as rivers.

**NONCONFORMING STRUCTURE OR BUILDING** means a structure or building, or portion thereof, lawfully existing at the effective date of the ordinance from which this chapter is derived, or amendments thereto and that does not conform to the provisions of this chapter in the district in which it is located.

✍

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



**NUISANCE** as known at common law or in equity jurisprudence and whatever is dangerous to human life or detrimental to health. This includes any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome. All such nuisances are declared illegal.

## Section 2.2N - O

**NUISANCE FACTORS** means an offensive, annoying, unpleasant or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being; or the generation of an excessive or concentrated movement of people or things, such as, but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of nonabutting street frontage by traffic.

**NURSERY, PLANT MATERIALS** means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises, including products used for gardening or landscaping. This definition does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**NURSERY SCHOOL, DAY SCHOOL, CHILD CENTER** means an establishment wherein 13 or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are for remuneration cared for. Such schools or centers need not have a resident family on the premises.

**NURSING HOME (also CONVALESCENT OR REST HOME)** means a home, whether operated for profit or not for profit, for the care of the aged, infirmed, or those suffering from bodily disorders, wherein seven or more persons are housed or lodged and furnished with nursing care.

**OBSTRUCTION, WATER** means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation channel rectification, bridge conduit, culvert, building, wire, fence, rock gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry such debris downstream to the damage of life or property.

**OCCUPANCY LOAD** means the number of persons that a building can hold, as determined by the fire marshal or as determined by the township building code in article II of chapter 14.

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

**OFF-STREET PARKING LOT** means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.



## Section 2.20 - P

**OPEN AIR BUSINESS USES** means a business uses not conducted from a wholly enclosed building, if operated for profit, and shall include the following uses: (1) Bicycle, trailer, mobile home, motor vehicle, farm implements, boats, or home equipment sale or rental service; (2) Outdoor display and sale of garages, swimming pools and similar uses; (3) Retail sales of fruit, vegetables and perishable foods; (4) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment; and (5) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

**OPEN FRONT STORE** means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patrons to enter such structure.

**OPEN SPACE** means land used for recreation, resource protection, amenity and/or buffers. Any area of a lot constituting the minimum lot area or any part of an existing or future road or right-of-way shall not constitute open space.

**OPEN SPACE, COMMON** means open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

**OUTDOOR STORAGE** The keeping, in an unroofed area, of any goods, junk material, merchandise or vehicles in the same place for more than 24 hours. This definition does not include new or previously owned vehicles displayed for sale in districts that permit vehicle sales uses.

**OUTLOT**, when included within the boundaries of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

**PARCEL** means a continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons

**PARK** means any public or private improved land available for recreational, educational, cultural or aesthetic use, or scenic purposes.

**PARKING**, when used with reference to a setback requirement of this chapter, means all paved areas on the site which facilitate vehicular movement to and through an off-street parking lot, including all paved areas servicing drive-through facilities and loading/unloading areas. Access drives which serve to directly connect a parking lot to a street shall not be included in this definition.

**PARKING SPACE** means an area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and full accessibility for the parking of permitted vehicles. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to be fully accessible for the purpose of this definition.

## Section 2.2P

**PERFORMANCE GUARANTEE** (also **MAINTENANCE GUARANTEE**) means any financial guarantee accepted by the township in the form of cash, letter of credit or performance bond, provided the township shall not require a financial guarantee of more than 10% of the total performance costs to ensure that all improvements, facilities or work required by this chapter will be completed in compliance with this chapter, regulations, and the approved plans and specifications of a development.

**PERSON** means any individual, firm, partnership, association, corporation, company, organization or other legal entity of any kind.

**PLACE OF WORSHIP** means an institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. The word “church” shall not include or mean an undertaker’s chapel or funeral building.

**PLANNED DEVELOPMENT** a proposed use of the land which requires the submission of a site plan for more than one building or structure to be approved as to requirements of this chapter, including spacial relationships and vehicular and pedestrian circulation.

**PLANNED SHOPPING CENTER** means a business development of three or more outlets characterized by a unified grouping of such retail outlets served by a common circulation and parking system.

**PLANNED UNIT DEVELOPMENT (PUD)** means a development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

**PLANNING COMMISSION** means the township’s planning commission.

**PORCH, ENCLOSED** means a covered entrance to a building or structure which is totally enclosed and projects out from the exterior wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

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

**PRINCIPAL BUILDING** means a building which contains the primary use of the lot.

**PRINCIPAL USE** means the main use of land or structures, as distinguished from a secondary or accessory use.

**PRIVATE DRIVE** means an area of vehicle access serving one property or one dwelling.

## Section 2.2P - R

**PRIVATE LAUNCHING RAMP** means a space or structure from which a boat may be launched for the use and benefit of the patrons of a waterfront marina or boat yard wherein such boats are berthed or docked.

**PRIVATE STREET OR ROAD** means a street or road which is not under public ownership or control serving two or more lots.

**PROFESSIONAL OFFICE** includes attorneys-at-law, land surveyors, architects, professional engineers, community planners, certified public accountants & accounting, real estate, clerical, drafting, executive, administrative, stenographic, insurance or similar professional occupations requiring no outside storage, vehicles or equipment on the premises.

**PUBLIC LAUNCHING RAMP** means a space or structure at which a boat may be launched by the general public, the patrons of which do not berth their boats at the site of launching, but remove them by trailers or other means at the end of each trip.

**PUBLIC ROAD** means all public property reserved or dedicated for street traffic.

**PUBLIC UTILITY** means any person authorized to furnish to the public, electricity, gas, sanitary sewers, water, communications, transportation or other services or commodities pursuant to federal, state or municipal regulations.

**PUTRESCIBLE** means subject to decay and decomposition and to becoming putrid.

**QUARRY EXCAVATION** means any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter, except common household gardening and general farm care.

**RECREATION VEHICLES** includes the following definitions:

- A. **Travel Trailer.** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.
- B. **Pick-up Camper.** A structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- C. **Morotized Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. **Folding Tent Trailer.** A metal, plastic or canvas folding structure, mounted on wheels and designed for travel and vacation use.
- E. **Boats and Boat Trailer.** Shall include boats, jet skis, floats and rafts, plus the normal equipment to transport the same on the highway.
- F. **Snowmobiles and All-Terrain Vehicles,** plus the normal equipment to transport them on the highway.

## Section 2.2R

**RECREATIONAL VEHICLE (RV) PARK** means any lot upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**RECYCLING CENTER** means a facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware and metal cans, are collected, stored, flattened, crushed or bundled within a completely enclosed building, not to include toxic items.

**RECYCLING COLLECTION POINT** means an incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items shall be allowed. This facility shall be located in a shopping center parking lot or in other public/quasipublic areas, such as in churches and schools.

**RECYCLING PLANT** means a facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal cans; and other products are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

**REGISTERED PRIMARY CARE GIVER** means a person meeting the definition of caregiver under the MMMA and who has been issued and possesses a registry identification card and possesses the documentation that constitutes a valid registry under the MMMA.

**REGISTERED QUALIFYING PATIENT** means a person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued and possesses a registry identification card which is valid under the MMMA, as amended.

**REGULATED TREE** means a tree measuring six-inch A.E.G. or greater.

**REGULATORY FLOOD PROTECTION ELEVATION** means the elevation to which uses regulated by this chapter are required to be elevated or floodproofed.

**REMOVABLE TREE** means those trees designated by resolution of the township board as being appropriate for removal due to their characteristics. Such trees shall be listed by common and botanical name. Such a list shall be maintained by the planning department and shall initially include the following tree species.

**REPAIRS** means the rebuilding or removal of a part of an existing building for the purpose of maintaining its original type and classification.

## Section 2.2R

**RESTAURANT** means a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**RESTAURANT, DRIVE-IN** means an establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**RESTAURANT, FAST FOOD** means any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either foods, frozen desserts or beverages are usually served in paper, plastic or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or the establishment includes a drive-up or drive-through service facility or offers curb service.

**RIGHT-OF-WAY** means the line established by the county road commission or state department of transportation in their right-of-way requirements established for the township or the township's adopted master plan.

**ROADSIDE STANDS** means a temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises, and its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed an approved commercial activity.

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

**RUBBISH** means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter, such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations of such materials.

## Section 2.2S

**SATELLITE DISH ANTENNA** means a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

**SCENIC EASEMENT** means an easement which limits development in order to preserve a view or scenic area.

**SCREENING** means the method by which a view of one site is shielded, concealed or hidden from another adjacent site. Screening techniques shall include fences, walls, hedges, berms or other features. Screening may include one or a combination of walls, berms or plantings of sufficient mass to be opaque or shall become opaque after 12 months, and be maintained in an opaque condition.

**SECONDARY ROAD** means a road that conducts and distributes traffic and carries through-traffic as a lower order major thoroughfare to major activity centers. This is the highest order of street appropriate to a residential neighborhood, and residential frontage along such secondary road should be prohibited or severely restricted.

**SELF-SERVICE STORAGE FACILITY** means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

**SEPARATE OWNERSHIP** means ownership of a parcel of property wherein the owner does not own adjoining vacant property.

**SETBACK** means the minimum horizontal distance between any face of the building, excluding only steps, and the adjoining property lines.

**SHOPPING CENTER** means a group of three or more commercial establishments built primarily for retailing the principal goods and services required by a household. These centers are built on sites readily accessible by automobile with common parking provided.

**SITE** means any parcel or parcels of land, the dimensions of which are shown on a deed recorded with the Macomb County Register of Deeds, or any parcel or parcels which have been separated therefrom in accordance with the provisions of the Subdivision Control Act of 1967, as amended, and which exists as described on the effective date of this Code. For the purpose of this section, "site" shall include all parcels utilized for meeting the lot area requirements, setback requirements, detention and retention requirements, and other developmental requirements for the proposed development or project.

## Section 2.2S

**SOIL REMOVAL** means removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials, or combination thereof.

**SPECIAL LAND USE** means a use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, increased traffic, smoke or noise) is permitted in a district, subject to approval by the township and subject to special requirements, different from those usual requirements for the district in which the special land use may be located.

**SPECIFIED ANATOMICAL AREAS** means areas that are less than completely and opaquely covered, such as human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** means activities involving human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

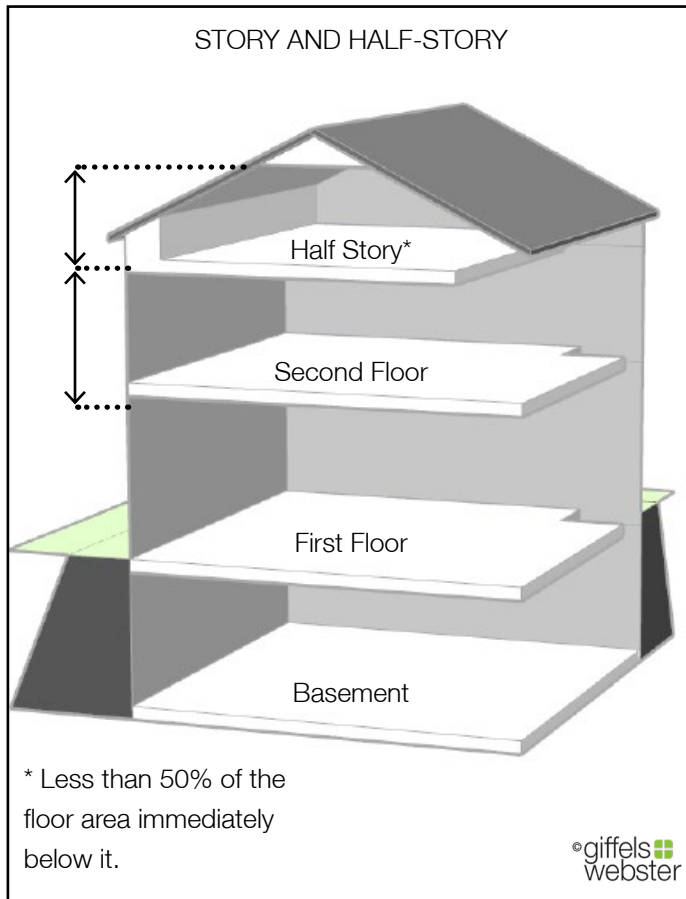
**STABLE, COMMERCIAL** means a stable other than a private stable, where horses are boarded or are for hire or sale.

**STABLE, PRIVATE** means a structure or shelter with capacity for not more than three horses which are not boarded and are not for hire or sale and are owned by the immediate family.

**STACK STORAGE** means the dry storage of any vessel for any purpose (whether during the wet or dry storage season) in a vertical fashion in or on any type of rack, cradle, or held by any sling system in a multi-tiered configuration, or by any other means or any other system utilized for the stacking or vertical storage of boats. This term is synonymous with the term “in-and-out boat storage.”

**STATE EQUALIZED VALUATION** means the value shown on the township’s assessment roll as equalized through the process of state and county equalization.

## Section 2.2S



**STORY** means that portion of a building, other than a cellar or mezzanine, included between the surface of any floor and floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A mezzanine shall be deemed a full story when it covers more than 50% of the area of the story underneath the mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. ✍

**STORY, HALF** means an uppermost story lying under a sloping roof, having an area of at least 200 square feet, with a clear height of seven feet six inches. For the purposes of this article, the usable floor area is only that area having at least four feet clear height between floor and ceiling. ✍

**STREET** means a public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

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

**STRUCTURE** means anything constructed or erected on the ground or attached to the ground, including, but without limitation to, buildings, factories and sheds.

**SURVIVAL WIND SPEED** means the maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.



## Section 2.2S-T

**SWIMMING POOL** means any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of 24 inches or greater.

**TEMPORARY STRUCTURE** means any structure which meets the following criteria:

- A. Is originally designed to be moved from place to place by any means whatsoever, whether on wheels, skids or otherwise.
- B. Any structure which is not originally designed to be permanently attached to the real property on which it sits by means of a permanent foundation.
- C. Any structure constructed on site so as not to allow all inspections required of site-built structures provided for or required by the Building Code of the Township.
- D. Any structure not having permanent water and sewer connections.
- E. Temporary carports or storage buildings.
- F. Is of a temporary nature, including, but not limited to, slides, tents, and inflatable structures.

**TENTS** means a shelter of canvas or similar material supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

**TERRATECTURE** means the design and creation of occupiable space by means of cut-and-cover construction in the near-surface or shallow soil environment. Such structure is designed for the principal purpose of energy conservation and, as such, shall be exempt from the definition of basement.

**TOWNSHIP** means The Charter Township of Chesterfield.

**TOWNSHIP BOARD** means the township board of this township.

**TOWNHOUSE** means a building occupied by three or more families where each dwelling unit is divided from the one adjacent to it by a party wall extending the full height of the building. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties and utilities and service facilities are independent for each property.

**TRANSFER** means to convey, sell, give, deliver or allow the possession by another person or entity.

**TRANSFER OF DEVELOPMENT RIGHTS** means the conveyance of development rights by deed, easement or other legal instrument authorized by local law to another parcel of land and the recording of that conveyance.

**TRANSITIONAL USE** means a permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more somewhat incompatible uses.

**TRANSPLANTING** means the digging up of a tree from one place on a site and the planting of the same tree in another place on the site.

## Section 2.2T - W

**TRAVEL TRAILER PARK (OVERNIGHT CAMPING FACILITY)** means a place utilized for the temporary storage of travel trailers, for camping purposes, where there is no permanent storage of mobile homes for yearround occupancy, and where commercial activity is limited to service the needs of the temporary occupants of the travel trailer park.

**TREE CANOPY** means the area of land where the outermost limits of the branches of a tree or group of trees projects perpendicularly to the existing grade of a site.

**USE** means the purpose for which land or a building is designed, arranged or intended to be used, or for which land or a building is or may be occupied.

**UTILITY ROOM** means a room used primarily for storage, for housing a heating unit, or for laundry purposes.

**VARIANCE** means a relaxation by the zoning board of appeals of the dimensional regulations of this chapter where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this chapter would result in practical difficulty or unnecessary and undue hardship.

**VERTICAL PROJECTION** means any architectural feature which projects into the yard space from the ground up through the first story.

**VETERINARY CLINIC** means a place for the care, diagnosis and treatment of sick or injured animals and those in need of medical or minor surgical attention. A veterinarian clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

**WALK-UP WINDOW FACILITY** means an establishment that accommodates customers to order and/or pick up goods, food and/or beverages or otherwise conduct business at a single window.

**WALLS, OBSCURING** means an obscuring structure of definite height and location constructed of wood, masonry, concrete or similar material.

**WAREHOUSING AND DISTRIBUTION** means the storage, wholesale and distribution of manufactured products, supplies and equipment, but excludes bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

## Section 2.2W

**WETLAND** means any area of land, which is subject to and regulated by the provisions of Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended.

**WIND ENERGY CONVERSION SYSTEMS** (hereinafter referred to as **WECS**) means any device that converts wind energy to mechanical or electrical energy.

**WIND ROTOR** means the blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.

**WIND TURBINE** means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator that may include a rotor, tower, and pad transformer.

**WIRELESS COMMUNICATION, CO-LOCATION** means the location by two or more wireless communication providers, public authority or other duly authorized party of wireless communications facilities on an existing structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single use wireless communication facilities with the township.

**WIRELESS COMMUNICATION FACILITIES** means all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and governmental facilities that are subject to state or federal law or regulations that preempt municipal regulatory authority.

- A. **BASE STATION** means a structure or equipment at a fixed location that enables FCC - licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
- B. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwavebackhaul.
- C. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration ( including Distributed Antenna Systems DAS”) and small- cell networks).
- D. Any structure other than a tower that, at the time the relevant application is filed with Chesterfield Township under this section, supports or houses equipment described herein that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

## Section 2.2W

- E. The term does not include any structure that, at the time the relevant application is filed with Chesterfield Township under this section, does not support or house equipment described above
- F. ELIGIBLE FACILITIES REQUEST means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - G. Collocation of new transmission equipment;
  - H. Removal of transmission equipment; or
  - I. Replacement of transmission equipment.
- J. ELIGIBLE SUPPORT STRUCTURE means any tower or base station, as defined in this section, provided that it is existing at the time the relevant application is filed with Chesterfield Township under this section.
- K. EXISTING means a constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.
- L. NEW FACILITY means a new wireless communication support structure.
- M. SUBSTANTIAL CHANGE means a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
  - 1. Increasing the height of a wireless tower over the height previously approved, by more than 10%, or by more than the height needed for an additional antenna array with no more than 20 feet separation from the nearest existing antenna, whichever is greater.
  - 2. Increasing the height of a wireless communication support structure other than a wireless tower over the height previously approved, by more than 10% or more than 10 feet, whichever is greater.
  - 3. Adding wireless equipment to a wireless tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower at the height of the added equipment, whichever is greater.
  - 4. For a wireless communication support structure other than a wireless tower, adding wireless equipment that would protrude from the edge of the structure by more than six (6) feet.
  - 5. For any wireless tower or base station, the installation of more new equipment cabinets than required for the technology involved, which shall never be more than four (4).
  - 6. For a wireless base station, the installation of new ground equipment cabinets if there were no pre-existing ground cabinets associated with the base station.
  - 7. For a wireless base station with existing ground equipment cabinets, the installation of ground cabinets that are 10% larger in height or overall volume than the existing cabinets.
  - 8. Excavation or deployment outside the wireless compound for the wireless tower or base station and any related access or utility easements.

## Section 2.2

9. A modification that does not comply with prior approval conditions for the wireless tower or base station unless the noncompliance is limited to a modification that would not be a substantial change under the above standards in subsections 1 through 8.
10. A modification that would defeat or be incompatible or inconsistent with existing elements of a wireless tower or base station designed to conceal or minimize its appearance as a wireless tower or base station.

**WIRELESS COMMUNICATION FACILITY, ATTACHED** means a wireless communication facility that is affixed to an existing structure. An example of such a facility is an existing building, tower, water tank, utility pole, etc., which does not include an additional wireless communication support structure.

**WIRELESS COMMUNICATION, SUPPORT STRUCTURE** A structure newly erected or modified to support wireless communication antennas and connecting appurtenances. Support structure types include but are not limited to monopoles, wireless towers, lattice towers, light poles, utility support structures, traffic control structures, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

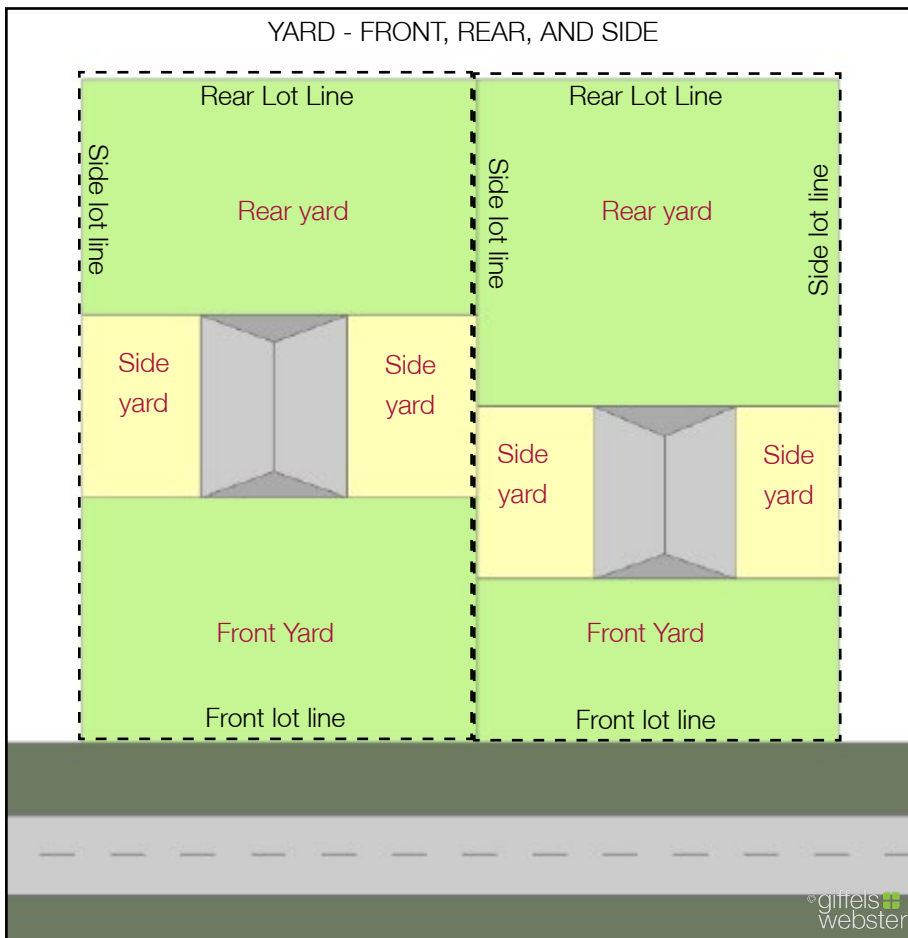
**WIRELESS TOWER** means a wireless communication support structure, the sole or primary purpose of which is to support antennas and associated wireless equipment for the provision of wireless services. A cellular tower is a wireless tower.

**WOODLAND or WOODLOT** means a tract of land dominated by trees, but usually also containing woody shrubs and other vegetation.

## Section 2.2Y

**YARD (FRONT, REAR, AND SIDE)** means an open space, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure. A required yard is that portion of any lot on which the erection of a main building is prohibited. ✍

- A. **Front Yard.** A yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line. Front yard means that portion of a lot between a building and the side abutting Anchor Bay and the Salt River south of Callens Road.
- B. **Rear Yard.** An open space extending the full width of the lot. The depth of the lot is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. **Side Yard.** An open space between a main building and the side lot line, extending from the front yard to the rear yard. The width of the side yard is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.



## Section 2.2Y-Z

**YARD CLIPPINGS** means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings less than four feet in length and two inches in diameter, that can be converted to compost humus. Yard clippings does not include stumps, agricultural waste, animal waste, roots, sewage, or garbage.

**ZERO LOT LINE** means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line

**ZONING BOARD OF APPEALS** means the zoning board of appeals of this township.

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# Chapter 76 | Article 3

## Zoning Districts

# Article 3 - Zoning Districts

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

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## Section 3.1

### 3.1 Established Districts


For the purpose of this chapter, Chesterfield Township is hereby divided into the following zones:

A-1	Agricultural-Residential
R-30	One-Family Residential
R-20	One-Family Residential
R-1-A	One-Family Residential
R-1-B	One-Family Residential
R-1-C	One-Family Residential
R-2	Two-Family Residential
MHP	Mobile Home Park Residential
RM-1	Multiple-Family Residential
RM-2	Multiple-Family Residential
RM-3	Multiple-Family Residential
HMR	High and Mid Rise
O-1	Professional Office
O-2	General Office
C-1	Local Commercial
C-2	Planned Shopping Center
C-3	General Commercial
C-4	Multiuse Commercial
WF	Waterfront
RT	Resource Technology
M-1	Light Manufacturing
M-2	General Manufacturing


# A-1 Agricultural-Residential

## A. Purpose and Intent

The agricultural district protects land needed for agricultural pursuits from encroachment by untimely and unplanned development. The agricultural district includes areas of the township used for farming, dairying, forestry and other rural activities, including vacant, fallow and wooded lands interspersed among the farms. Gradually, based upon the township's adopted master plan, some agricultural districts will be converted to other uses.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

## B. Permitted Uses

1. Agricultural uses
2. [Agricultural ponds](#)  §4.2
3. One-family dwellings
4. Existing cemeteries
5. Township buildings and uses
6. [Accessory structures and uses](#) §5.40

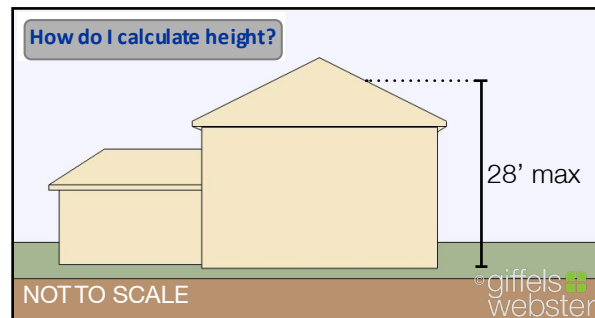
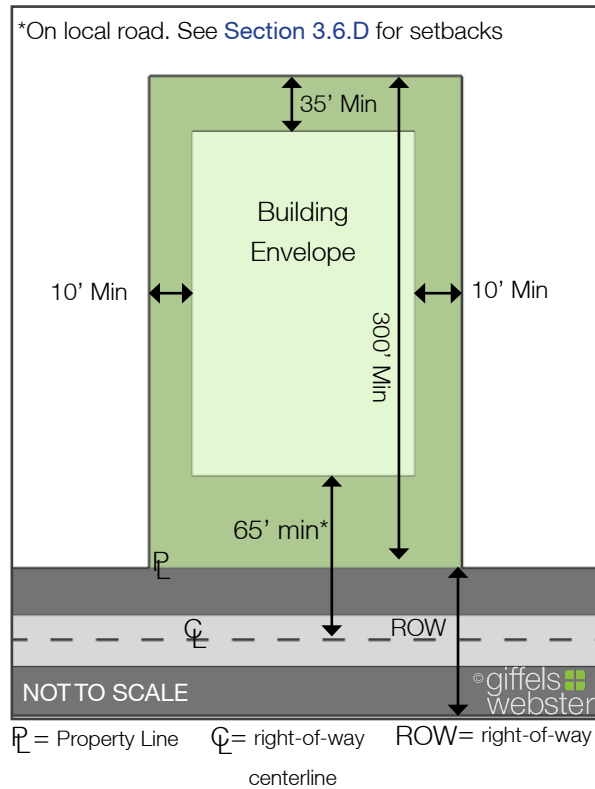
## C. Special Land Uses

1. [Airports and heliports](#) §4.3
2. [Cemeteries](#) §4.12
3. [Places of worship](#) §4.38
4. [Private schools](#) §4.38
5. [Colleges and universities](#) §4.13
6. [Earthen landfills](#) §4.27
7. [Funeral homes and mortuaries](#) §4.19
8. [Group day care](#) §4.23
9. [Home occupations](#) §4.24
10. [Inverted residential floor areas](#) 
11. [Large-scale recreation](#) §4.28
12. [Non-commercial recreation](#) §4.31
13. [Nurseries and greenhouses](#) §4.32
14. [Public buildings and recreation](#) §4.40
15. [Public utility buildings \(without outdoor storage\)](#) §4.41
16. [Raising of fur-bearing animals](#) §4.44

## Section 3.1.1

### D. Development Standards

TABLE 3.1.1.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in acres) and Width	See <a href="#">Sec. 3.6.B</a>
<b>Maximum Lot Coverage</b>	
Percentage covered by all buildings (%)	30
Percentage covered by all impervious surface (%)	40
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	65* on local road, see <a href="#">Sec.3.6.D</a> for other classification
Rear (in feet)	35
Side (in feet)	10
<b>Minimum Floor Area Per Unit</b>	
1-story (in square feet)	1,200
1.5 story (in square feet)	940 (first floor)
	1,340 (total)
2 story (in square feet)	750 (1st floor)
	1,500 (total)
<b>Maximum Height of Structures</b>	
In stories	2
In feet	28



- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.

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## Section 3.1.1

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

Agricultural and One-Family Residential District Standards §3.6

#### Article 4

Mining and Extraction §4.30

#### Article 5

Average Lot Size §5.3

Frontage §5.8

Side Yard Setbacks §5.15

Yard Use §5.23

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Porches, Terraces, At-grade Patios,

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1

Special Land Use §6.2

Planned Unit Development §6.5


## R-30 Residential One-Family

### A. Purpose and Intent

The one-family districts are established to provide principally for one-family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of one-family dwellings and to prohibit the use of the land which would substantially interfere with the development of one-family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. Agricultural uses
2. [Agricultural ponds](#)  §4.2
3. One-family dwellings
4. Existing cemeteries
5. Township buildings and uses
6. [Accessory structures and uses](#) §5.40

### C. Special Land Uses

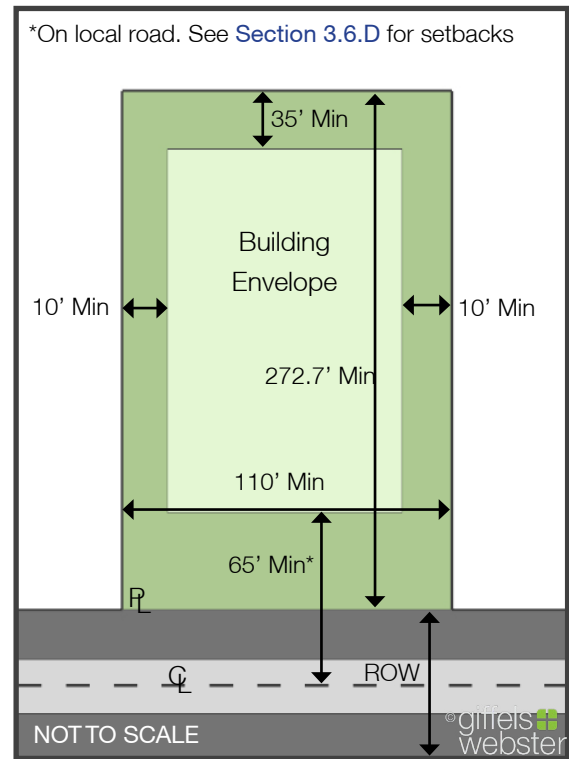
1. [Airports and heliports](#) §4.3
2. [Cemeteries](#) §4.12
3. [Cluster Housing](#) 
4. [Places of worship](#) §4.38
5. [Planned unit development](#) §6.5
6. [Private schools](#) §4.38
7. [Private clubs, fraternal organizations, lodge halls, cultural centers, union halls](#) §4.39
8. [Colleges and universities](#) §4.13
9. [Earthen landfills](#) §4.27
10. [Funeral homes and mortuaries](#) §4.19
11. [Group day care](#) §4.23
12. [Home occupations](#) §4.24
13. [Inverted residential floor areas](#) 
14. [Large-scale recreation](#) §4.28
15. [Non-commercial recreation](#) §4.31
16. [Nurseries and greenhouses](#) §4.32
17. [Public buildings and recreation](#) §4.40
18. [Public utility buildings \(without outdoor storage\)](#) §4.41



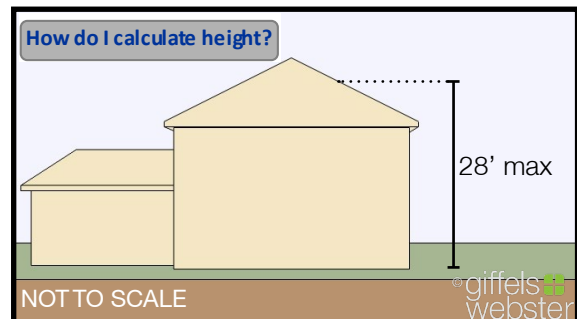
## Section 3.1.2

### D. Development Standards

TABLE 3.1.2.D	
DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	30,000
Width (in feet)	110
Depth (in feet)	272.7
<b>Maximum Lot Coverage</b>	
Percentage covered by all buildings (%)	30
Percentage covered by all impervious surface (%)	40
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	65* on local road, see <a href="#">Sec.3.6.D</a> for other classification
Rear (in feet)	35
Side (in feet)	10
<b>Minimum Floor Area Per Unit</b>	
1-story (in square feet)	1,200
1.5 story (in square feet)	940 (first floor)
	1,340 (total)
2 story (in square feet)	750 (1st floor)
	1,500 (total)
<b>Maximum Height of Structures</b>	
In stories	2
In feet	28



PL = Property Line CL = right-of-way centerline ROW = right-of-way centerline



- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.

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## Section 3.1.2

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

Agricultural and One-Family Residential District Standards §3.6

#### Article 4

Mining and Extraction §4.30

#### Article 5

Average Lot Size §5.3

Frontage §5.8

Side Yard Setbacks §5.15

Yard Use §5.23

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Porches, Terraces, At-grade Patios,

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1

Special Land Use §6.2

Planned Unit Development §6.5


## R-20 Residential One-Family

### A. Purpose and Intent

The one-family districts are established to provide principally for one-family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of one-family dwellings and to prohibit the use of the land which would substantially interfere with the development of one-family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. [Agricultural ponds](#)  §4.2
2. One-family dwellings
3. Existing cemeteries
4. Township buildings and uses
5. [Accessory structures and uses](#) §5.40

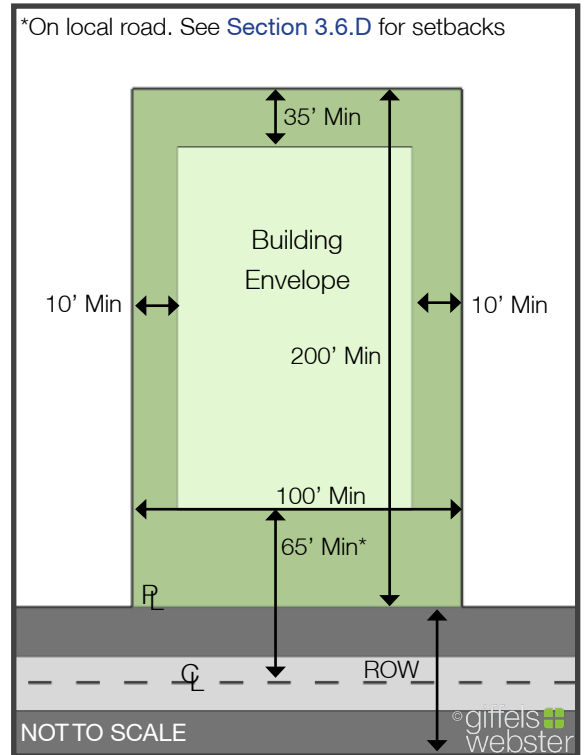
### C. Special Land Uses

1. [Cemeteries](#) §4.12
2. [Places of worship](#) §4.38
3. [Cluster Housing](#) 
4. [Planned unit development](#) §6.5
5. [Private schools](#) §4.38
6. [Private clubs, fraternal organizations, lodge halls, cultural centers, union halls](#) §4.39
7. [Colleges and universities](#) §4.13
8. [Earthen landfills](#) §4.27
9. [Funeral homes and mortuaries](#) §4.19
10. [Group day care](#) §4.23
11. [Home occupations](#) §4.24
12. [Inverted residential floor areas](#) 
13. [Non-commercial recreation](#) §4.31
14. [Nurseries and greenhouses](#) §4.32
15. [Public buildings and recreation](#) §4.40
16. [Public utility buildings \(without outdoor storage\)](#) §4.41

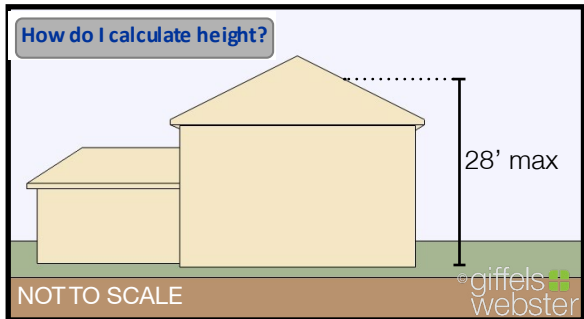
### Section 3.1.3

#### D. Development Standards

TABLE 3.1.3.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	20,000
Width (in feet)	100
Depth (in feet)	200
<b>Maximum Lot Coverage</b>	
Percentage covered by all buildings (%)	30
Percentage covered by all impervious surface (%)	40
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	65* on local road, see <a href="#">Sec.3.6.D</a> for other classification
Rear (in feet)	35
Side (in feet)	10
<b>Minimum Floor Area Per Unit</b>	
1-story (in square feet)	1,200
1.5 story (in square feet)	940 (first floor)
	1,340 (total)
2 story (in square feet)	750 (1st floor)
	1,500 (total)
<b>Maximum Height of Structures</b>	
In stories	2
In feet	28



PL = Property Line CL = right-of-way centerline ROW = right-of-way



- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.

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## Section 3.1.3

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

Agricultural and One-Family Residential District Standards §3.6

#### Article 4

Mining and Extraction §4.30

#### Article 5

Average Lot Size §5.3

Frontage §5.8

Side Yard Setbacks §5.15

Yard Use §5.23

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Porches, Terraces, At-grade Patios,

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1

Special Land Use §6.2

Planned Unit Development §6.5


## R-1-A Residential One-Family

### A. Purpose and Intent

The one-family districts are established to provide principally for one-family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of one-family dwellings and to prohibit the use of the land which would substantially interfere with the development of one-family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. [Agricultural ponds](#)  §4.2
2. One-family dwellings
3. Existing cemeteries
4. Township buildings and uses
5. [Accessory structures and uses](#) §5.40

### C. Special Land Uses

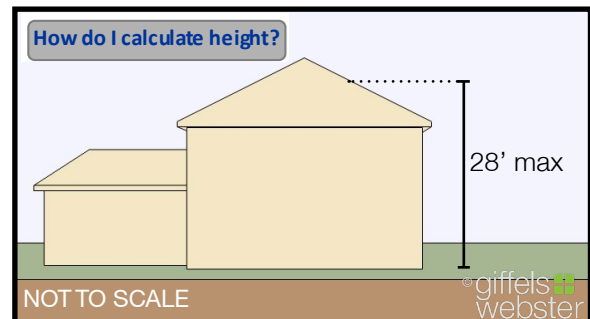
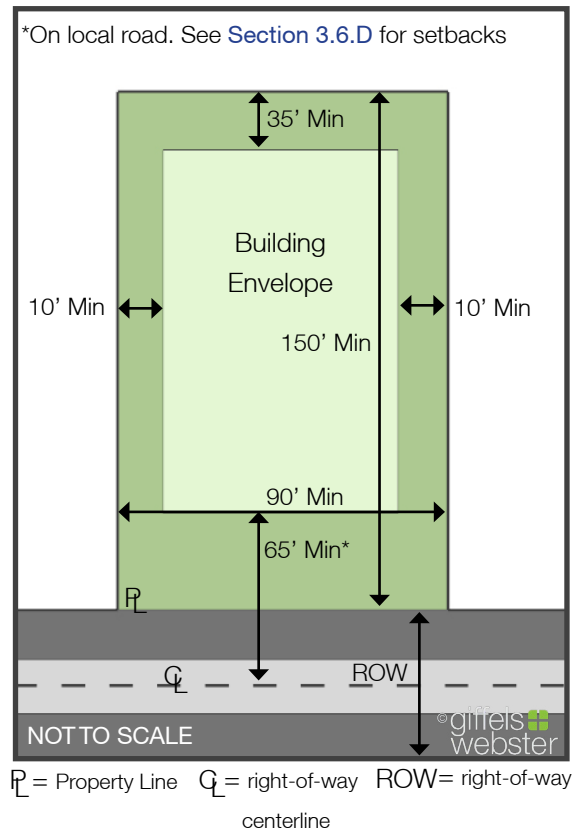
1. [Cemeteries](#) §4.12
2. [Places of worship](#) §4.38
3. [Cluster Housing](#) 
4. [Planned unit development](#) §6.5
5. [Private schools](#) §4.38
6. [Private clubs, fraternal organizations, lodge halls, cultural centers, union halls](#) §4.39
7. [Colleges and universities](#) §4.13
8. [Detached non-residential buildings](#) 
9. [Earthen landfills](#) §4.27
10. [Funeral homes and mortuaries](#) §4.19
11. [Group day care](#) §4.23
12. [Home occupations](#) §4.24
13. [Inverted residential floor areas](#) 
14. [Non-commercial recreation](#) §4.31
15. [Nurseries and greenhouses](#) §4.32
16. [Public buildings and recreation](#) §4.40
17. [Public utility buildings \(without outdoor storage\)](#) §4.41



## Section 3.1.4

### D. Development Standards

TABLE 3.1.4.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	13,500
Width (in feet)	90
Depth (in feet)	150
<b>Maximum Lot Coverage</b>	
Percentage covered by all buildings (%)	30
Percentage covered by all impervious surface (%)	40
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	65* on local road, see <a href="#">Sec.3.6.D</a> for other classification
Rear (in feet)	35
Side (in feet)	10
<b>Minimum Floor Area Per Unit</b>	
1-story (in square feet)	1,200
1.5 story (in square feet)	940 (first floor)
	1,340 (total)
2 story (in square feet)	750 (1st floor)
	1,500 (total)
<b>Maximum Height of Structures</b>	
In stories	2
In feet	28



- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.

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## Section 3.1.4

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

Agricultural and One-Family Residential District Standards §3.6

#### Article 4

Mining and Extraction §4.30

#### Article 5

Average Lot Size §5.3

Frontage §5.8

Side Yard Setbacks §5.15

Yard Use §5.23

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Porches, Terraces, At-grade Patios,

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5


## R-1-B Residential One-Family

### A. Purpose and Intent

The one-family districts are established to provide principally for one-family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of one-family dwellings and to prohibit the use of the land which would substantially interfere with the development of one-family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. [Agricultural ponds](#)  §4.2
2. [One-family dwellings](#)
3. [Existing cemeteries](#)
4. [Township buildings and uses](#)
5. [Accessory structures and uses](#)  
§5.40

### C. Special Land Uses

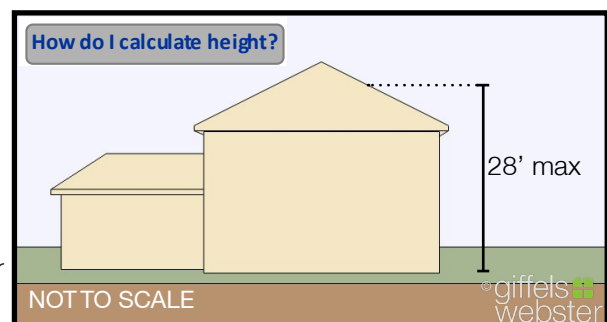
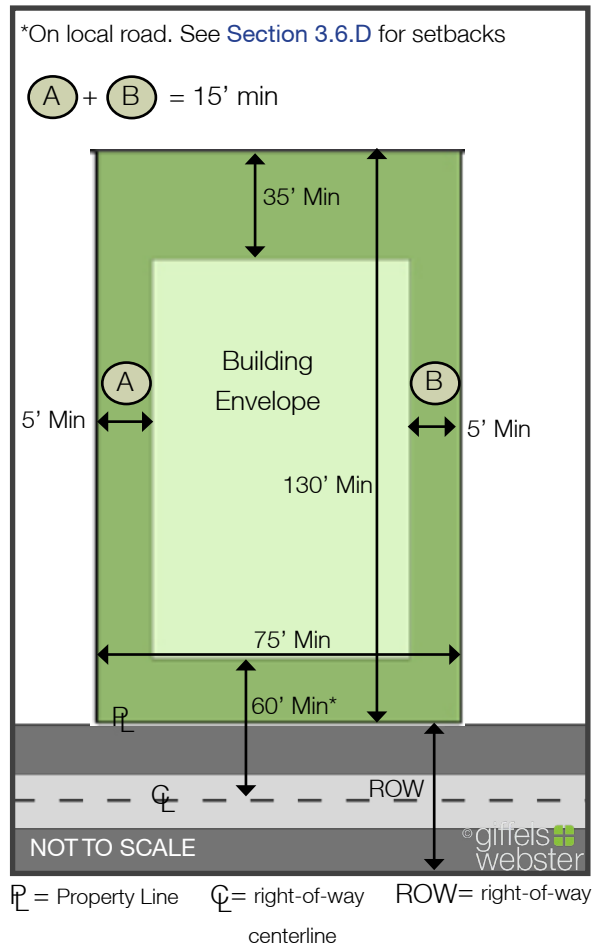
1. [Cemeteries](#) §4.12
2. [Places of worship](#) §4.38
3. [Cluster Housing](#) 
4. [Planned unit development](#) §6.5
5. [Private schools](#) §4.38
6. [Private clubs, fraternal organizations, lodge halls, cultural centers, union halls](#) §4.39
7. [Colleges and universities](#) §4.13
8. [Day care and nursery schools](#) §4.15
9. [Detached non-residential buildings](#) 
10. [Earthen landfills](#) §4.27
11. [Funeral homes and mortuaries](#) §4.19
12. [Group day care](#) §4.23
13. [Home occupations](#) §4.24
14. [Inverted residential floor areas](#) 
15. [Non-commercial recreation](#) §4.31
16. [Nurseries and greenhouses](#) §4.32
17. [Public buildings and recreation](#)  
§4.40
18. [Public utility buildings \(without outdoor storage\)](#) §4.41

## Section 3.1.5

### D. Development Standards

TABLE 3.1.5.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	9,750
Width (in feet)	75
Depth (in feet)	130
<b>Maximum Lot Coverage</b>	
Percentage covered by all buildings (%)	30
Percentage covered by all impervious surface (%)	45
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	65* on local road, see <a href="#">Sec.3.6.D</a> for other classification
Rear (in feet)	35
Side (in feet)	15 total, 5 on least side
<b>Minimum Floor Area Per Unit</b>	
1-story (in square feet)	1,200
1.5 story (in square feet)	800 (first floor)
	1,200 (total)
2 story (in square feet)	650 (1st floor)
	1,300 (total)
<b>Maximum Height of Structures</b>	
In stories	2
In feet	28

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



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## Section 3.1.5

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

Agricultural and One-Family Residential District Standards §3.6

#### Article 4

Mining and Extraction §4.30

#### Article 5

Average Lot Size §5.3

Frontage §5.8

Side Yard Setbacks §5.15

Yard Use §5.23

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Porches, Terraces, At-grade Patios,

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5


## R-1-C Residential One-Family

### A. Purpose and Intent

The one-family districts are established to provide principally for one-family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of one-family dwellings and to prohibit the use of the land which would substantially interfere with the development of one-family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. [Agricultural ponds](#)  §4.2
2. One-family dwellings
3. Existing cemeteries
4. Township buildings and uses
5. [Accessory structures and uses](#) §5.40

### C. Special Land Uses

1. [Cemeteries](#) §4.12
2. [Places of worship](#) §4.38
3. [Planned unit development](#) §6.5
4. [Private schools](#) §4.38
5. [Private clubs, fraternal organizations, lodge halls, cultural centers, union halls](#) §4.39
6. [Colleges and universities](#) §4.13
7. [Day care and nursery schools](#) §4.15
8. [Detached non-residential buildings](#) 
9. [Earthen landfills](#) §4.27
10. [Funeral homes and mortuaries](#) §4.19
11. [Group day care](#) §4.23
12. [Home occupations](#) §4.24
13. [Inverted residential floor areas](#) 
14. [Non-commercial recreation](#) §4.31
15. [Nurseries and greenhouses](#) §4.32
16. [Public buildings and recreation](#) §4.40
17. [Public utility buildings \(without outdoor storage\)](#) §4.41

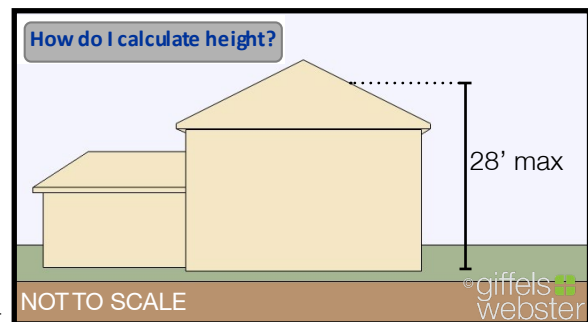
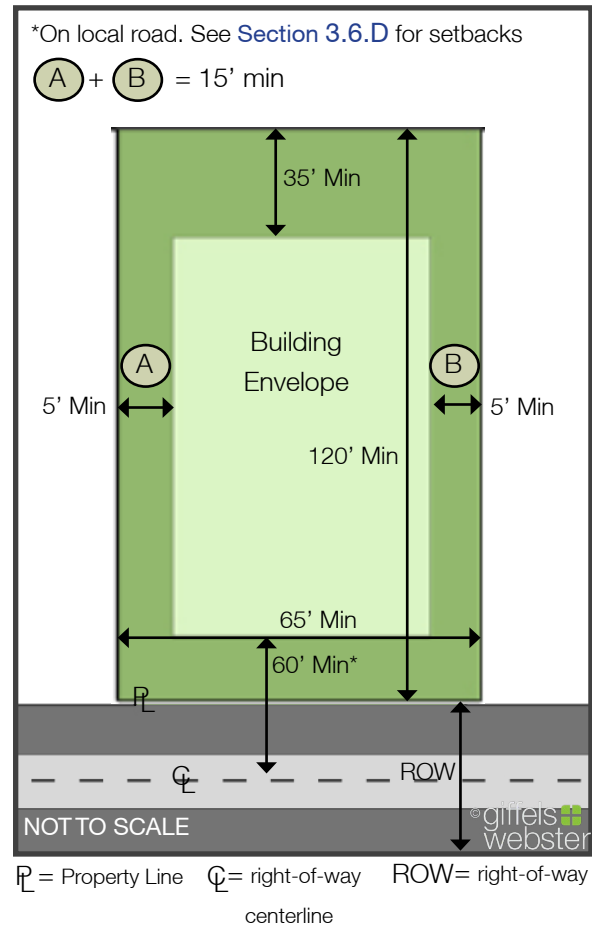


## Section 3.1.6

### D. Development Standards

TABLE 3.1.6.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	7,800
Width (in feet)	65
Depth (in feet)	120
<b>Maximum Lot Coverage</b>	
Percentage covered by all buildings (%)	30
Percentage covered by all impervious surface (%)	50
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	60* on local road, see <a href="#">Sec.3.6.D</a> for other classification
Rear (in feet)	35
Side (in feet)	15 total, 5 on least side
<b>Minimum Floor Area Per Unit</b>	
1-story (in square feet)	1,200
1.5 story (in square feet)	800 (first floor)
	1,200 (total)
2 story (in square feet)	650 (1st floor)
	1,300 (total)
<b>Maximum Height of Structures</b>	
In stories	2
In feet	28

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



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## Section 3.1.6

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

Agricultural and One-Family Residential District Standards §3.6

#### Article 4

Mining and Extraction §4.30

#### Article 5

Average Lot Size §5.3

Frontage §5.8

Side Yard Setbacks §5.15

Yard Use §5.23

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Porches, Terraces, At-grade Patios,

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1

Special Land Use §6.2

Planned Unit Development §6.5

## R-2 Two-Family Residential

### A. Purpose and Intent

The R-2 district is established to provide an environment suitable for families who typically have children, but families of smaller size than those residing in the one-family residential districts. Uses are primarily limited to moderately low-density, two-family dwelling units, plus certain residentially related uses designated to provide an acceptable neighborhood environment. The district may also provide a transition between higher density residential districts or nonresidential districts and low-density, one-family residential districts. The two-family district also permits the construction of residences at a slightly higher density than one-family.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. [All permitted uses as regulated in the R-1-C district §3.1.6](#)
2. [Two-family dwellings](#)
3. [Accessory structures and uses §5.40](#)

### C. Special Land Uses

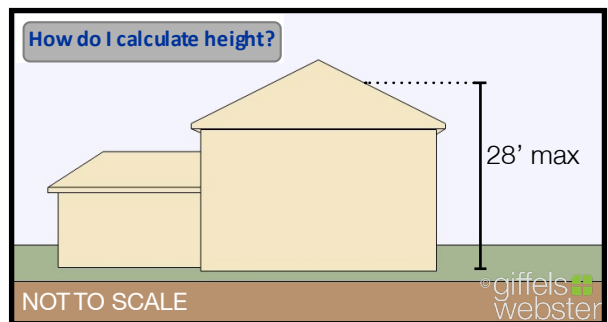
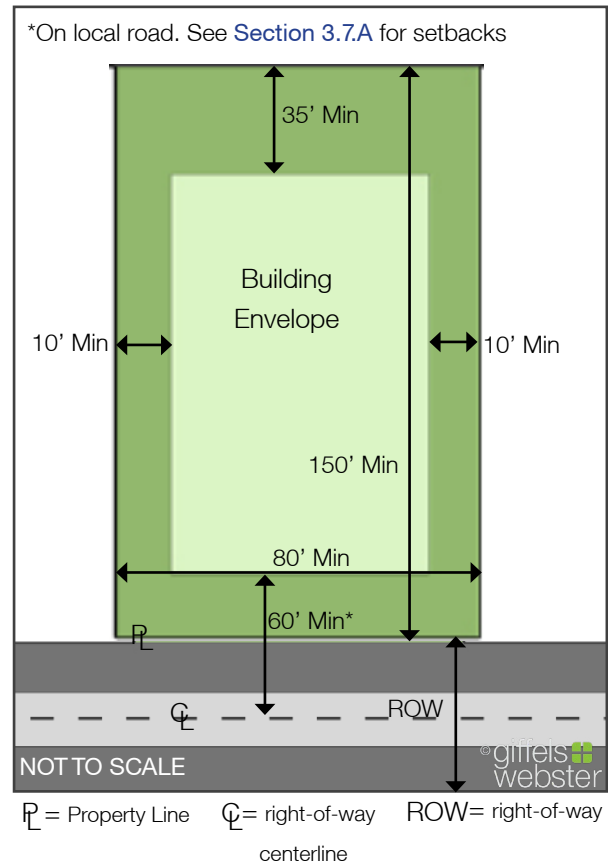
1. [Cemeteries §4.12](#)
2. [Colleges and universities §4.13](#)
3. [Day care and nursery schools §4.15](#)
4. [Funeral homes and mortuaries §4.19](#)
5. [Group day care §4.23](#)
6. [Non-commercial recreation §4.31](#)
7. [Nurseries and greenhouses §4.32](#)
8. [Planned unit development §6.5](#)
9. [Private clubs, fraternal organizations, lodge halls, cultural centers, union halls §4.39](#)
10. [Public utility buildings \(without outdoor storage\) §4.41](#)

## Section 3.1.7

### D. Development Standards

TABLE 3.1.7.D	
DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	12,000
Width (in feet)	80
Depth (in feet)	150
<b>Maximum Lot Coverage</b>	
Percentage covered by all buildings (%)	40
Percentage covered by all impervious surface (%)	50
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	65* on local road, see <a href="#">Sec.3.6.D</a> for other classification
Rear (in feet)	35
Side (in feet)	10
<b>Minimum Floor Area Per Unit</b>	
1-story (in square feet)	1,200
1.5 story (in square feet)	800 (first floor)
	1,200 (total)
2 story (in square feet)	650 (1st floor)
	1,300 (total)
<b>Maximum Height of Structures</b>	
In stories	2
In feet	28

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



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## Section 3.1.7

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

Agricultural and One-Family Residential District Standards §3.6

#### Article 4

Mining and Extraction §4.30

#### Article 5

Average Lot Size §5.3

Frontage §5.8

Side Yard Setbacks §5.15

Yard Use §5.23

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Porches, Terraces, At-grade Patios,

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5


# MHP Mobile Home Park

## A. Purpose and Intent

The MHP district is a residential district. The rules are those set forth by the mobile home commission, except for the regulations listed in subsections (b) and (c) of this section designed to provide adequate space and land use separation in harmony with the township's other zoning districts.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

## B. Permitted Uses

1. All principal and special land uses permitted and as regulated in the R-2 district §3.1.7
2. Mobile home parks 
3. Accessory structures and uses §5.40
4. Accessory commercial as regulated in section 3.8.E

## C. Special Land Uses

1. Cemeteries §4.12
2. Places of Worship §4.18
3. Colleges and universities §4.13
4. Day care and nursery schools §4.15
5. Funeral homes and mortuaries §4.19
6. Group day care §4.23
7. Non-commercial recreation §4.31
8. Nurseries and greenhouses §4.32
9. Planned unit development §6.5
10. Private clubs, fraternal organizations, lodge halls, cultural centers, union halls §4.39
11. Public utility buildings (without outdoor storage) §4.41



## Section 3.1.8

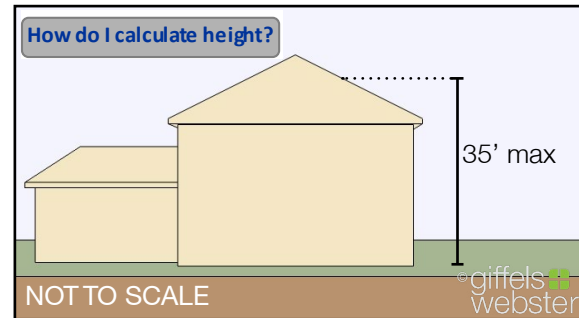
### D. Development Standards

#### Building Height

Maximum building height

service and office structures: 2 stories,  
or 35 ft.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

Mobile Home Park (MHP) District Standards §3.8

#### Article 5

Environmental Provisions §5.33

Accessory Structures §5.40

Porches/Terraces, At-grade Patios, Step/Stairs and Decks §5.30

Yard Use §5.23

Off-street Parking and Loading §5.39

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5





## RM-1 Residential Multiple-Family

### A. Purpose and Intent

The multiple-family residential districts are designed to permit a more intensive residential use of land with various types of multiple dwellings and related uses. A variety of types and sizes of residential accommodations for ownership or rental are thereby provided to meet the needs of the different age and family groups in the township.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. All principal uses permitted and as regulated in the nearest one-family district.
2. Two-family dwellings 
3. Apartments 
4. Multiplexes 
5. Townhouses 
6. Tourist home, lodging house, boarding home
7. [Accessory structures and uses §5.40](#)

### C. Special Land Uses

1. [Places of Worship §4.18](#)
2. [Private schools §4.38](#)
3. [Colleges and universities §4.13](#)
4. [Convalescent, nursing homes or hospices §4.14](#)
5. [Day care and nursery schools §4.15](#)
6. [Detached one-family planned project §4.16](#)
7. [General hospital §4.22](#)
8. [Group day care §4.23](#)
9. [Housing for the elderly or senior citizen housing §4.25](#)
10. [Non-commercial recreation §4.31](#)
11. [Private clubs, fraternal organizations, lodge halls, cultural centers, union halls §4.39](#)
12. [Public utility buildings \(without outdoor storage\) §4.41](#)

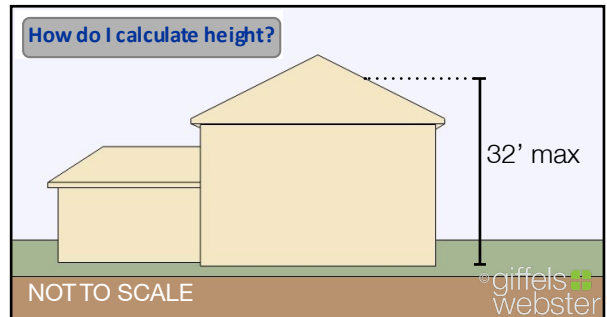
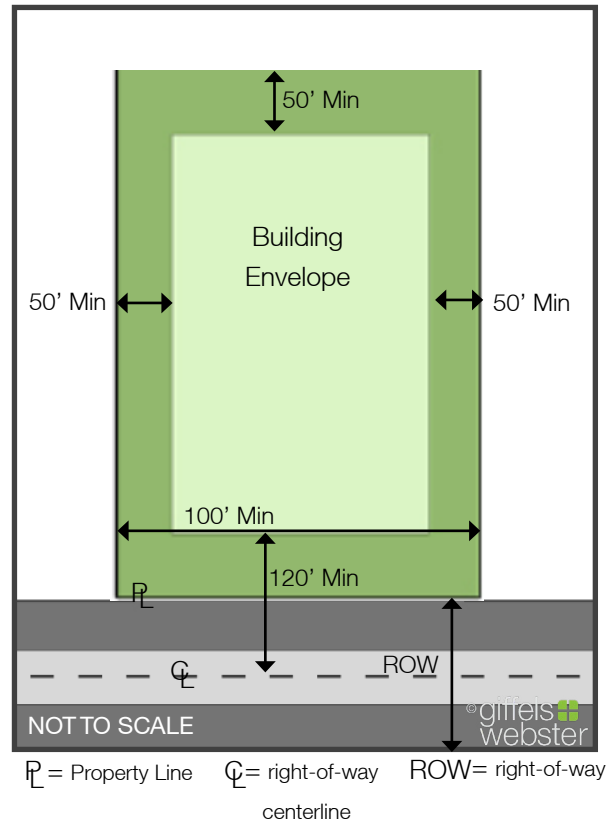
Section 3.1.9

D. Development Standards

TABLE 3.1.9.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	12,000
Width (in feet)	100
<b>Minimum Gross Site Area Per Dwelling Unit</b>	
1 bedroom	6,500
2 bedroom	7,000
3 bedroom	7,500
per each additional bedroom	1,000
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	120*
Rear (in feet)	50*
Side (in feet)	50*
<b>Minimum Floor Area Per Unit</b>	
Efficiency (in square feet)	500
1 bedroom (in square feet)	600
2 bedroom (in square feet)	800
each additional bedroom (in square feet)	150
<b>Maximum Height of Structures</b>	
In stories	2
In feet	32

\*See Section 3.9.L for additional setback requirements.

- For additions to the above requirements, refer to Section 3.4 Notes to District Standards
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



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## Section 3.1.9

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

RM-1, RM-2, and RM-3 Multiple-family District Standards §3.9

#### Article 4

Mining and Extraction §4.30

#### Article 5

Average Lot Size §5.3

Frontage §5.8

Side Yard Setbacks §5.15

Yard Use §5.23

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Porches, Terraces, At-grade Patios,

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5






## RM-2 Residential Multiple-Family

### A. Purpose and Intent

The multiple-family residential districts are designed to permit a more intensive residential use of land with various types of multiple dwellings and related uses. A variety of types and sizes of residential accommodations for ownership or rental are thereby provided to meet the needs of the different age and family groups in the township.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. All principal uses permitted and as regulated in the nearest one-family district.
2. Two-family dwellings 
3. Apartments 
4. Multiplexes
5. Townhouses 
6. Tourist home, lodging house, boarding home 
7. [Accessory structures and uses](#)  §5.40

### C. Special Land Uses

1. [Places of Worship](#) §4.18
2. [Private schools](#) §4.38
3. [Colleges and universities](#) §4.13
4. [Convalescent, nursing homes or hospices](#) §4.14
5. [Day care and nursery schools](#) §4.15
6. [Detached one-family planned project](#) §4.16
7. [General hospital](#) §4.22
8. [Group day care](#) §4.23
9. [Housing for the elderly or senior citizen housing](#) §4.25
10. [Non-commercial recreation](#) §4.31
11. [Planned unit development](#) §6.5
12. [Private clubs, fraternal organizations, lodge halls, cultural centers, union halls](#) §4.39
13. [Public utility buildings \(without outdoor storage\)](#) §4.41

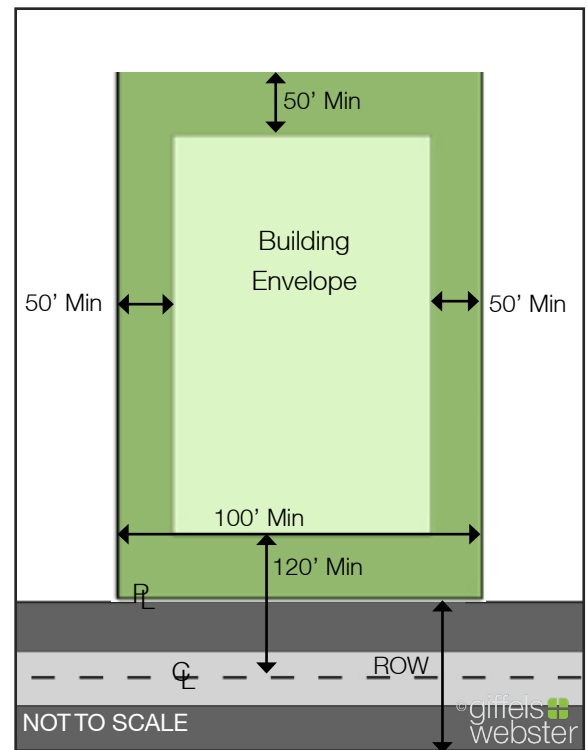
## Section 3.1.10

### D. Development Standards

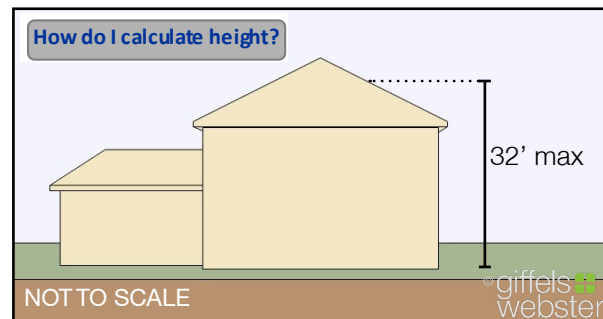
TABLE 3.1.10.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	12,000
Width (in feet)	100
<b>Minimum Gross Site Area Per Dwelling Unit</b>	
Efficiency	5,500 sq. ft. (10% max)
1 bedroom	5,500 sq. ft.
2 bedroom	6,000 sq. ft.
3 bedroom	6,500 sq. ft.
per each additional bedroom	1,000 sq. ft.
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	120*
Rear (in feet)	50*
Side (in feet)	50*
<b>Maximum Floor Area Per Unit</b>	
Efficiency (in square feet)	500
1 bedroom (in square feet)	600
2 bedroom (in square feet)	800
each additional bedroom (in square feet)	150
<b>Maximum Height of Structures</b>	
In stories	2
In feet	32

\*See [Section 3.9.G & M](#) for additional setback requirements.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



PL = Property Line    CL = right-of-way centerline    ROW = right-of-way centerline



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## Section 3.1.10

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

RM-1, RM-2, and RM-3 Multiple-family District Standards §3.9

#### Article 4

Mining and Extraction §4.30

#### Article 5

Average Lot Size §5.3

Frontage §5.8

Side Yard Setbacks §5.15

Yard Use §5.23

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Porches, Terraces, At-grade Patios,

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5





## RM-3 Residential Multiple-Family (Apartment)

### A. Purpose and Intent

The multiple-family residential districts are designed to permit a more intensive residential use of land with various types of multiple dwellings and related uses. A variety of types and sizes of residential accommodations for ownership or rental are thereby provided to meet the needs of the different age and family groups in the township.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. All principal uses permitted and as regulated in the nearest one-family district.
2. Two-family dwellings 
3. Apartments 
4. Multiplexes
5. Townhouses 
6. Tourist home, lodging house, boarding home
7. Accessory structures and uses  §5.40

### C. Special Land Uses

1. Places of Worship §4.18
2. Private schools §4.38
3. Colleges and universities §4.13
4. Convalescent, nursing homes or hospices §4.14
5. Day care and nursery schools §4.15
6. Detached one-family planned project §4.16
7. General hospital §4.22
8. Group day care §4.23
9. Housing for the elderly or senior citizen housing §4.25
10. Non-commercial recreation §4.31
11. Planned unit development §6.5
12. Private clubs, fraternal organizations, lodge halls, cultural centers, union halls §4.39
13. Public utility buildings (without outdoor storage) §4.41

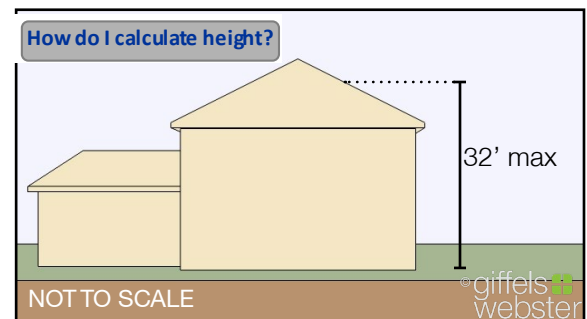
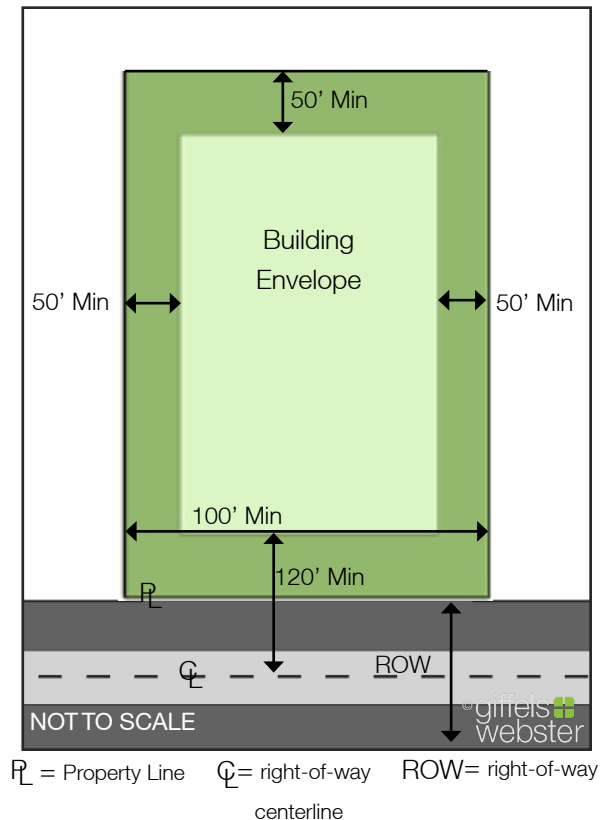
## Section 3.1.11

### D. Development Standards

TABLE 3.1.11.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	12,000
Width (in feet)	100
<b>Minimum Gross Site Area Per Dwelling Unit</b>	
1 bedroom	4,500
2 bedroom	5,000
3 bedroom	5,500
per each additional bedroom	1,000
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	120*
Rear (in feet)	50*
Side (in feet)	50*
<b>Minimum Floor Area Per Unit</b>	
Efficiency (in square feet)	500
1 bedroom (in square feet)	600
2 bedroom (in square feet)	800
each additional bedroom (in square feet)	150
<b>Maximum Height of Structures</b>	
In stories	2
In feet	32
In feet	32

\*See [Section 3.9.L](#) for additional setback requirements.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



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## Section 3.1.11

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

RM-1, RM-2, and RM-3 Multiple-family District Standards §3.9

#### Article 4

Mining and Extraction §4.30

#### Article 5

Average Lot Size §5.3

Frontage §5.8

Side Yard Setbacks §5.15

Yard Use §5.23

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Porches, Terraces, At-grade Patios,

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5



## HMR High and Mid Rise

### A. Purpose and Intent

The HMR district is designed to provide sites for apartments, offices and hotel structures adjacent to high-traffic generators commonly found in the proximity of large acreage nonresidential development and areas abutting major thoroughfares. This district is designed to provide a zone of transition between traffic generators and residential districts through the requirements of lesser land coverage which will result in more open space.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. All buildings three stories or less may contain permitted uses and special approval uses as provided in the multiple-family district and shall be regulated in the RM-3 district.
2. High and mid-rise buildings shall be limited to the following uses:
  - a. Apartments 
  - b. Business and professional offices
  - c. Hotels and motels
  - d. Indoor Theatre (within high-rise)
  - e. Local convenience or service establishments 
  - f. Personal service establishments such as, but not limited to, shoe or hat repair, tailor or dress-making shops, including custom tailor shops.
  - g. Uses customarily accessory to any of the permitted uses (without outdoor storage)
  - h. All temporary buildings shall be approved by the zoning board of appeals and shall be immediately removed upon completion of the work or fulfillment of the purpose for which they were erected and/or used.

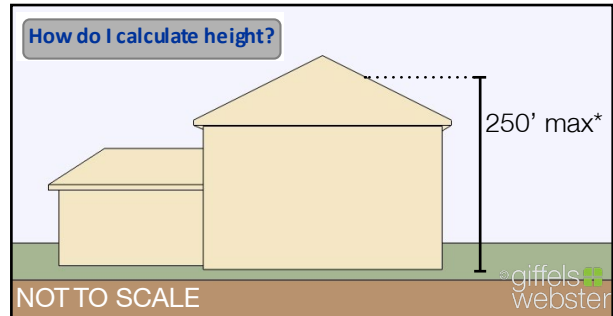
### C. Special Land Uses

1. [Places of Worship §4.18](#)
2. [Colleges and universities §4.13](#)
3. [Day care and nursery schools §4.15](#)
4. [Detached one-family planned project §4.16](#)
5. [General hospital §4.22](#)
6. [Group day care §4.23](#)
7. [Housing for the elderly or senior citizen housing §4.25](#)
8. [Non-commercial recreation §4.31](#)
9. [Planned unit development §6.5](#)
10. [Private clubs, fraternal organizations, lodge halls, cultural centers, union halls §4.39](#)
11. [Public utility buildings \(without outdoor storage\) §4.41](#)

## Section 3.1.12

### D. Development Standards

TABLE 3.1.12.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	12,000
Width (in feet)	100
<b>Minimum Gross Site Area Per Dwelling Unit</b>	
1 bedroom	500 sq. ft.
2 bedroom	1,000 sq. ft.
3 bedroom	1,500 sq. ft.
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	See <a href="#">Sec. 3.10.H</a>
Rear (in feet)	See <a href="#">Sec. 3.10.H</a>
Side (in feet)	See <a href="#">Sec. 3.10.H</a>
<b>Minimum Floor Area Per Unit</b>	
Efficiency (in square feet)	500
1 bedroom (in square feet)	600
2 bedroom (in square feet)	800
each additional bedroom (in square feet)	150
<b>Maximum Height of Structures</b>	
In feet	250*



\* See Section 3.10.L for more details

\* or the number of feet equal to 1/20 of 1% of the number of square feet of lot area, whichever is less. See [Section 3.10](#) for additional requirements.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.

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## Section 3.1.12

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

HMR District Standards §3.10

#### Article 4

Outdoor Storage, Sales and Display §4.35

#### Article 5

Building Surface, Materials and Alterations §5.4

Corner Clearance §5.6

Frontage §5.8

Side Yard Setbacks §5.15

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Screening Requirements §5.34

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5




## O-1 Professional Office

### A. Purpose and Intent

The O-1 district is designed to provide a suitable environment for various types of office uses performing professional, administrative and related service occupations. This district is also intended to provide a transition or buffer between more intense uses and/or major thoroughfares and abutting one-family residential neighborhoods.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. Professional offices 
2. Medical offices 
3. Uses permitted as a matter of right, as regulated in the immediate abutting R-1-A, R-1-B, R-1-C or R-2 district
4. Accessory uses  §5.40

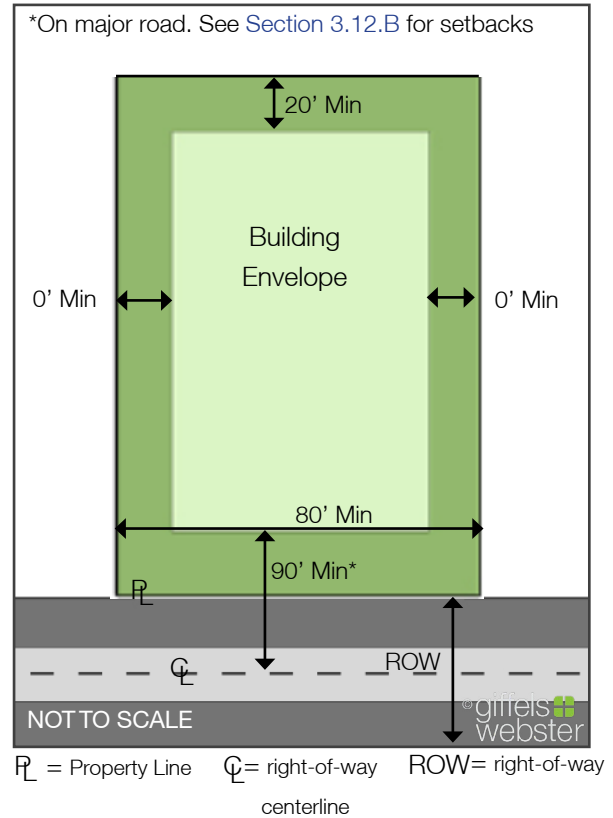
### C. Special Land Uses

1. Day care and nursery schools §4.15
2. Funeral homes and mortuaries §4.19
3. Planned unit development §6.5
4. Uses permitted as a special land use, as regulated in the immediate abutting R-1-A, R-1-B, R-1-C or R-2 district

## Section 3.1.13

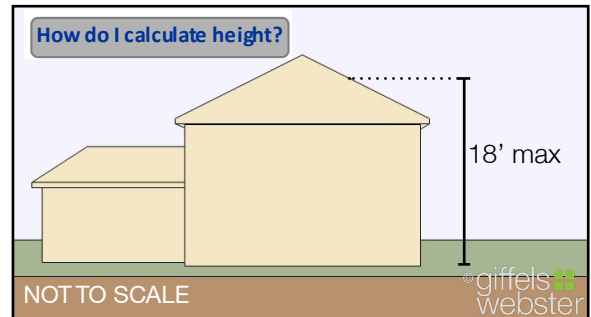
### D. Development Standards

TABLE 3.1.13.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	12,000
Width (in feet)	80
<b>Maximum Lot Coverage</b>	
Maximum percentage of lot coverage (%)	30
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	90* from major road, see <a href="#">Sec. 3.12.B</a> for other road classification
Rear (in feet)	20*
Side (in feet)	0*
<b>Maximum Height of Structures</b>	
In feet	18
In stories	1



\* See [Section 3.12.B O-1 District Standards](#) for additional setback requirements.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



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## Section 3.1.13

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

O-1 Professional Office §3.12

#### Article 4

Outdoor Storage, Sales and Display §4.35

#### Article 5

Building Surface, Materials and Alterations §5.4

Corner Clearance §5.6

Frontage §5.8

Side Yard Setbacks §5.15

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Screening Requirements §5.34

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5





## O-2 General Office

### A. Purpose and Intent

The O-2 district is established to accommodate office uses, office sales uses and basic personal services, particularly larger planned office complexes and office centers.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. Professional offices 
2. Medical offices 
3. Local Retail and Convenience 
4. Banks, credit unions and similar uses.
5. Uses permitted as a matter of right, as regulated in the immediate abutting R-1-A, R-1-B, R-1-C or R-2 district
6. Publicly and public utility offices
7. Accessory uses  §5.40

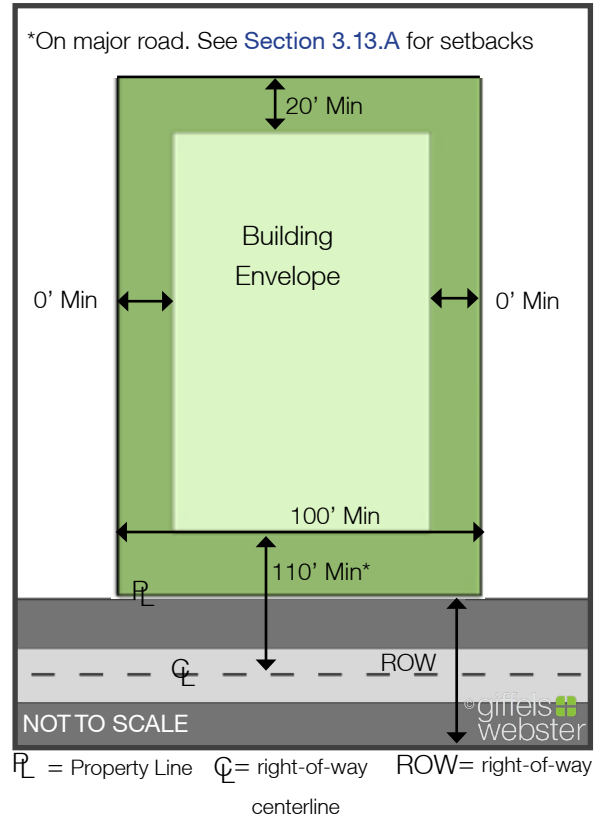
### C. Special Land Uses

1. Colleges and universities §4.13
2. Convalescent, nursing homes or hospices §4.14
3. Day care and nursery schools §4.15
4. Office/Service Businesses with Drive-through facilities §4.33 ancillary to a principal use
5. Funeral homes and mortuaries §4.19
6. General hospital §4.22
7. Non-commercial recreation §4.31
8. Planned unit development §6.5
9. Private clubs, fraternal organizations, lodge halls, cultural centers, union halls §4.39
10. Public utility buildings (without outdoor storage) §4.41
11. Residential one-family dwelling in nonresidential districts §4.47
12. Restaurants, when incidental in size to the principal office uses included on the site.
13. Uses permitted as a special land use, as regulated in the immediate abutting R-1-A, R-1-B, R-1-C or R-2 district

## Section 3.1.14

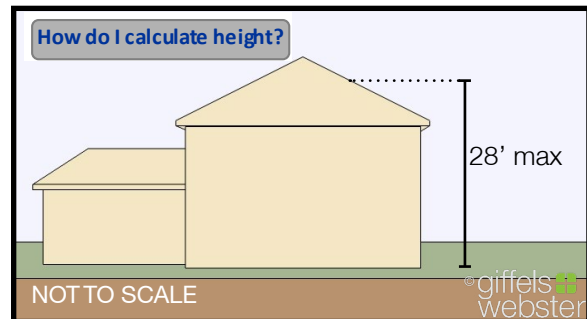
### D. Development Standards

TABLE 3.1.14.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	15,000
Width (in feet)	100
<b>Maximum Lot Coverage</b>	
Maximum percentage of lot coverage (%)	40
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	110* from major road, see <a href="#">Sec. 3.13.A</a> for other road classification
Rear (in feet)	20*
Side (in feet)	0*
<b>Maximum Height of Structures</b>	
In feet	28
In stories	2



\* See [Section 3.13.A O-2 District Standards](#) for additional setback requirements.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



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## Section 3.1.14

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

O-2 District Standards §3.13

#### Article 4

Outdoor Storage, Sales and Display §4.35

#### Article 5

Building Surface, Materials and Alterations §5.4

Corner Clearance §5.6

Frontage §5.8

Side Yard Setbacks §5.15

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Screening Requirements §5.34

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1

Special Land Use §6.2

Planned Unit Development §6.5





## C-1 Local Commercial

### A. Purpose and Intent

The C-1 district is designated to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. Protection of nearby residential districts is considered of importance. Businesses which tend to be a nuisance to immediately surrounding residential areas are excluded, even though the goods sold or services offered might fall within the convenience classification. It is the intent of this district to provide these goods and services in a physical setting that is compatible with surrounding residential neighborhoods and which are of a neighborhood size and character. Whenever possible, local commercial districts should be developed with consolidated site features to provide for a continuity of appearance and function and to minimize any negative impacts on nearby residential neighborhoods or the township's thoroughfare system.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. Professional offices 
2. Medical offices 
3. Uses permitted as a matter of right, as regulated in the immediate abutting R-1-A, R-1-B, R-1-C or R-2 district
4. Publicly owned buildings and public utility offices
5. Local convenience retail and service establishments 
6. Accessory structures and uses  §5.40

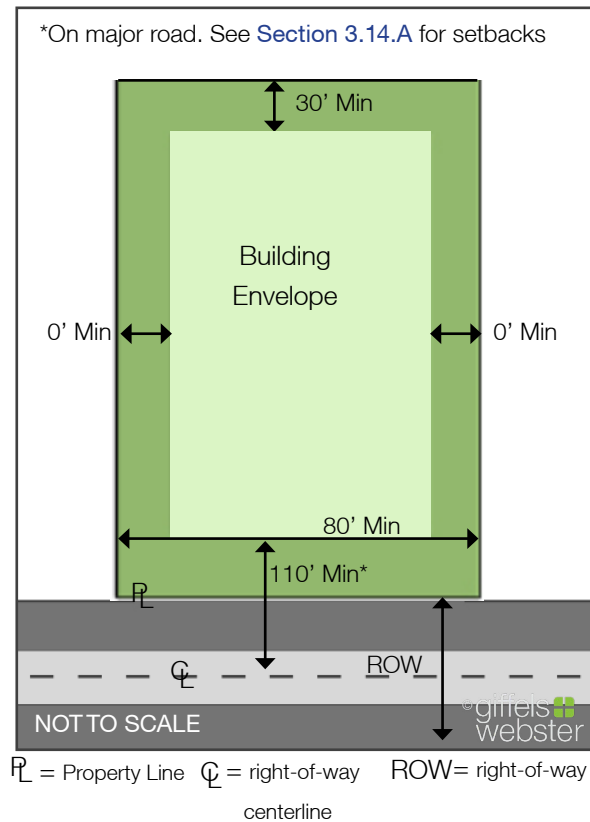
### C. Special Land Uses

1. Carryout restaurants (excluding drive-through facilities) §4.10
2. Day care and nursery schools §4.15
3. Dry cleaning and laundry establishments §4.17
4. Gasoline self-service stations §4.21
5. Planned unit development §6.5
6. Residential one-family dwelling in nonresidential districts §4.47
7. Veterinary offices or clinics providing medical, surgical and grooming facilities for small non-farm animals §4.52

## Section 3.1.15

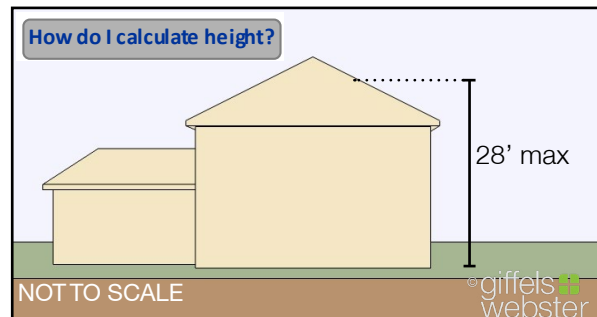
### D. Development Standards

TABLE 3.1.15.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	12,000
Width (in feet)	80
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	110* from major road, see <a href="#">Sec. 3.14.A</a> for other road classification
Rear (in feet)	30*
Side (in feet)	0*
<b>Maximum Height of Structures</b>	
In feet	28
In stories	2



\*See [Section 3.14 C-1 District Standards](#) for additional setback requirements.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



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## Section 3.1.15

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

C-1 District Standards §3.14

#### Article 4

Outdoor Storage, Sales and Display §4.35

#### Article 5

Building Surface, Materials and Alterations §5.4

Corner Clearance §5.6

Frontage §5.8

Side Yard Setbacks §5.15

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Screening Requirements §5.34

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5





## C-2 Planned Shopping Center

### A. Purpose and Intent

This district is intended to provide a combination of convenience and comparison retail goods and services serving the needs of a broader market area than several neighborhood areas, as is the case with the C-1 district. These commercial centers may include an anchor tenant, such as a supermarket or an intermediate department store. Uses within this district are intended to be developed as a planned or integrated cluster of common wall establishments served by consolidated driveways and parking areas as well as unified architecture and landscaping features.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. Professional offices 
2. Medical offices 
3. Membership organizations
4. Uses permitted as a matter of right, as regulated in the immediate abutting R-1-A, R-1-B, R-1-C or R-2 district
5. Publicly owned buildings
6. Local retail and service establishments 
7. Community and regional retail service establishments 
8. [Accessory structures and uses §5.40](#)

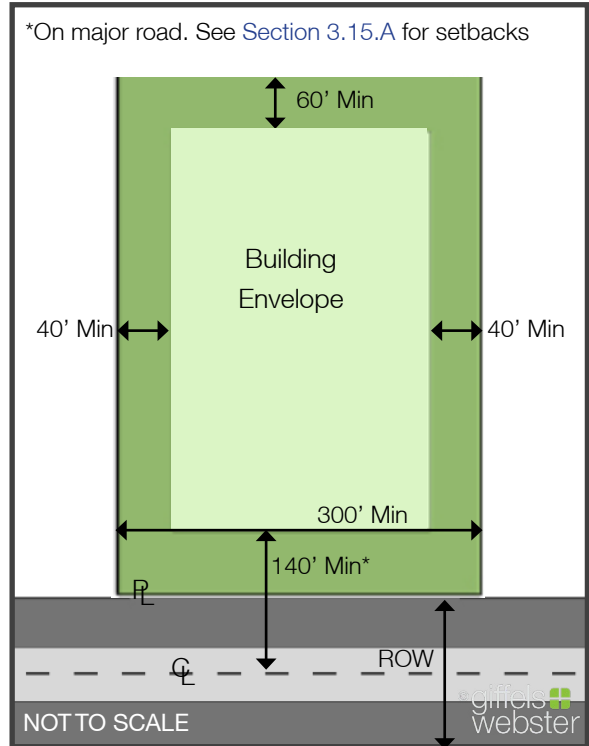
### C. Special Land Uses

1. [Amusement device centers located in a shopping center §4.4](#)
2. [Automobile service center §4.11](#) when included in shopping center
3. C-3 district permitted uses developed in harmony with a center plan. No more than 20% of the floor area for all uses may be from the C-3 category.
4. [Non-freestanding fast-food §4.18](#) and/or [carryout restaurants §4.10](#) located in an enclosed mall area of a shopping center
5. [Outdoor retail sales §4.1](#) of plant material not grown on the site, lawn furniture, playground equipment and garden supplies,
6. [Planned unit development §6.5](#)
7. Recreational space providing children's amusement park and other similar recreation, when part of and clearly secondary to a planned shopping center.
8. [Residential one-family dwelling in nonresidential districts §4.47](#)
9. [Drive-in or drive-through establishments §4.9](#)
10. Uses permitted as a special land use, as regulated in the immediate abutting R-1-A, R-1-B, R-1-C or R-2 district

Section 3.1.16

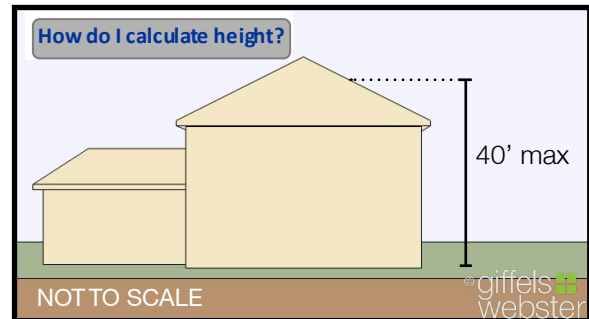
D. Development Standards

TABLE 3.1.16.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in acres)	5
Width (in feet)	300
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	140 from major road, see <a href="#">Sec. 3.15.A</a> for other road classification
Rear (in feet)	60
Side (in feet)	40
<b>Maximum Height of Structures</b>	
In feet	40
In stories	2
<b>Distance between Buildings</b>	
In feet	30



PL = Property Line    CL = right-of-way centerline    ROW = right-of-way

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



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## Section 3.1.16

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

C-2 District Standards §3.15

#### Article 4

Outdoor Storage, Sales and Display §4.35

#### Article 5

Building Surface, Materials and Alterations §5.4

Corner Clearance §5.6

Frontage §5.8

Side Yard Setbacks §5.15

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Screening Requirements §5.34

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5





## C-3 General Commercial

### A. Purpose and Intent

The C-3 district is designed to provide for a wide diversity of business activities which are predominantly, but not necessarily, totally retail in character. Other activities, usually requiring considerable land area and access to major thoroughfares, are permitted. Uses in this district must have good automobile accessibility, but should not cause congestion on adjacent thoroughfares.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. Professional office 
2. Medical office 
3. Uses permitted as a matter of right, as regulated in the immediate abutting R-1-A, R-1-B, R-1-C or R-2 district
4. Local retail and service establishments 
5. Community and regional retail service establishments 
6. Clothing rental, except industrial launderers and linen supply
7. Coin-operated service machine operations: scales, shoe-shine, lockers and blood pressure
8. Membership organizations
9. Automotive dealers
10. Hotels and motels
11. Mortuaries
12. Public utility buildings and telephone exchange buildings and gas regulator stations, transformer stations and substations, all enclosed within a building, with no outdoor storage
13. [Accessory structures §5.40](#)
14. [Temporary buildings §5.26](#)
15. Garment pressing and agents for laundries and dry cleaners
16. Coin-operated laundries and [dry cleaning establishments §4.17](#)
17. Other laundry and garment services
18. Miscellaneous personal services
19. Rental of tools and household goods
20. Appliance repair
21. Museums and art galleries
22. Automotive rental and leasing
23. Dance studios, schools and halls
24. Theatrical producers
25. Physical fitness facilities
26. [Veterinary offices or clinics, etc. §4.52](#) provided that special land use standards are met
27. [Accessory buildings and uses §5.40](#)
28. [Places of Worship §4.38](#)

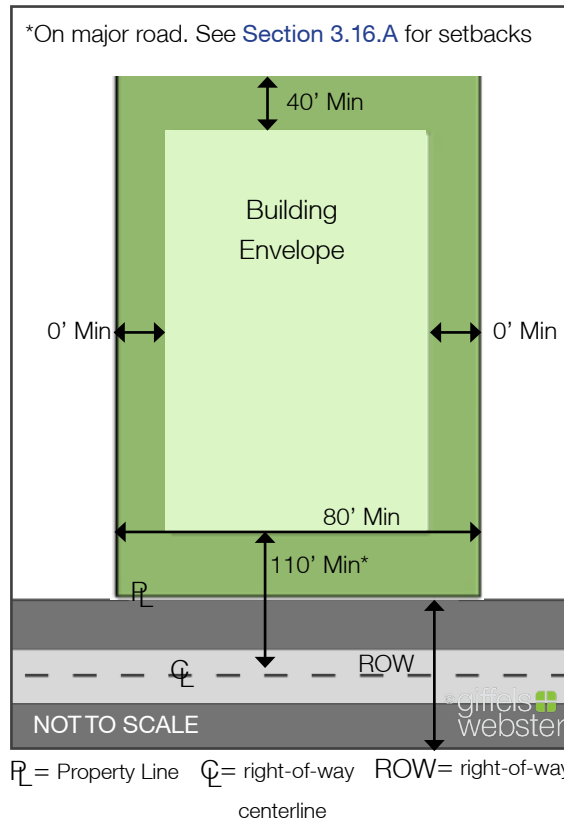
C. Special Land Uses

1. Amusement and recreation services, except racing
2. Amusement device centers §4.4
3. Automobile repair and service centers §4.7
4. Bowling 4alleys, tennis houses, racquetball facilities and similar forms of indoor commercial recreation.
5. Business of a drive-in nature, but not including outdoor theaters §4.9
6. Fast-food restaurants §4.18
7. Gasoline service stations §4.21
8. Open air business uses, including the retail sales of plant materials not grown on the site and sale of lawn furniture, playground equipment, garden or building supplies.
9. Outdoor sales lots for the sale of secondhand automobiles new or secondhand recreational vehicles, boats or mobile homes §4.36
10. Planned unit development §6.5
11. Public utility buildings §4.41
12. Residential one-family dwelling in nonresidential districts §4.47
13. Adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, group D cabarets, hotels or motels, pawnshops, pool or billiard halls, public lodging houses, secondhand stores, shoeshine parlors and taxi dance halls §4.1
14. Car washes §4.11

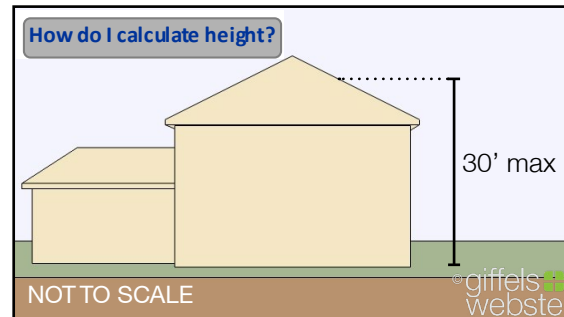
## Section 3.1.17

### D. Development Standards

TABLE 3.1.17.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	15,000
Width (in feet)	80
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	110 from major road, see <a href="#">Sec. 3.16.A</a> for other road classification
Rear (in feet)	40
Side (in feet)	0
<b>Maximum Height of Structures</b>	
In feet	30
In stories	2
<b>Distance between Buildings</b>	
In feet	30



- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



## Section 3.1.17

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

C-3 District Standards §3.16

#### Article 4

Outdoor Storage, Sales and Display §4.35

#### Article 5

Building Surface, Materials and Alterations  
§5.4

Corner Clearance §5.6

Frontage §5.8

Side Yard Setbacks §5.15

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Screening Requirements §5.34

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5



## C-4 Multi-Use

### A. Purpose and Intent

The C-4 district is established to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational and other similar uses within an aesthetically attractive environment conducive to the development and protection against nuisance-type uses and combinations.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards


### B. Permitted Uses

1. Local retail and service establishments 
2. Community and regional retail service establishments 
3. Multiple-family residential, as permitted in HMR
4. Restaurant or fast-food restaurant without drive-through
5. Theaters, auditoriums, concert halls and similar places of assembly
6. Business and technical schools
7. Health and athletic clubs
8. Artist's studios and galleries
9. Community recreation
10. Indoor recreation
11. Libraries or museums
12. Common open space
4. [Gasoline service stations §4.21](#) designed as an integral part of the overall development (architecture, signage, colors, etc.), with no more than one access drive to a perimeter road of the development.
5. Banks, credit unions, savings and loan associations, and similar financial institutions with ancillary drive-through facilities

### D. Accessory Uses

1. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, tennis courts and exercise studios, which are provided in association with a permitted use
2. [Amusement devices §4.4](#)
3. [Day care facilities §4.15](#)
4. Parking and loading structures and areas provided in conjunction with a permitted use.
5. Radio, telephone and television towers, antennae and similar structures.
6. [Drive-through facilities §4.33](#)

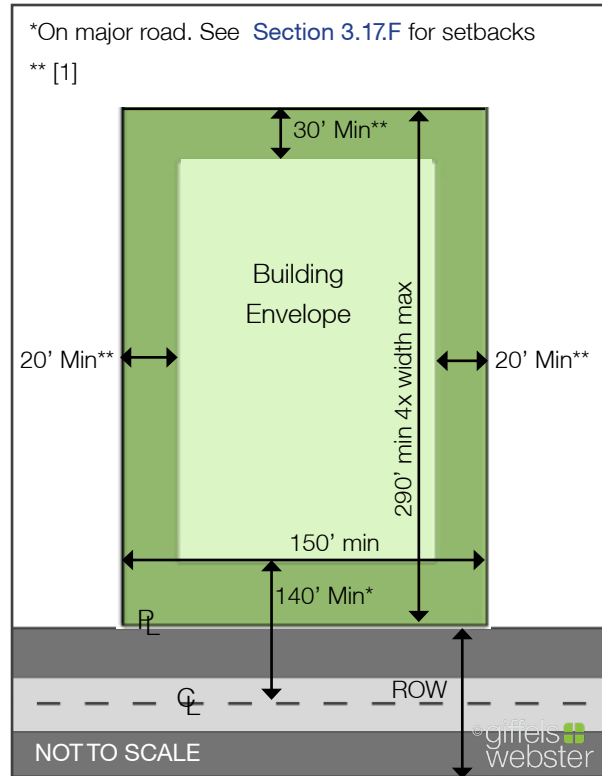
### C. Special Land Uses

1. Light industrial  and research uses without outdoor storage or activities
2. [Residential one-family dwelling in nonresidential districts §4.47](#)
3. Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations and switchboards, but excluding storage yards and towers.

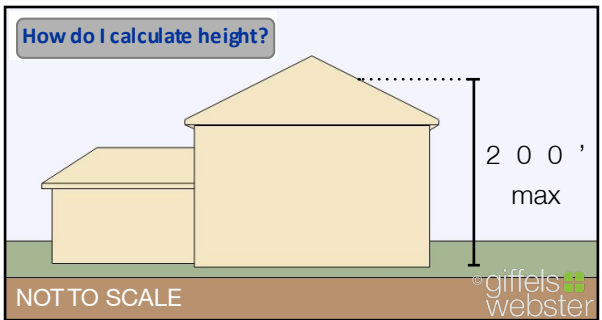
Section 3.1.18

E. Development Standards

TABLE 3.1.18.D DEVELOPMENT STANDARDS	
<b>Project Development Size</b>	
Site area (in acres)	50-100, determined by the Planning Commission, pursuant to <a href="#">Sec. 6.6</a>
Width to depth ratio	1:4 Maximum
<b>Lot Size</b>	
Minimum lot area (in acres)	1
Minimum lot width (in feet)	150
Minimum lot depth (in feet)	290
<b>Maximum Lot Coverage</b>	
For all buildings (%)	30
For all total impervious surface (%)	75
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	140 from major road, see <a href="#">Sec. 3.17.F</a> for other road classification
Rear (in feet)	30
Side (in feet)	20
<b>Height of Structures</b>	
Minimum height (in feet)	30
Minimum height (in stories)	2
except restaurants, retail, utility buildings, or accessory buildings	
Maximum height (in feet)	200, or as limited by the Federal Aviation Administration
<b>Distance between Buildings</b>	
In feet	30



\*On major road. See [Section 3.17.F](#) for setbacks  
 \*\* [1]  
 PL = Property Line    CL = right-of-way centerline    ROW = right-of-way



[1] plus the height of each level of the building which exceeds 35 feet in height measured from the nearest point of each level to the property line.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.

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## Section 3.1.18

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

C-4 District Standards §3.17

#### Article 4

Outdoor Storage, Sales and  
Display §4.35

#### Article 5

Outdoor Storage, Sales and Display §4.35

#### Article 5

Building Surface, Materials and Alterations §5.4

Corner Clearance §5.6

Frontage §5.8

Side Yard Setbacks §5.15

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Screening Requirements §5.34

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5

# WF Waterfront District

## A. Purpose and Intent

The waterfront of the township is a limited community resource. It is the intent of the waterfront district, aside from residential use, to allow only those recreational, public and business uses which are related to the waterfront and which cannot be located elsewhere. Such districts are intended to encourage safe and efficient development of waterfront areas and facilitate navigation.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

## B. Permitted Uses

1. Public or private facilities for the berthing, launching, handling or servicing of recreational boats
2. Public beaches and recreation areas directly related to the waterfront
3. [Retail businesses §4.51](#) which supply products primarily and directly for persons using the facilities of the district, such as sale of boats, equipment and accessories, fishing equipment and bait and other similar items.
4. Indoor storage of boats in a permanent structure.
5. Private launching ramps.
6. [Outdoor storage of recreational boats §4.36](#)
7. Other approved accessory uses and buildings when located on the same lot as a principal use, provided that such accessory use or building shall be clearly incidental to the permitted use.
8. Temporary buildings
9. One residential dwelling unit to be used as living quarters for security/maintenance personnel shall be permitted. The unit shall be integrated into the overall marina design and shall be compatible in appearance and function of the marina.

## C. Special Land Uses

1. Boat fuel stations
2. Clubs, lounges or restaurants
3. Engine and hull repair shops
4. Marine construction and maintenance equipment use and storage
5. Municipal or private facilities for the berthing, launching, handling or servicing of commercial boats.
6. [Planned unit development §6.5](#)
7. [Residential one-family dwelling in nonresidential districts §4.47](#)
8. [Stack storage §4.49](#)

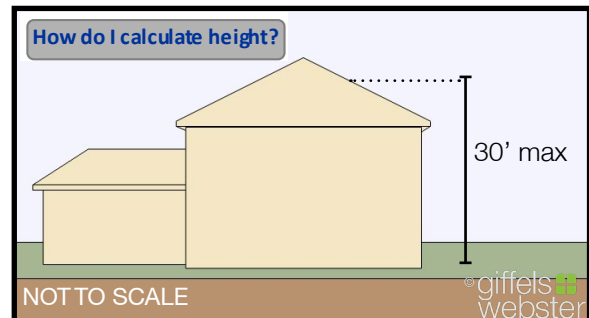
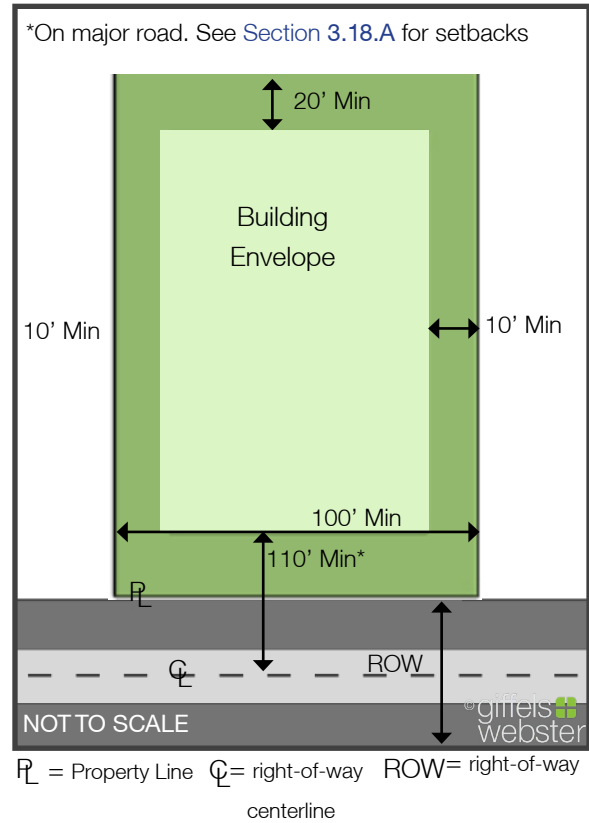
## Section 3.1.19

### D. Development Standards

TABLE 3.1.19.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	15,000
Width (in feet)	100
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	110* from major road, see <a href="#">Sec. 3.18.A</a> for other road classification
From fill or bulkhead line (in feet)	20*
Side (in feet)	10*
<b>Maximum Height of Structures</b>	
In feet	30
In stories	2

\*See [Section 3.18.A WF District Standards](#) for additional setback requirements.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



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## Section 3.1.19

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

WF District Standards §3.18

#### Article 4

Outdoor Storage, Sales and Display §4.35

#### Article 5

Building Surface, Materials and Alterations  
§5.4

Corner Clearance §5.6

Frontage §5.8

Side Yard Setbacks §5.15

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Screening Requirements §5.34

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1

Special Land Use §6.2

Planned Unit Development §6.5


# RT Resource Technology

## A. Purpose and Intent

The RT district is designed to accommodate scientific, business and industrial research operations, related testing and production operations, and operations where technology and production activities are mutually dependent or developmental in nature. Such uses shall be conducted in a spacious, open-type environment devoid of nuisance factors commonly present in standard manufacturing districts. This district permits uses which support and complement principal permitted uses, or which are vital to such principal uses and must be located close to them. The result shall be development planned in a coordinated manner, according to an approved plan.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

## B. Permitted Uses

1. Industrial research 
2. Corporate headquarter offices, administrative, professional and/or medical offices of principal permitted uses
3. Existing single-family dwellings
4. Accessory uses customarily incidental to any of the uses listed above

## C. Special Land Uses

1. [Planned unit development §6.5](#)
2. [Residential one-family dwelling in nonresidential districts §4.47](#)

## D. Accessory Uses

1. Fire, police and ambulance stations; public utilities; technical and business schools; recreation facilities, both indoor and outdoor; and post office
2. Commercial, office and service uses which are located, designed and intended to support and complement principal permitted uses as may be determined by the planning commission
3. Uses incidental to and in support of permitted uses, such as cafeterias and shops. Any such use shall be located on the lot of the principal use which it serves; shall be conducted primarily for the convenience of its own employees; shall be wholly within a building; and shall have no exterior advertising or display
4. Operations required to maintain or support any use permitted in subsection B of this section, on the same lot as the permitted use, such as maintenance shops, power plants and government facilities
5. Sleeping quarters for security and maintenance personnel

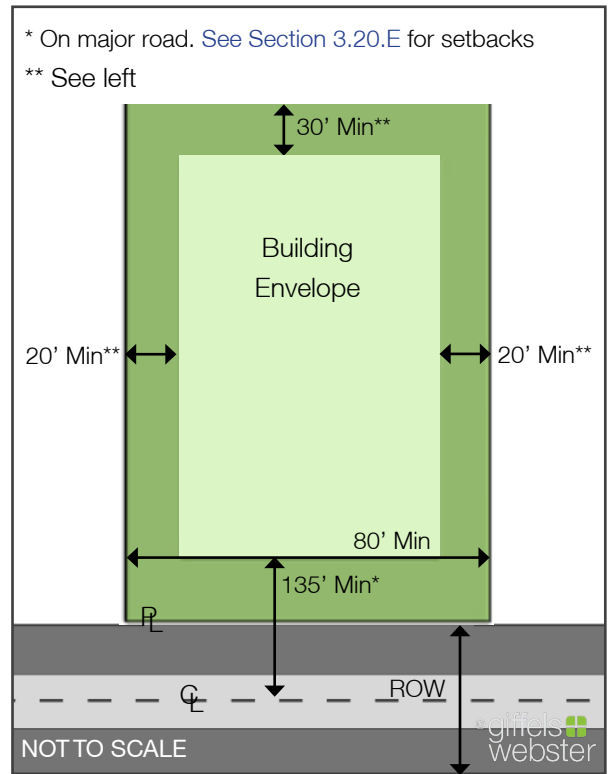
Section 3.1.20

E. Development Standards

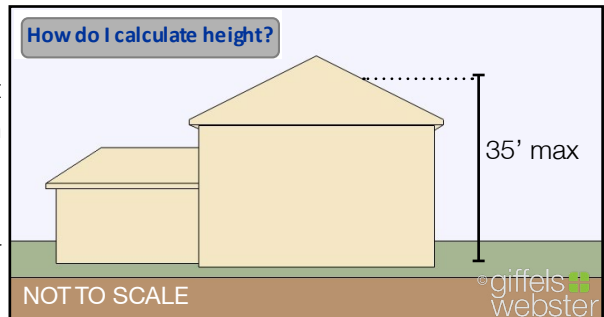
TABLE 3.1.20.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	20,000
Width (in feet)	80
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	135 from major road, see <a href="#">Sec. 3.20.E</a> for other road classification
Rear (in feet)	30**
Side (in feet)	20**
<b>Maximum Height of Structures</b>	
In stories	2.5
In feet	35
<b>Minimum Distance between Buildings</b>	
In feet	30
In feet	30, see <a href="#">Sec. 3.20.M</a> for additional standards

\*\*plus the height of the building, which height shall be measured from the nearest point of each level of building height to the property line.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



PL = Property Line CL = right-of-way centerline ROW = right-of-way



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## Section 3.1.20

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

RT District Standards §3.20

#### Article 4

Outdoor Storage, Sales and Display §4.35

#### Article 5

Building Surface, Materials and Alterations §5.4

Corner Clearance §5.6

Frontage §5.8

Side Yard Setbacks §5.15

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Screening Requirements §5.34

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1


Special Land Use §6.2

Planned Unit Development §6.5


# M-1 Light Manufacturing

## A. Purpose and Intent

The M-1 district is designed to primarily accommodate industrial operations conducted wholly within a building and whose external physical effects are restricted to the area of the district and in no manner impact in a detrimental way any of the surrounding districts.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

## B. Permitted Uses

1. Any one or more permitted uses in the RT district as regulated in this district, except permitted uses under subsection B.4 of this section.
2. Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use) and miniwarehouses.
3. Light industrial 
4. Utility service buildings, water supply and water and gas tanks and containers.
5. Contractors offices with garages for maintenance and storage of equipment.
6. Accessory uses and accessory outside storage customarily incidental to any of the uses listed above
7. Sleeping quarters for security and maintenance personnel as an accessory use

## C. Special Land Uses

1. Automobile heavy repair garage §4.6
2. Nurseries and greenhouses §4.32
3. Outdoor storage §4.37
4. Planned unit development §6.5
5. Public utility buildings §4.41
6. Residential one-family dwelling in nonresidential districts §4.47
7. Various retail uses §4.47
8. Wireless communication towers §4.53

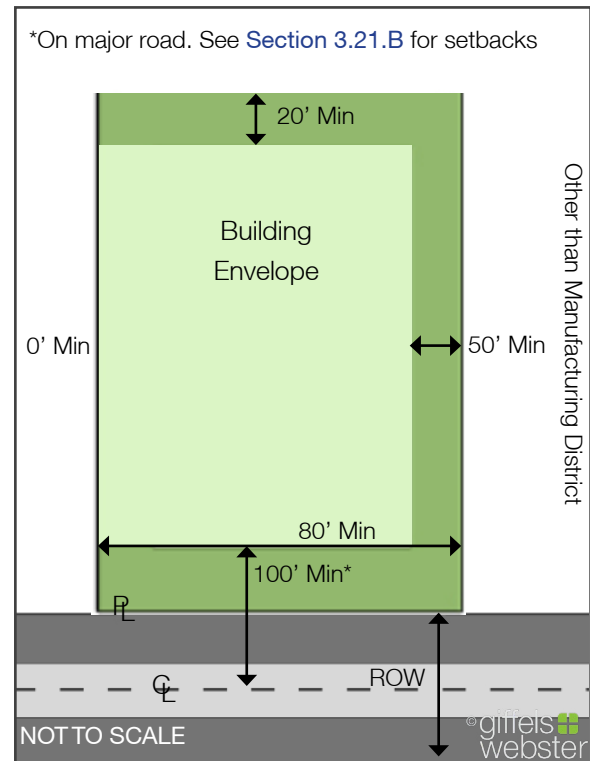
## Section 3.1.21

### D. Development Standards

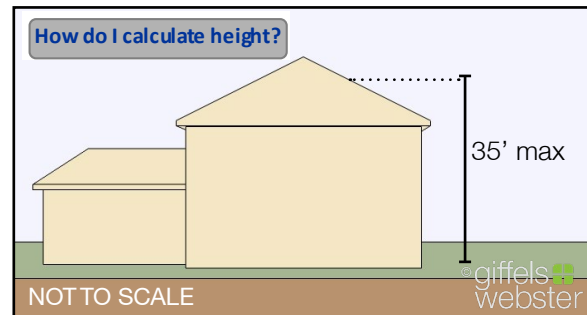
TABLE 3.1.21.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	20,000
Width (in feet)	80
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	100* from major road, see <a href="#">Sec. 3.21.B</a> for other road classification
Rear (in feet)	20*
Side (in feet)	0*
<b>Maximum Height of Structures</b>	
In feet	35
In stories	2.5

\*See [Section 3.21.B M-1 District Standards](#) for additional setback requirements.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



PL = Property Line CL = right-of-way centerline ROW = right-of-way



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## Section 3.1.21

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

M-1 District Standards §3.21

#### Article 4

Outdoor Storage, Sales and Display §4.35

#### Article 5

Building Surface, Materials and Alterations §5.4

Corner Clearance §5.6

Frontage §5.8

Side Yard Setbacks §5.15

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Screening Requirements §5.34

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1

Special Land Use §6.2

Planned Unit Development §6.5

## M-2 General Manufacturing

### A. Purpose and Intent

The M-2 district is established primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. This district is so structured as to permit, in addition to light manufacturing uses, the manufacturing, processing and compounding of semi finished or finished products from raw materials.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

### B. Permitted Uses

1. Any one or more permitted uses allowed in the M-1 district.
2. Light industrial
3. Industrial Research
4. Any lawful use of land or buildings not expressly prohibited or provided for as a permitted or special land use shall be a lawful use in this district when such uses comply with this chapter and the following regulation of this article and obtains special land use approval as required in subsection (c) of this section
5. Accessory uses and accessory buildings.
6. Temporary buildings
7. Sleeping quarters for security and maintenance personnel as an accessory use. Such quarters shall not be constructed as permanent housekeeping facilities or units for family living

### C. Special Land Uses

1. Auditoriums, stadiums and outdoor theaters §4.5
2. Bulk storage of flammables and similar hazardous material §4.8
3. Junkyards §4.26
4. Landfills §4.27
5. Nurseries and greenhouses §4.32
6. Planned unit development §6.5
7. Public utility buildings (may have storage as permitted in this section) §4.41
8. Racetracks §4.43
9. Refuse disposal incinerators and transfer stations §4.46
10. Residential one-family dwelling in nonresidential districts §4.47
11. Special approval land uses of the M-1 district.
12. Yard clipping composting facilities §4.55

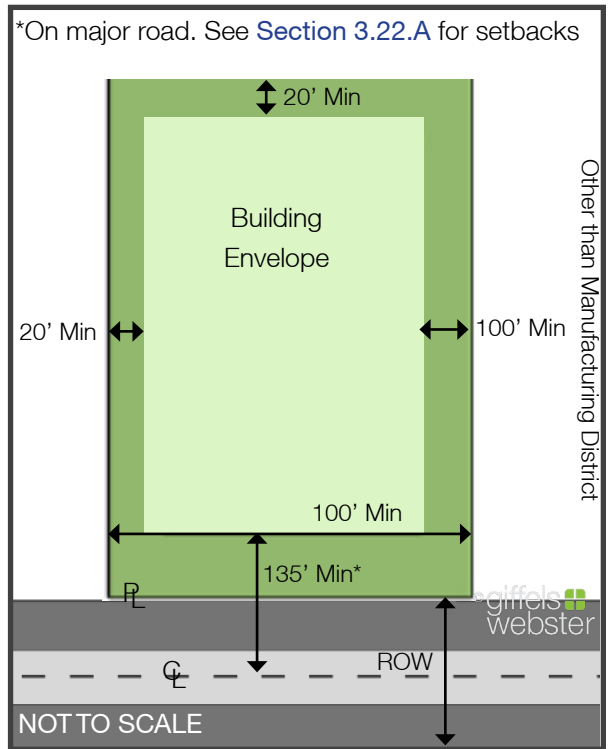
Section 3.1.22

D. Development Standards

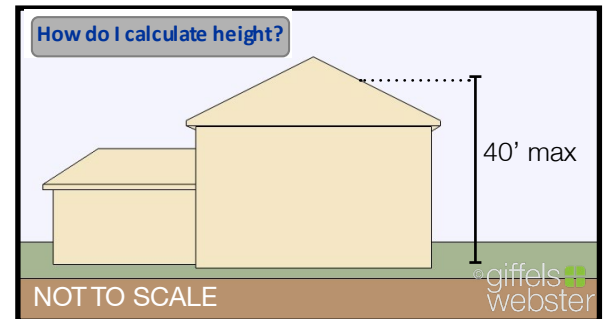
TABLE 3.1.22.D DEVELOPMENT STANDARDS	
<b>Minimum Lot Size Per Unit</b>	
Area (in square feet)	20,000
Width (in feet)	100
<b>Minimum Yard Setbacks Per Lot</b>	
Front and Street-side (in feet)	135* from major road, see <a href="#">Sec. 3.22.B</a> for other road classification
Rear (in feet)	20*
Side (in feet)	20*
<b>Maximum Height of Structures</b>	
In feet	40
In stories	3

\*See [Section 3.22.A M-2 District Standards](#) for additional setback requirements.

- For additions to the above requirements, refer to [Section 3.4 Notes to District Standards](#)
- See Additional Requirements below for applicability.
- Other requirements are found throughout this ordinance.



PL = Property Line CL = right-of-way centerline ROW = right-of-way



[Intentionally Blank]



## Section 3.1.22

### E. Additional Requirements

#### Article 3

Notes to District Standards §3.4

M-2 District Standards §3.22

#### Article 4

Outdoor Storage, Sales and Display §4.35

#### Article 5

Building Surface, Materials and Alterations §5.4

Corner Clearance §5.6

Frontage §5.8

Side Yard Setbacks §5.15

Zero Lot Line §5.24

Sidewalks §5.25

Height Limit and Exceptions §5.28

Step/Stairs and Decks §5.30

Projections into Yards §5.31

Screening Requirements §5.34

Tree Preservation Requirements §5.35

Landscaping Requirements §5.36

#### Article 6

Site Plan Review §6.1

Special Land Use §6.2

Planned Unit Development §6.5

### 3.2 Zoning Map

- A. Final authority. The zoning map of the township, together with all explanatory matters on the map, is adopted and declared to be a part of this chapter. Regardless of the existence of purported copies of the zoning map which may be made or published, the zoning map located in the township clerk's office shall be the final authority as to the current status of zoning in this township.
- B. Damage. If the zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the township board may, by resolution, adopt a new zoning map. The new zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such corrections shall have the effect of amending the original zoning map or any subsequent amendment of the zoning map. Unless the prior zoning map has been lost or has been totally destroyed, the prior zoning map or any significant remaining parts shall be preserved, together with all available records pertaining to its adoption or amendment.

### 3.3 District Boundaries

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

- A. Various lines on zoning map. Unless shown otherwise, the boundaries of the districts are lot lines; the centerlines of streets, alleys, roads or such lines extended; railroad right-of-way lines; and the township limits. Dimensions shown are to the center of the adjacent road or street.
- B. Sites in two or more zoning districts. If a zoning district boundary line divides a lot that was in single ownership and of record at the time of enactment of the ordinance from which this article is derived, and the use authorized on the lot and the other district requirements applying to the least restricted portion of such lot, under this chapter, shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within 50 feet of such dividing district boundary line. Any use so extended shall be deemed to be conforming.
- C. Exact location determination. Where, due to the scale, lack of detail or illegibility of the zoning map, there is any uncertainty or contradiction as to the location of any district boundaries shown on the zoning map, interpretation concerning the exact location of district boundary lines shall be determined, upon written application or upon its own motion, by the zoning board of appeals. The zoning board of appeals shall apply the following standards in making its decision:
  - 1. The district boundaries, as set forth in this section, shall first be considered with reference to the standards cited in subsection A of this section.
  - 2. Where a district boundary divides a site, the location of such boundary, unless the boundary is indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown on the zoning map. If, after the application of the foregoing standards, uncertainty, contradiction or dispute remains as to the exact location of a district boundary, the zoning board of appeals shall determine and fix the location of the boundary line as all of the facts and circumstances shall reasonably require.



### 3.4 Notes to District Standards

- A. Prohibition. No structure or land shall be used, occupied, erected, constructed, moved or altered, except in conformity with the regulations specified for that zoning district. Unless a use is permitted in a particular zoning district, it shall be prohibited in that zoning district.
- B. Establishment. Except as otherwise provided, regulations governing land and building use, minimum lot size, lot area per dwelling unit, building height, building placement, required yards and other pertinent factors are established as stated in the detailed provisions for each of the zoning districts. In each zoning district, a permitted use shall be a use of land or buildings subject to the minimum requirements specified for such use in the zoning district in which such use is located, plus applicable requirements found elsewhere in this chapter. A special approval land use shall be a use of land or buildings which may be permitted in that district only after following special procedures designed to ensure site and use compatibility with existing or proposed surrounding land uses. In evaluating and deciding each application for such permission, the planning commission shall apply the standards contained in article XIII of this chapter and any special conditions imposed for that use.

### 3.5 Zoning of Vacated Areas

If any street, alley or other public way within this township is vacated by official government action, and when the lands within the boundaries of this township attach to and become a part of the land adjoining such street, alley or other public way, such lands formerly within such vacated street, alley or public way shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which such street, alley or public way shall attach, and such street, alley or public way shall be used for that same use as is permitted under this chapter for such adjoining lands.

### 3.6 Agricultural and One-Family Residential District Standards

- A. The minimum size or lot area and width for one-family districts may be reduced as provided in the township’s subdivision regulations. Where public sewer and water service are not available, all R-1-B and R-1-C lots shall have a minimum area of 12,000 square feet. No one-family lot shall have a depth greater than three times its width.
- B. Minimum area of lots in the A-1 agricultural district which are used, in whole or in part for agricultural purposes, shall be five acres, with a minimum frontage of 300 feet. Minimum area of lots in the A-1 agricultural district, where no agricultural activity is conducted, shall be one acre, with a minimum frontage of 120 feet. For purposes of this section, the term “agricultural” shall mean the raising or keeping of animals, including poultry, for any purpose. Livestock density shall be one animal per acre, exclusive of lot area occupied by structures. For purposes of this section, the term “livestock” shall include, by way of example and not limitation, horses, cattle and sheep. A suitable fence or other enclosure shall be erected around the area occupied by livestock.
- C. With the approval of the planning commission, where the size and shape of the parcel or the proposed curvilinear road pattern requires greater flexibility in subdivision design, a platted subdivision may be permitted to contain not more than 15% of all lots with less than 120 feet of depth in the R-1-C district; 130 feet in the R-1-B district; 150 feet in the R- 1-A district, 200 feet in the R-20 district, 250 feet in the R-30 district. Where such permission is granted, the minimum lot width of such lot shall be increased by two feet in all residential districts for each one-foot reduction in lot depth; however, in no case shall the lot depth of any one-family residential district be decreased by more than 10 feet from the depth standard contained in this paragraph.
- D. Front and street-side setbacks shall be measured from the centerline of each road right- of-way in accordance with the township’s master plan as follows:

TABLE 3.6.D						
FRONT AND SIDE YARD SETBACKS IN A-1 AND RESIDENTIAL DISTRICTS						
ROAD CLASSIFICATION	A-1	R-30	R-20	R-1-A	R-1-B	R-1-C
Regional (204 ft. ROW)	137	137	137	137	132	132
Regional (150 ft. ROW)	110	110	110	110	105	105
Major	95	95	95	95	90	90
Secondary	95	95	95	95	90	90
Collector	78	78	78	78	73	73
Local	65	65	65	65	60	60
Cul-de-sac radius	95	95	95	95	90	90
Freeway (measured from ROW line)	45	45	45	45	30	30
Private road (measured from the road easement or common usage line abutting the subject lot)	35	35	35	35	30	30

### 3.7 R-2 District Standards

- A. Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the township’s master plan as follows:

TABLE 3.7.A FRONT AND SIDE YARD SETBACKS IN THE R-2 DISTRICT	
ROAD CLASSIFICATION	SETBACK (FT.)
Regional (204 ft. ROW)	132
Regional (150 ft. ROW)	105
Major	90
Secondary	90
Collector	73
Local	60
Cul-de-sac radius	90
Freeway (measured from ROW line)	45
Private road (measured from the road easement or common usage line abutting the subject lot)	35

- B. Where two or more two-family buildings are developed on a single parcel of land, the perimeter and spacing between buildings shall be the same as provided in the RM-3 district.

### 3.8 Mobile Home Park (MHP) District Standards

- A. Fire hydrants. Fire hydrants of a size and a pressure to be used by the township fire department shall be placed within the trailer coach park so that no trailer coach shall be more than 300 feet from a fire hydrant measured along roadway or parking area.
- B. Plumbing, electrical and cable TV. Plumbing and electrical installations shall be maintained in accordance with the township plumbing and electrical codes. All electric and telephone wiring shall be underground. Externally mounted antennas shall be prohibited, except that a master antenna shall be constructed and maintained with underground leads servicing each mobile home site.
- C. Access to public roads. A mobile home park access road shall be hard surfaced and not less than 36 feet in width. Access roads shall meet construction and other requirements determined by the county road commission.

## Section 3.8.D - 3.9.D

- D. Preliminary plan. Sections 11, 12 and 13 of the Mobile Home Commission Act No. 419 of the Public Acts of Michigan of 1976 (MCL 125.1001 et seq., MSA 5.278(31) et seq.) require a mobile home park developer to submit a preliminary plan to the township planning commission for approval. The preliminary plan shall include the location, layout, general design and a general description of the project (see article VII of this chapter for submission requirements and procedures). The preliminary plan shall not include detailed construction plans.
- E. Accessory commercial uses may be conducted in a mobile home park in separate permanent structures and for such purposes as the office of the manager, laundry and dry cleaning facilities, or other services for the residents of the park. Accessory uses may also include club-houses and recreational facilities. Adequate parking for such services shall be provided. The park proprietor or management may display mobile homes and accessories for sale. Accessories for sale may only be displayed in a trailer coach or an approved permanent structure. Individual homeowners or their agents may place signs designated "For Sale" no larger than two square feet in area on their homes or lots.

### 3.9 RM-1, RM-2, and RM-3 Multiple-Family District Standards

- A. Efficiency units shall be regulated the same as one-bedroom units.
- B. All sites used for multiple-family dwellings or two-family dwellings in these districts must be provided with an approved water and sewage system.
- C. Plans presented which include a den, library or extra room shall have such extra room counted as a bedroom for purposes of this chapter.
- D. Each development shall be limited to a maximum of 10% efficiency units. Units with more than three bedrooms shall provide an additional 1,000 square feet of site area for each additional bedroom.

## Section 3.9.E

- E. Well-defined and improved recreation area and facilities, such as parks, playgrounds, swimming pools and community buildings, shall be provided. At a minimum, these parks shall include amenities such as picnic tables, benches and paved walking paths. The minimum number of square feet of recreation area and/or facilities shall be provided in addition to all required setbacks and greenbelts and shall be provided on a per unit basis according to the following schedule:
1. Regulated wetlands, floodplains, detention ponds, lakes, rivers, and other such areas may not be included in the calculation toward required recreation areas.
  2. Natural open space, excluding the types of areas mentioned above, may be included and credited for up to 1/2 the requirement upon planning commission approval.
  3. Provisions of separate adult and youth recreation areas are encouraged. Recreation facilities generally shall be provided in a central location and should be convenient to all units within the development. In larger developments, however, recreation facilities may be decentralized or part of an approved open space area plan.

TABLE 3.9.F	
MINIMUM SQUARE FOOTAGE OF RECREATION AREAS IN MULTIPLE FAMILY DISTRICTS	
BEDROOMS	MIN. SQ. FT.
1	400
2	500
3	750
4	1,000

## Section 3.9.F - 3.9.J

- F. Randomly landscaped setbacks must be provided adjacent to, and surrounding each building on the following basis:
  1. Setbacks utilized for one building shall not be utilized to fulfill the setback requirement for any other building. Such landscape setback shall be exclusive to the building it surrounds. When a landscape buffer is required between a building and a lot line, the buffer shall be included in the calculation of landscape setback in this section.
    - a. Where a side of a building is adjacent to and parallel to a side of an adjacent building and where such sides of the building have no doors or windows, the side yard requirement may be reduced by five feet for each building. The total distance allowable between such buildings shall not be less than 20 feet. Buildings which include attached garages may eliminate the required setback on sides of the building where garages are located in order to permit a parking apron and paved access to garages. However, pavement shall not surround more than 40% of the overall perimeter of the building.
    - b. Each square foot of pavement which encroaches into a required setback must be replaced on another side of the same building. Site plans must clearly dimension landscaped greenbelts and provide calculations in instances of setback transfer.
    - c. In no case shall any building encroach any closer than 30 feet to a road, drive, access lane or parking area.
    - d. Yard areas used to facilitate utilities must maintain a thirty-foot greenbelt.
  - G. No multiple-family building shall exceed 180 feet in length along any one face of the building.
  - H. All drives shall be a minimum of 28 feet in width. This does not apply to parking lot aisles. For the purposes of this section, all paved areas within the site utilized for vehicular access and circulation shall be considered drives.
  - I. Landscaping. Areas of the site not required to be hard-surfaced shall be sodded and, where appropriate, planted with trees and shrubs as provided in [section 5.36](#) of this chapter. In addition to the requirements of [section 5.36](#), one tree shall be provided for each unit within the development. Such trees shall be placed within the required front yard greenbelt for each building. The planning commission may also approve decorative plants and art objects which must be maintained as required for greenbelts and planted strips under this chapter.
  - J. Lighting. Adequate lighting facilities shall be provided for service drives and parking areas and indicated on the site plan approved by the planning commission. Lighting shall not exceed the standards provided in [Section 5.37](#) of this chapter.



## Section 3.9.K - 3.10.D

- K. Sidewalks. Sidewalks shall be provided along both sides of all drives within the development.
- L. Setbacks.

TABLE 3.9.L	
LANDSCAPE SETBACK REQUIREMENTS IN MULTIPLE FAMILY DISTRICTS	
YARD	MINIMUM SETBACK
Front	30 square feet
Rear	40 square feet
Side	15 square feet

1. Perimeter setbacks shall not be based on building orientation. Front yards shall be all yards located between buildings and public roads.
2. No parking shall be permitted in the first 85 feet of required front yard space, as measured from the centerline of the right- of-way.
3. A minimum of 20 feet of landscaped yard must be provided along the project's perimeter. In no case shall any paved areas encroach into this required landscaped yard.
4. Where any recreation vehicles are permitted in the development by the township planning commission, adequate fenced, locked or secured and visually buffered parking and storage spaces shall be provided in addition to those required elsewhere in this section. Such parking shall be collective and in a central location. In no case, however, shall a recreation vehicle be parked or stored closer than 30 feet to any building or site boundary line.
5. Storage of commercial vehicles or trailers on the premises is prohibited.
6. All temporary buildings shall be approved by the zoning board of appeals and shall be immediately removed upon completion of the work or fulfillment of the purpose for which they were erected and/or used.

### 3.10 HMR District Standards

- A. All buildings three stories or less may contain permitted uses and special approval uses as provided in the multiple-family district and shall be regulated in the RM-3 district.
- B. All lots used for mid-rise or high-rise structures shall be provided with an approved public water and sewerage system.
- C. No requirement in this subsection shall limit the height of any structure to less than 25 feet. The structures on any lot shall have a total floor area not exceeding 50% of the lot area (floor area ratio (FAR) of 0.5). The floor area shall be determined by taking the cross-sectional area in the horizontal plane at the level of each floor which is more than 20 feet from the mean grade.
- D. Units with more than three bedrooms shall provide an additional 1,000 square feet of site area for each additional bedroom.

## Section 3.10.E - 3.10.G

1. Purpose & Intent
  2. Definitions
  3. Zoning Districts
  4. Use Standards
  5. Site Standards
  6. Development Procedures
  7. Administration & Enforcement
- E. The term “lot area,” as used in subsection C of this section, shall include, in addition to the area otherwise includable, the area of any air lot or lots owned by the owner of the surface lot on which the structure is built or to be built, and in the HMR zoning district, subject to the following conditions:
1. Includable air lot area not owned by the developer shall not exceed a floor area ratio of 0.4 of the surface lot.
  2. No part of any air lot shall be included which is more distant from the nearest point from a mid- or high-rise structure than two times the height of the highest such structure built or to be built on the surface lot.
  3. The term “air lot” shall include either a fee ownership or the ownership of an easement of light, air and view. Either ownership shall be evidenced by marketable record title not limited by time, which denies the owner of the space below the right to build any structure having a height in excess of 25 feet (except flagpoles, antennas and chimneys) and which is not encroached upon by any existing structure having a height in excess of 25 feet or more than two stories.
  4. The planning commission at site plan review shall require the submission of a title insurance policy, title search report or abstract of title, not more than 30 days old, showing ownership of air lots included in the lot area, and shall, wherever necessary, require the certified statement of a registered surveyor showing a lack of encroachment on the lot area.
- F. Upon the issuance of any building permit, the clerk’s office shall record upon a map, designated “air lots map,” which shall be kept in the clerk’s office available for public inspection during the business hours, the land covered by any such air lot, the surface lot to which it pertains in the issuance of the permit and the date of issuance of the permit. No air lot once used in computing lot area pertaining to a building permit shall again be used. No structure shall be erected to a height greater than 25 feet on any land shown on such map as covered by an air lot during the period of validity of the building permit to which such air lot pertains nor thereafter so long as there exists on the surface lot to which such air lot pertained any structure which is of a height greater than would be permitted on such surface lot without taking into consideration the area of the air lot.
- G. Nothing contained in this section shall be construed to prevent the owner of land from dividing any lot into two or more parcels. If the lot is divided, the regulations of this section shall be applied to each resulting parcel without regard to the fact that adjoining property is held in the same ownership, except in proceedings to obtain a variance.

## Section 3.10.H - 3.10.I.4.

- H. In the HMR district, the minimum yard setback shall be equal to the height of the building, except:
  1. Where a lot line abuts a street, half the width of the right-of-way as shown on the master plan may be considered a yard setback. The yard setback from the centerline of the road right-of-way shall not be less than provided in [Section 3.9.L](#). See also [Table 3.1.11.D](#).
  2. Where a lot line abuts a permanently dedicated public open space or parkway, half the narrowest width of the open space or parkway immediately contiguous to the common property line may be considered as yard setback. The yard setback shall not be less than 50 feet.
  3. Where an air lot area of an adjacent parcel is used to gain floor area for a mid- or high- rise structure, the mid- or high-rise structure may reduce its setback requirement by a distance equal to half the intrusion into the air lot parcel adjacent to the building site. The yard setback shall not be less than 50 feet. The minimums of this subsection may be further limited by considerations from subsection H of this section.
- I. In reviewing a proposed building and site development in the HMR district, the planning commission will consider the following factors:
  1. Vicinity impact:
    - a. Obstruction of off-site sunlight.
    - b. Continuous wall length.
    - c. Degree of ground floor activities.
    - d. Proportional building height.
    - e. Need for boundary trees.
  2. Recreation space sufficiency by:
    - a. Type and size.
    - b. Sunlight on site.
    - c. Parking.
    - d. Landscaping.
    - e. Trees.
  3. Security and safety:
    - a. Density.
    - b. Visibility.
    - c. Surveillance methods.
    - d. Location of parking.
    - e. Accessibility of emergency equipment.
  4. Building interior:
    - a. Size of units.
    - b. Visual privacy and/or view.
    - c. Storage adequacy.
    - d. Refuse disposal methods and location.

## Section 3.10.J - 3.11.B

- J. Where the HMR district is to be used for residential purposes other than transients (hotels and motels), the recreation requirements of [Section 3.9.E](#) shall be incorporated in the site plan and subsequent development.
- K. Off-street Parking.
  - 1. Off-street parking shall be provided in accordance with the provisions of [Section 5.39](#) of this chapter; and when the site is used for residential purposes, [Section 3.9.L](#) shall also govern the parking and storage of vehicles.
  - 2. In the HMR district, areas devoted to off-street parking, drives or maneuvering lanes may not cover more than 30% of the area of any required minimum yards.
- L. No structure shall exceed a height of either 250 feet or the number of feet equal to 1/20 of 1% of the number of square feet of lot area, whichever is less.

### 3.11 Office and Commercial District Standards

- A. Exterior facing materials. The exterior of all buildings hereafter erected shall be constructed of aesthetically pleasing brick and/or stone building materials, as provided in [Section 5.4](#). Other durable, decorative building materials may be approved by the planning commission in instances where the character and style of the proposed structure warrants special consideration. The architecture and approved exterior finish of any building shall be complementary and compatible in style and be of uniform finish on all sides of its exterior when the site is adjacent to any residential district. Within the office and commercial districts, the architecture and approved exterior finish shall be returned on the building side a sufficient distance, as determined by the planning commission, to provide a continuous appearance when viewed diagonally from the street.
- B. Front building line. Once a building line has been established by the construction of a principal building upon an approved site, no other principal building or use shall be located between the established building line and the front lot line (or side lot line abutting a side street) without first obtaining approval of the planning commission. The planning commission shall review the building and/or use proposed to be located in front of the established building to determine whether the building or use is of such location, size and character to be in harmony with the appropriate and orderly development of the balance of the site, is not detrimental to the development of adjacent uses; does not create any vehicular or pedestrian hazards; and is aesthetically compatible with the buildings and uses located (or to be located) upon the site. Landscaping plans, site plans (including signs and the location of trash receptacles), and elevations of all sides of any building to be constructed shall be submitted to enable the planning commission to determine whether the proposed additional front building and/or use conforms with the requirements of this section. All trash receptacles shall be visibly screened from any area visible to the public by use of a wall of the same material as the building walls to ensure aesthetic compatibility and shall be constructed to the standards of [Section 5.34.C.2](#). In reviewing this request, the planning commission shall apply the standards contained in this subsection and in [Section 4.37.A](#), and may impose reasonable conditions as authorized by [Section 4.35](#) to ensure that the standards are satisfied.

## Section 3.11.C - 3.11.K

- C. Landscaping. Portions of the site not used for parking, driveways and buildings shall be provided with landscaping and lawn or acceptable ground cover [Section 5.36](#), approved by the planning commission, and so maintained in attractive condition.
- D. Lighting limitations. Lighting of parking areas shall be as approved by the planning commission in accordance with [Section 5.37](#) and as specified for each district, and shall not include floodlighting, building-mounted or otherwise (except for small parking lots).
- E. Lot coverage. Maximum lot coverage shall meet all requirements for yard space, landscaping, screening, off-street parking and loading.
- F. Off-street loading. Loading shall be provided only in rear yards. Side yard loading may be permitted by the planning commission when such space and loading facilities do not interfere with parking and circulation, either vehicular or pedestrian, and would not be detrimental to any nearby residential district or use. No part of any loading or unloading area may be located closer than 50 feet to any rear property line adjacent to a residential district.
- G. Rear yard access and parking. Required yards may be used for off-street parking, as regulated in article VI of this chapter, provided adequate access to the rear of the building for firefighting and emergency equipment is available. Where rear yard parking is permitted, its quantity, size and layout shall be designed mainly to accommodate employee parking.
- H. Roof-mounted fixture screening. Roof-mounted appliances, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, and any other such appliance or apparatus, shall be enclosed on all sides by view-obscuring screening so as not to be visible from off the site. The design of the screening shall be approved by the planning commission as compatible with the architectural design of the building upon which the screening is located.
- I. Screening. Screening between the development of abutting properties shall be provided as specified in [Section 5.34](#), in addition to the requirements specified in article VII of this chapter.
- J. Signs. Signs shall be governed by the sign ordinance unless as otherwise approved as part of the project development plan for a planned unit development in the C-4 district.
- K. Site condominium subdivision. See [Section 6.3](#).

## Section 3.12

### 3.12 O-1 District Additional Standards

- A. The outside storage of vehicles, materials or equipment on the premises is prohibited and no uses with a drive-through shall be permitted in this district.
- B. Front and street-side. Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the township's master plan, as follows:

TABLE 3.12.B FRONT AND SIDE YARD SETBACKS IN THE O-1 DISTRICT	
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE
Regional (204 ft. ROW)	132
Regional (150 ft. ROW)	105
Major	90
Secondary	90
Collector	73
Local	60
Cul-de-sac radius	90
Freeway (measured from ROW line)	30*
Private road (measured from the road easement or common usage line abutting the subject lot)	30**

\*Freeways shall be measured from the established right-of-way lines.

\*\*In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot

### 3.13 O-2 District Additional Standards

- A. Front and street-side. Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the township’s master plan, as follows:

TABLE 3.13.A	
FRONT AND SIDE YARD SETBACKS IN THE O-2 DISTRICT	
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE
Regional (204 ft. ROW)	152
Regional (150 ft. ROW)	125
Major	110
Secondary	110
Collector	93
Local	88
Cul-de-sac radius	110
Freeway (measured from ROW line)	50*
Private road (measured from the road easement or common usage line abutting the subject lot)	50**

\*Freeways shall be measured from the established right-of-way lines.

\*\*In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot

- B. All business, servicing, processing or storage of commodities, except for off-street parking or loading, shall be conducted within completely enclosed buildings. No business of a primarily drive-in nature shall be permitted.
- C. No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 25% of the gross floor area of either the first or second story or in the basement.
- D. The outdoor storage of goods or materials shall be prohibited, irrespective of whether or not they are for sale.
- E. Warehousing or indoor storage of goods or materials, beyond that normally incidental to the above-permitted uses, shall be prohibited.

### 3.14 C-1 District Additional Standards

- A. Front and street-side building and parking setback. Front and street-side building and parking setbacks shall be measured from the centerline of each road right-of-way in accordance with the township’s master plan as follows:

TABLE 3.14.A FRONT AND SIDE YARD SETBACKS IN THE C-1 DISTRICT		
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE	
	BUILDINGS	PARKING
Regional (204 ft. ROW)	152	112
Regional (150 ft. ROW)	125	85
Major	110	90
Secondary	110	90
Collector	93	53
Local	80	40
Cul-de-sac radius	110-ft radius	70
Freeway (measured from ROW line)	80*	10*
Private road (measured from the road easement or common usage line abutting the subject lot)	50**	10**

\*Freeways shall be measured from the established right-of-way lines.

\*\*In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot

- B. Temporary buildings pursuant to the establishment of a permanent building and permitted use. All such temporary buildings shall be immediately removed upon expiration of the time limit established as a condition of their construction.
- C. Outdoor storage and display of merchandise is prohibited. Minor day-to-day, in-and-out display may be permitted when kept behind established building setback line. All outdoor display and merchandising shall comply with the requirements of [Section 5.11](#).
- D. All business, servicing or processing (except for off-street parking or loading) shall be conducted within a completely enclosed building. All businesses shall be of a retail or service nature dealing directly with consumers. All goods produced on the premises shall be sold at retail on the same premises. The number enclosed in parentheses listed after each use is taken from the 1987 Standard Industrial Classification (SIC) Manual, as amended, published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. If the planning commission determines that the effects of a listed use may tend to extend beyond the site, then special land use approval shall be required.



Section 3.14.E - 3.15.B

- E. No side yards are required along the interior side lot lines, except as otherwise specified in the building code in article II of chapter 14. In those instances where a side lot line is not required, the placement of the building shall observe the requirements of Section 5.24. If walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than 20 feet shall be provided. Where a lot line abuts a side street, that street-yard setback shall be the same as the front yard required for the use fronting on the street adjacent to such property. No building shall be closer than 50 feet to the outer perimeter (property line) of such district when such property line abuts any residential district.
- F. No building shall be located closer than 50 feet to the outer perimeter (property line) of such district when such property line abuts any residential district.

3.15 C-2 District Additional Standards

- A. Front and street-side building and parking setback. Front and street-side building and parking setbacks shall be measured from the centerline of each road right-of-way in accordance with the township’s master plan, as follows:

TABLE 3.15.A		
FRONT AND SIDE YARD SETBACKS IN THE C-2 DISTRICT		
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE	
	BUILDINGS	PARKING
Regional (204 ft. ROW)	182	122
Regional (150 ft. ROW)	155	95
Major	140	80
Secondary	140	80
Collector	123	63
Local	110	50
Cul-de-sac radius	140	80
Freeway (measured from ROW line)	20*	20*
Private road	20**	20**

\*Freeways shall be measured from the established right-of-way lines.

\*\*In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot

- B. The required front and street-side yard shall be landscaped and maintained in a neat and orderly condition. Driveway approaches, but not driveways, shall be permitted in the required front and street-side yard.

## Section 3.15.C - 3.15.I

- C. A site may consist of one or more contiguous parcels of C-2 zoned property, the total of which shall equal five or more acres. In order to ensure compliance with the intent of the C-2 district, a development on a parcel of less than five acres contained within a contiguous five-acre site may occur only if reviewed and approved in conjunction with an overall development plan. The planning commission shall consider placement of buildings, parking areas, landscaping and points of ingress and egress to ensure that the proposed development is harmonious with existing or future adjacent developments on or off such site.
- D. Temporary buildings pursuant to the establishment of a permanent building and permitted use. All such temporary buildings shall be immediately removed upon expiration of the time limit established as a condition of their construction.
- E. Outdoor display of merchandise and storage is prohibited, except as may be permitted by the planning commission as part of an approved special land use.
- F. All business, servicing, or processing (except for off-street parking or loading) shall be conducted within a completely enclosed building; that all businesses shall be of a retail and service nature dealing directly with consumers; and that all goods produced on the premises shall be sold at retail on the same premises. The number enclosed in parentheses listed after each use is taken from the 1987 Standard Industrial Classification (SIC) Manual, as amended, published by the U.S. office of Management and Budget and is intended to provide a general guide of uses intended under each heading. If the planning commission determines that effects of a listed use may tend to extend beyond the site, special land use approval shall be required.
- G. Proposed development standards in the C-2 District:
  - 1. Be constructed in accordance with an overall plan;
  - 2. Be designed as a single architectural unit with appropriate landscaping; and
  - 3. Provide initially for the construction of a minimum of 20,000 square feet of floor area and not less than three of the permitted or special approval uses listed in this section.
  - 4. Large single building users may qualify under this provision if three or more internal departments so qualify, as determined by the planning commission.
- H. No part of any parking access and/or service area may be located closer than 100 feet from any property line adjacent to a residential district.
- I. Required side and rear yards may be used for off-street parking, provided adequate access to the rear of the building for firefighting and emergency equipment is available. Design of rear yard parking shall be done to encourage designated areas for employee parking.

### 3.16 C-3 District Additional Standards

- A. Front and street-side building and parking. Front and street-side building and parking setbacks shall be measured from the centerline of each road right-of-way in accordance with the township's master plan, as follows:

TABLE 3.16.A		
FRONT AND SIDE YARD SETBACKS IN THE C-3 DISTRICT		
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE	
	BUILDINGS	PARKING
Regional (204 ft. ROW)	152	112
Regional (150 ft. ROW)	125	85
Major	110	70
Secondary	110	70
Collector	93	53
Local	80	40
Cul-de-sac radius	110-ft radius	70
Freeway (measured from ROW line)	50*	10*
Private road (measured from the road easement or common usage line abutting the subject lot)	50**	10**

\*Freeways shall be measured from the established right-of-way lines.

\*\*In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot

- B. All business, servicing or processing (except for off-street parking or loading) shall be conducted within a completely enclosed building; all businesses shall be of a retail and service nature dealing directly with consumers; and all goods produced on the premises shall be sold at retail on the same premises. The number enclosed in parentheses listed after each use is taken from the 1987 Standard Industrial Classification (SIC) Manual, as amended, published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. Special land use approval shall be required where it is determined by the planning commission that effects of a listed use may tend to extend beyond the site.

## Section 3.16.C - 3.17.C

- C. The planning commission may vary the setback upon site plan review where it is found that the change in setback serves to promote more uniform access, interconnection of adjacent parking facilities or the aesthetic quality of the block front.
- D. No side yard is required along an interior lot line, except as otherwise specified in the building code in article II of chapter 14. If the exterior side yard borders a residential district, a side yard setback of not less than 40 feet shall be provided. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than 40 feet. Side yards on corner lots must equal the setback required for the front yards on the street to which they side or 40 feet, whichever is greater.
- E. No building shall be located closer than 50 feet to the outer perimeter (property line) of such district when such property line abuts any residential district.

### 3.17 C-4 District Additional Standards

- A. Project Development Plan. Development shall be guided by an approved project development plan that conforms with public plans and policies and is implemented through the use of the special land use and site plan review processes. The project development is intended to accomplish the following:
  - 1. Create major new multi-use development in planned locations with appropriate densities, heights and mixtures of uses.
  - 2. Encourage areas devoted primarily to pedestrians by separating pedestrian from vehicular circulation patterns and by requiring off-street parking spaces in accordance with this objective and with the objectives of an approved project development plan.
  - 3. Encourage originality, flexibility and innovation in site planning and development, including architecture, landscaping and graphic design, in a manner compatible and harmonious with adjoining development and within the district as a whole.
  - 4. Make recreation and open space areas more accessible to the district's residents, visitors and nearby residential and commercial areas.
  - 5. Create environments conducive to a higher quality of life and surroundings for residents, businesses, employees and institutions, as specified in the township's plans and policies.
- B. Provision for public facilities, services and transportation networks. The multiuse area and any other affected area shall be provided with adequate public facilities, services and transportation networks to support the proposed uses; or such facilities, services and transportation networks should be planned to be provided concurrently with the development of the project.
- C. All business, servicing or processing (except for off-street parking or loading) shall be conducted entirely within a completely enclosed building. Development shall be in conformity with the requirements of this section, except as may be modified by the planning commission.

Section 3.17.D - 3.17.F

- D. Nothing contained in this section shall be construed to prevent the owner of land from dividing any project development plan into two or more lots. The project development plan shall include a parcelization plan of intended land divisions, splits, lease parcels or condominium units and provisions for the development of any adjoining out-parcels (whether owned by the applicant or not) as an integral part of the overall development concept. An out-parcel shall include any parcel in which the applicant does not have full ownership in fee or as land contract purchaser, or which is proposed to be continued as a nonconforming use and where such parcel is contiguous on a line with three changes of direction. The development of any out-parcels shall conform to the development concept as reflected in the project development plan.
- E. Minimum yard requirements for accessory buildings: The minimum distance of any accessory building from bounding lot lines (subsection F) shall be at least 50 feet for front and rear yards, and 25 feet for side yards. Accessory buildings shall not be less than 100 feet from any property line abutting residentially zoned lands. Carports may be located as provided in [Section 5.39.D.17](#). The following improvements are expressly excluded from this setback restriction:
  - 1. Structures below and covered by the ground.
  - 2. Planters, walls or fences not exceeding three feet in height.
- F. Minimum front or street-side yard setback per lot. Front and street-side building setbacks shall be measured from the centerline of each road right-of-way in accordance with the township's master plan, as follows:

TABLE 3.17.F	
FRONT AND SIDE YARD SETBACKS IN THE C-4 DISTRICT	
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE
Regional (204 ft. ROW)	182
Regional (150 ft. ROW)	155
Major	140
Secondary	140
Collector	123
Local	110
Cul-de-sac radius	14-
Freeway (measured from ROW line)	80*
Private road (measured from the road easement or common usage line abutting the subject lot)	80**

\*Freeways shall be measured from the established right-of-way lines.

\*\*In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot

## Section 3.17.G - 3.17.I

- G. Side yards abutting any residential district shall provide a setback of 50 feet, plus the height of the building which exceeds 35 feet in height measured from the nearest point of each level to the property line.
- H. Rear yards abutting any residential district shall provide a setback of 50 feet, plus the height of the building which exceeds 35 feet in height measured from the nearest point of each level to the property line.
- I. Distance between buildings. The minimum distance between any two buildings shall be regulated according to the length and height of such buildings, and this distance shall not be less than 30 feet, except for pedestrian passages and approved service access. The formula regulating the required minimum distance between two buildings is as follows:

S equals LA plus LB plus 2(HA plus HB), divided by 6

OR

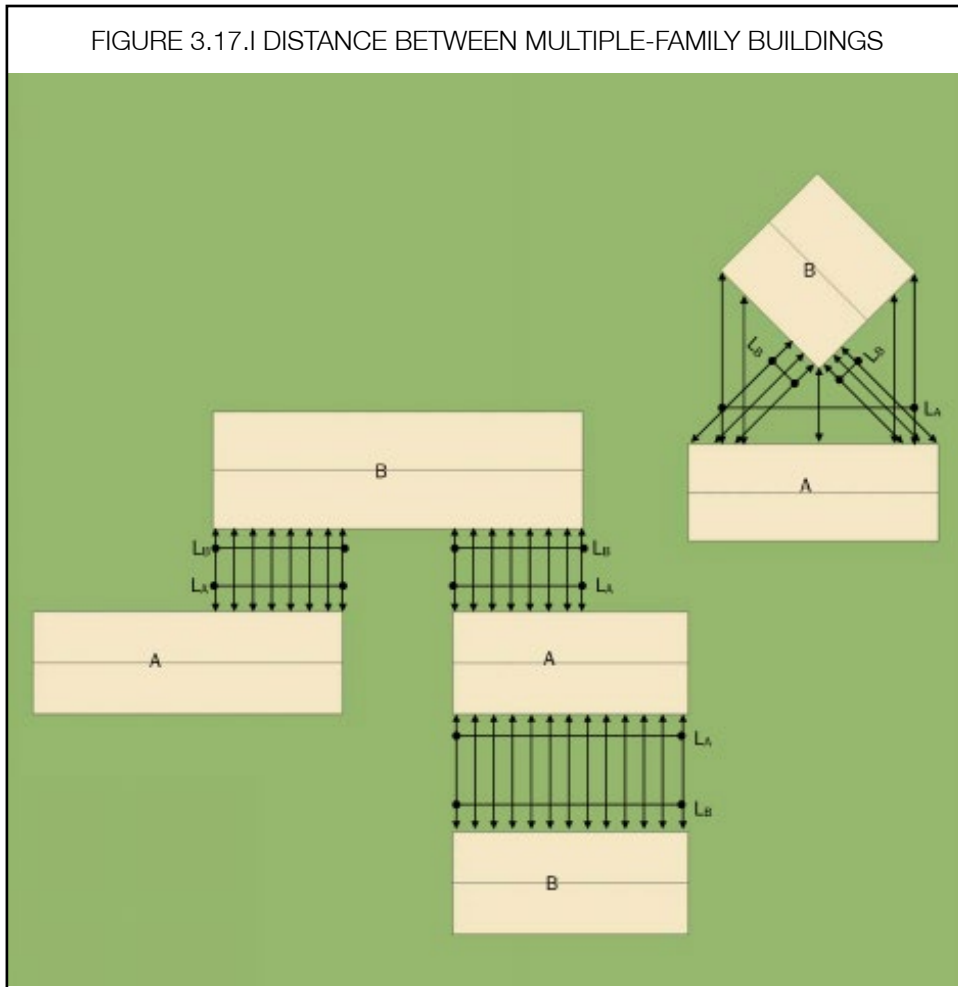
$$S = \frac{LA + LB + 2(HA + HB)}{6}$$

6

Where:

- S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.
- LA = Total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.
- LB = Total length of building B. The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, lines drawn perpendicular to building B will intersect any wall of building A.
- HA = Height of building A. The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.
- HB = Height of building B. The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

Section 3.17.I



1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

## Section 3.17.J - 3.17.K

- J. Off-street parking and loading requirements. Parking and off-street loading requirements shall be governed by [section 5.39](#) unless as otherwise specified, and shall be permitted to occupy a portion of the required front yard provided that there shall remain a minimum landscaped setback measured from the centerline of each road right-of-way in accordance with the township's master plan, as follows:

TABLE 3.17.J MINIMUM LANDSCAPE SETBACK IN THE C-4 DISTRICT	
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE
Regional (204 ft. ROW)	122
Regional (150 ft. ROW)	95
Major	80
Secondary	80
Collector	63
Local	50
Cul-de-sac radius	80
Freeway (measured from ROW line)	60*
Private road (measured from the road easement or common usage line abutting the subject lot)	60**

\*Freeways shall be measured from the established right-of-way lines.

\*\*In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot

- K. In the instance of high-rise office development and selected ancillary commercial enterprises which will serve the daily needs of the office workers, there may be less parking required than if each use were estimated separately and the parking requirements would be those established for the particular use. Such modification shall require planning commission approval.



## Section 3.17.L - 3.17.L.6

- L. Additional structure and site requirements.
1. Access to each parcel or lot must be from an internal street and not from abutting major thoroughfares or arterials.
  2. The internal circulation system shall include pedestrian walkways which provide continuous circulation from the boundary streets to each lot or parcel within the development, common open space area, and all other important interior site destinations.
  3. There shall be set aside for common open space not less than one acre of land for every 10 acres of land, or fraction thereof, in the project development area. Such computation shall exclude the right-of-way area devoted to the internal street system. The location of common open space shall be consistent with the declared purpose of the common usable open space; and, where possible, the common open space shall be planned as a contiguous area, located on the site in accordance with the approved project development plan for the maximum benefit of the area. Protected environmentally sensitive areas, such as woodlands, wetlands, ponds and drainage areas, and the island portion of landscaped boulevards, may be included in the calculation of required common open space.
  4. Open spaces for public congregation (plazas) are required and must be equipped or designed to allow pedestrian seating and to be easily observed and accessible from the pedestrian circulation system.
    - a. There shall be a minimum of one square foot of plaza open space for every 100 square feet of gross first floor building area. Step space shall not be counted as meeting this requirement. Such plaza area must be located behind the required setback and easily accessible to, and visible from, the street, but no more than three feet above or below the level of the adjoining grade.
    - b. Within the plaza area, one tree must be planted for each 500 square feet of plaza area, or portion thereof, up to 2,000 square feet of plaza area. One additional tree is required for each additional 1,000 square feet of plaza space. At least 20% of this requirement shall be of the ornamental variety. Urban design features are encouraged as part of pedestrian plazas. The following amenities, such as, but not limited to, ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking-fountains, clock pedestals, public telephones, awnings, unlit canopies, and similar structures, are permitted.
  5. The buildings shall be constructed of building materials as approved by the planning commission in accordance with [section 5.4](#).
  6. Portions of the site not used for parking, driveway, and buildings or plazas shall be provided with landscaping and lawn approved by the planning commission in accordance with [section 5.36](#).

Section 3.17.L.7 - 3.17.L.8.c

- 7. Lighting of parking areas shall not include floodlighting, building mounted or otherwise.
- 8. Screening between development features in the C-4 district and abutting districts shall be provided as specified in [section 5.34](#). In addition to the requirements specified in article VII of this chapter, the following additional requirements shall apply to the C-4 district:
  - a. Perimeter street setbacks. A minimum landscaped buffer shall be provided between any perimeter roads and any building or parking area. Such setback shall be measured from the centerline of each road right-of-way in accordance with the township's master plan, as follows:

TABLE 3.17.L.8.A	
MINIMUM LANDSCAPE BUFFER IN THE C-4 DISTRICT	
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE
Regional (204 ft. ROW)	122
Regional (150 ft. ROW)	95
Major	80
Secondary	80
Collector	63
Local	50
Cul-de-sac radius	80
Freeway (measured from ROW line)	60*
Private road (measured from the road easement or common usage line abutting the subject lot)	60**

\*Freeways shall be measured from the established right-of-way lines.

\*\*In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot

- b. This setback shall be landscaped to include street trees that are the same or similar species as those on the perimeter of other developments within the district.
- c. Screening of parking, loading and truck maneuvering areas. A landscaped berm (maximum slope of 1:3) poured decorative concrete wall or massed plantings of sufficient height to screen the view of loading and truck maneuvering activity and buffer parking areas from adjoining public access roads or properties must be provided.



Section 3.17.L.9 - 3.18.B

- 9. No outdoor storage of materials or equipment shall be allowed, except for collection facilities for solid waste and rubbish, as regulated in [section 4.37](#).
- 10. Wherever the applicant proposes to provide and set out by platting, deed, dedication, restriction or covenant, and land or space is to be used as commons, greenways or open areas, the planning commission may consider and may vary the applicable minimum requirements of these regulations and this chapter which may include, but not be limited to, height, setback and area.
- M. Process requirements for obtaining review and approval of a multi-use development project are provided in [section 6.6](#).

**3.18 WF District Standards**

- A. Front and street-side setbacks measured from the centerline of each road right-of-way in accordance with the township’s master plan, as follows:

TABLE 3.18.A		
FRONT AND SIDE STREET SETBACKS IN THE WF DISTRICT		
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE	
	BUILDINGS	PARKING & OUTDOOR STORAGE
Regional (204 ft. ROW)	152	137
Regional (150 ft. ROW)	125	100
Major	110	85
Secondary	110	85
Collector	93	68
Local	80	55
Cul-de-sac radius	110	75
Freeway (measured from ROW line)	50*	25*
Private road (measured from the road easement or common usage line abutting the subject lot)	50**	25**

\*Freeways shall be measured from the established right-of-way lines.

\*\*In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot

- B. Every lot on which a structure is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one foot for each 10 feet, or part thereof, by which width of the structure exceeds 50 feet in overall dimension facing the street lot line. On the exterior side yard which borders on a residential district, there shall be a setback of not less than 50 feet on the side abutting the residential district.

## Section 3.18.C - 3.18.I

- C. No building or uses, except covered boat wells, slips or berths, shall be less than 15 feet from the water's edge. Launching ramps and docks may be constructed to the water's edge and into the water, where appropriate.
- D. Landscaping. All open areas, setback and all other portions of the site not used for approved boat storage, parking, driveways, buildings and launching shall be provided with landscaping and lawn (see [section 5.36](#)), approved by the planning commission, and maintained in an attractive condition.
- E. Lighting. Lighting of the site shall be as approved by the planning commission in accordance with and as specified for each district, and shall not include floodlighting, building-mounted or otherwise (except as may be permitted by the commission on a finding that such lighting produces no adverse effects to neighboring properties and rights-of-way).
- F. Dredging, construction, bulk-heading or development. All dredging, construction, bulk-heading or development shall be subject to the requirements of all codes and ordinances of the township, the county, and applicable state and federal laws and rules.
- G. Addition or alteration of slips, boathouses, moorings, shoreline. The addition or alteration of slips, boathouses, moorings or the shoreline shall require site plan review.
- H. Disposal of refuse. Facilities shall be provided at the marina for disposal of refuse from boat-holding tanks in a sanitary manner. Each marina shall provide suitable, safe and sanitary toilet refuse facilities within buildings designed for this purpose. No less than one toilet shall be provided for each 50 boat spaces or less within not more than 1,000 feet of walking distance of each boat space. Refuse and garbage containers shall be provided and kept in clean and sanitary condition for the use of boat owners within not more than 150 feet of walking distance of each boat space. All such facilities shall be subject to the approval of the county health department.
- I. Harbor accommodations. Any marina having a public launching ramp shall provide harbor space or spaces directly connected with such marina, capable of accommodating as many boats as there are parking spaces for vehicles and boat carriers on the lands of such marina. These requirements as to harbor space are to ensure protection to boats launched at such public ramp from the turbulent waters caused by storms or high winds. Before any use shall be made of the public launching ramp, an application shall be filed with the building official to determine if all provisions of this section have been complied with. Based upon the building official's findings, special approval may be granted or denied by the planning commission.



### 3.19 Industrial District Standards

- A. Exterior facing materials. The exterior of all buildings hereafter erected shall be constructed of aesthetically pleasing brick and/or stone building materials. Other durable, decorative building materials may be approved by the planning commission when character and style of the proposed structure warrants special consideration. The architecture and approved exterior finish of any building shall be complementary and compatible in style and be of uniform finish on all sides of its exterior when the site is adjacent to any nonindustrial district. The architecture and approved street-side exterior finish shall be returned on the building side a sufficient distance, as determined by the planning commission, to provide a continuous appearance from the street.
- B. Rear and side yard access and parking. Required rear and side yards may be used for off-street parking, as regulated in [Section 5.39.C](#), provided adequate access to the rear of the building for firefighting and emergency equipment is available.
- C. Landscaping. Portions of the site not used for parking, driveways and buildings shall be provided with landscaping and lawn (see [Section 5.36](#), approved by the planning commission, and so maintained in attractive condition.
- D. Roof-mounted fixture screening. Roof-mounted appliances, including air conditioners, heating apparatus, dust collectors, filters, transformers, and any other such appliance or apparatus, shall be enclosed on all sides by view-obscuring screening so as not to be visible from off the site. The design of the screening shall be approved by the planning commission as compatible with the architectural design of the building upon which the screening is located.
- E. Off-street loading space. Every use involving the receipt or shipment of materials or merchandise by trucks or trailers shall provide space for standing, so that loading and unloading services will not take place off the public streets, alleys and rights-of-way. Loading and unloading spaces shall be provided in such a manner that backing in from a public street will not be facilitated, and no space shall be provided within the required front or street-side yard space. Such space shall consist of an area, as required in article VI of this chapter, with the loading space and any roadway thereto paved with a durable hard-surface.
- F. Lighting limitations. Lighting of parking areas shall be as approved by the planning commission in accordance with [section 5.37](#) and as specified for each district, and shall not include floodlighting, building-mounted or otherwise (except for small parking lots).
- G. Signs. Signs shall be governed by the sign ordinance, unless as otherwise approved as part of a special land use or the project development plan for a planned unit development project.
- H. Screening. Screening between development abutting properties shall be provided as specified in [section 5.34](#), in addition to the site plan review requirements and procedures specified in article VII of this chapter.
- I. Lot coverage. Maximum lot coverage shall be governed by meeting all requirements for yard space, landscaping, screening, off-street parking and loading.
- J. Site condominium subdivision. See [Section 5.40.A](#)

### 3.20 RT District Additional Standards

- A. Accessory uses shall either be located in a building containing the principal permitted uses which will be served, or in service centers consisting of one or more buildings, designed with common drives, parking and loading areas, and landscaping.
- B. Large-scale recreation plan or subdivision plan. Large-scale projects or resource technology subdivisions shall be processed as planned unit developments and shall conform with the requirements of this section and common areas and facilities shall have the following elements:
  - a. The location, extent, and purpose of all common areas and facilities shall be identified on the area plan and on preliminary and final site plans. All such areas and facilities which are to be conveyed to any agency or association shall be identified accordingly on the site plan.
  - b. All public areas and facilities which are to be dedicated to a public agency or association shall be dedicated prior to approval of a final site plan or a final plat, unless a binding agreement approved by the township attorney and township is provided instead of dedication.
  - c. Legal instruments setting forth the manner of permanent maintenance of common areas and facilities shall be submitted to the township attorney for review before the township planning commission approves a site plan or the township board approves a final plat.
- C. Side yards abutting any residential district shall provide a setback of 50 feet, plus the height of the building, which height shall be measured from the nearest point of each level of building height to the property line.
- D. Rear yards abutting any residential district shall provide a setback of 50 feet, plus the height of the building, which height shall be measured from the nearest point of each level of building height to the property line.

Section 3.20.E - 3.20.K

- E. Front and street-side building setbacks shall be measured from the centerline of each road right-of-way in accordance with the township’s master plan, as follows:

TABLE 3.20.E	
MINIMUM FRONT AND SIDE STREET SETBACK IN THE RT DISTRICT	
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE
Regional (204 ft. ROW)	177
Regional (150 ft. ROW)	150
Major	135
Secondary	135
Collector	118
Local	105
Cul-de-sac radius	135
Freeway (measured from ROW line)	75*
Private road (measured from the road easement or common usage line abutting the subject lot)	75**

\*Freeways shall be measured from the established right-of-way lines.

\*\*In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot

- F. Parking shall not be permitted in the required front and street-side setback.
- G. A yard at least 75 feet wide shall be provided along any perimeter of this district which does not abut a public street, except where the adjacent property is designated by the township’s adopted master plan for residential uses. In such case the yard shall be at least 100 feet wide.
- H. Larger minimum yards may be required at the time of site plan approval for a building exceeding two stories or 32 feet in height. The requirements shall be based on consideration of natural light, air circulation, solar access and other effects on adjacent buildings or properties.
- I. Minimum yard requirements shall apply to all buildings and structures, drives, and parking and loading areas. Drives may cross required yards.
- J. The yard requirements listed in this section except those in subsection E. of this section, may be reduced as part of the site plan approval. The reduction shall be based on findings that topographic conditions, existing trees and other vegetation, proposed land grading and plant materials, or other existing or proposed site conditions perform the same function as the required yards.
- K. All required yards shall be landscaped and adequately and permanently maintained. All perimeter yards required in this section shall be landscaped and developed so as to function as a buffer between this district and abutting properties.



## Section 3.20.L - 3.20.N.3.d

- L. Distances between buildings shall be sufficient to meet fire regulations and to provide for natural light, air circulation and solar access.
- M. Height limit zones shall be delineated on the area plan. The zones shall be based on considerations of topography, natural light, air circulation, views, solar access, relation to neighboring buildings, and fire protection and safety. The proposed height of each building shall be shown on the site plan. No building shall exceed 2 1/2 stories in height above grade.
- N. Additional Site Requirements:
  - 1. No part of any building, parking access and/or service area may be located closer to any property line adjacent to a residential district than specified in subsection G of this section.
  - 2. Outdoor storage of vehicles, equipment, supplies or products; outdoor processing, assembly, repair or other operations; or outdoor display of goods, materials, products, equipment or processes shall be prohibited. No display shall be permitted in a window or in any other location visible from a street or an adjacent lot, except in a service center as permitted in [section 3.16.D](#). Trash and other waste materials shall be stored within a principal or accessory building. Utility meters and control devices shall also be so located and screened.
  - 3. General regulations and limitations on uses:
    - a. Noise. Noise shall not exceed 60 decibels (db(A)) equivalent daytime and 55 decibels equivalent nighttime, as measured at any site line which is adjacent to any residential, office or commercial zone. In no case shall the maximum noise level exceed 60 decibels.
    - b. Odors. Odors from any use shall not be discernible at the property line to a greater degree than odors from plants for the manufacture of electronic equipment. The values given in Table III (Odor Thresholds) in the latest revision of chapter 5, Physiological Effects, in the Air Pollution Abatement Manual, by the Manufacturing Chemists' Association, Inc., Washington, D.C., copyright 1951, shall be used as standard in case of doubt concerning the character of odors emitted. In such case the smallest value given in Table III shall be the maximum odor permitted. Detailed plans for the prevention of odors crossing property lines may be required before approval of a final site plan by the planning commission.
    - c. Glare. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
    - d. Exterior lighting. Any lights used for exterior illumination shall comply with the requirements of [section 5.37](#).



## Section 3.20.N.3.e - 3.20.N.3.i

- e. Vibration. Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. No discernible vibration should be detectable at all at any residential district boundary. Vibration at any time shall not produce an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the safe range of Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting," on any structure. The methods and equations of such bulletin shall be used to compute all values for the enforcement of this provision.
- f. Smoke. Emission of smoke on the site shall be controlled so that a nuisance will not result. Emission of smoke shall not exceed the number 1 standard as established by the Ringelmann chart.
- g. Dust, dirt and fly ash. No person shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating while using such process or furnace or combustion device, recognized and approved equipment, means, methods, device or contrivance to reduce the quantity of gas-borne or air-borne solids or fumes emitted into the open air, which is operated in conjunction with such process, furnace, or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed 0.20 grain per cubic foot of the carrying medium at the temperature of 500°. For the purpose of determining the adequacy of such device, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50% at full load. The requirement shall be measured at the ASME Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The planning commission and/or building inspector may require such additional data to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.
- h. Gases. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic or corrosive. The values given in Table I, Industrial Hygiene Standards—Maximum Allowable Concentration for eight-hour day, five days per week; Table III, Odor Thresholds; Table IV, Concentrations of Substance Causing Pain in the Eyes; and Table V, Exposures to Substances Causing Injury to Vegetation, in the latest revision of chapter 5, Physiological Effects, in the Air Pollution Abatement Manual, by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before approval of a final site plan by the planning commission.
- i. Hazard. Operations shall be carried on with reasonable precautions against fire and explosion hazards.

## Section 3.20.N.3.j - 3.20.N.3.o

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

- j. Radiation and radioactivity. All activities involving radioactive materials shall be conducted according to state and federal rules and regulations adopted for human safety. Operations shall cause no dangerous radiation, as specified by the regulations of the United States Nuclear Regulatory Commission, at any property line.
- k. Electrical radiation. Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
- l. Waste. All sewage and industrial wastes shall be handled, stored, treated, and/or disposed of in compliance with all federal and state laws and regulations.
- m. Utilities underground. All lines for telephone, electric, television and other similar services distributed by wire or cable shall be placed underground entirely throughout the development area, except for major thoroughfare right-of-way. Such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Overhead lines may be permitted by not less than six affirmative votes of the township planning commission at the time of final approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare or area design. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. All underground utility installations which traverse privately owned property shall be protected by easements granted to the appropriate authority by the applicant.
- n. Heat. Operations generating heat shall be contained within a building. In no case shall the generated heat raise the ambient temperature at a property line higher than the prevailing normal temperature at the time of occurrence.
- o. Storage. Aboveground outside storage shall not be permitted. The storage of explosives shall not be permitted. Underground storage of flammable materials shall not be permitted unless such storage is accessory to the principal use and specifically approved by the planning commission, fire department and the state. In no case shall the underground storage of flammable materials be closer than 50 feet to residential property.



- O. Environmental and off-street parking improvements. Environmental (landscaping, lighting, screening and signs) and off-street parking improvements shall be provided in accordance with [sections 5.33](#) and [5.29](#) of this chapter. Loading facilities, as provided in accordance with [section 5.39.F](#), may be reduced, if approved as part of approval of the site plan. Notwithstanding requirements of article VI of this chapter, the number of parking spaces required for office and technological uses shall be based on the rate of one space for each 300 square feet of floor area. The number of parking spaces required may be reduced by the planning commission as part of its approval of a preliminary site plan. The reduction may be approved upon the petitioner showing, to the planning commission's satisfaction, that the number of spaces provided will be adequate. The planning commission may establish a maximum number of parking spaces which may be placed on a lot. An area must be designated on the site plan for future parking expansion that meets the minimum requirement in this chapter. Loading areas shall be screened from view from any street or property line.

### 3.21 M-1 District Additional Standards

- A. Outside storage shall be limited to currently licensed cars, trucks, and finished and semi-finished manufactured materials produced on the premises and equipment necessary as an accessory to the principal use, provided the following conditions are complied with:
  - 1. All storage shall begin behind the minimum front yard setback requirements.
  - 2. Obscuring screening shall be provided as required in [section 4.35](#).
  - 3. Whenever a different material is to be stored other than that approved in the original request, a new approval shall be required from the planning commission.
  - 4. The planning commission shall also find, before granting this approval, outside storage will not tend to further:
    - a. Impair the adequate supply of light and air to adjacent property.
    - b. Increase the hazard from fire, flood and other dangers.
    - c. Diminish the market value of adjacent land and buildings.
    - d. Increase the congestion on the public streets.
    - e. Otherwise impair the public health, safety, comfort and general welfare.

## Section 3.21.B - 3.21.F

- B. Front and street-side building. Front and street-side building setbacks shall be measured from the centerline of each road right-of-way in accordance with the township's master plan, as follows:

TABLE 3.21.B MINIMUM FRONT AND SIDE STREET SETBACK IN THE M-1 DISTRICT	
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE*
Regional (204 ft. ROW)	142
Regional (150 ft. ROW)	115
Major	100
Secondary	100
Collector	83
Local	70
Cul-de-sac radius	100
Freeway (measured from ROW line)	50
Private road (measured from the road easement or common usage line abutting the subject lot)	40

- Where such use or district abuts or is across the road from any residential district, the distance between the front site line and setback line shall be increased by 25 feet and a five-foot-high landscaped berm shall be required.
  - Freeways shall be measured from the established right-of-way lines.
  - In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot
- C. Parking shall not be permitted in the required front and street side setbacks.
- D. Side yard. No side yard is required along one interior side lot line, except as specified in the building code and provided, that no side yard of less than five feet in width shall be left between the lot line and building. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than 20 feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side. If an exterior yard borders other than a manufacturing district there shall be provided a yard setback of not less than 50 feet.
- E. No building shall be closer than 100 feet to the outer perimeter (property lines) of this district where the property lines abut any residential district and such space shall be used only for the parking of individual passenger vehicles and/or small trucks.
- F. Additional site requirements. In addition to those requirements cited in [section 3.19](#), the following additional site requirements also apply to this district:

## Section 3.21.F.1 - 3.21.F.4

1. No part of any building, parking access and/or service area may be located closer to any property line adjacent to a residential district than specified in subsection B of this section.
2. No outdoor storage shall be permitted unless it is part of an approved site plan and conforms to subsection A of this section. If no outdoor storage will be created, then the site plan shall contain a signed certified statement to that effect by the owner of the property.
3. General regulations and limitations on uses.
  - a. Noise. Noise shall not exceed 65 decibels measured at the front site line and as measured at any site line which is adjacent to any RT, C-1 or C-3 commercial zone or any residential zone.
  - b. Odors and gases. No obnoxious odors or gases shall be emitted which may be harmful or irritating to the public health and/or safety.
  - c. Glare and heat. Glare and heat from arc welding, acetylene torch cutting or similar processes shall be shielded in such a manner as to prevent any danger or discomfort to persons outside of any building where such operation is being conducted.
  - d. Exterior lighting. Any lights used for exterior illumination shall comply with the requirements of [section 5.37](#).
  - e. Vibration. Vibration shall not cause a ground displacement exceeding 0.003 inch as measured at any site line of the premises and not detectable at any residential district boundary.
  - f. Smoke. Emission of smoke shall not exceed the number 2 standard as established by the Ringelmann chart for consecutive periods of four minutes in any 30 minutes.
  - g. Dirt, dust and fly ash. The emission of dirt, dust and fly ash shall not exceed 0.30 grain per cubic foot of flue gas as measured at stack temperature of 500° F. not to exceed 50% excess air. No haze shall be caused by such emission that would impair visibility.
  - h. Radioactive materials. No radioactive materials shall be emitted in excess of standards established by the U.S. Bureau of Standards for human safety.
  - i. Power. Power utilized in any industrial activity shall be derived only from electrical energy or smokeless fuels containing less than 20% volatile content on a dry basis. Bituminous coal shall be fired only by mechanical equipment.
  - j. Electrical radiation. Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
  - k. Waste. All sewage and industrial wastes shall be handled, stored, treated, and/or disposed of in compliance with all federal and state laws and regulations.
  - l. Bulk storage of flammable liquids and liquefied petroleum gases.
    - I. Aboveground. Not permitted.
    - II. Underground. Bulk storage accessory to the principal use may be permitted underground provided that storage tanks shall be located not less than 30 feet from any site line of the premises.
4. Requirements for and limitations on equipment and machinery.

- a. Automatic screw machines must be equipped with noise silencers or other sound absorbing devices and must not be located closer than 500 feet to any residential zoned district.
- b. Stamping machines, punch presses, press breaks and hydraulic presses shall not be located closer than 500 feet to any residential zoning district or developed residential site, including single-family homes, two-family units, multiple-family units or mobile homes. Such machines shall be placed on shock-absorbing mountings located on suitable reinforced concrete footings. No such machine shall be loaded beyond such capacity as may be prescribed by the manufacturer of the machine.
- c. Hammers, steam or board and hot forgings are not permitted.

**3.22 M-2 District Additional Standards**

- A. Front and street-side building. Front and street-side building setbacks shall be measured from the centerline of each road right-of-way in accordance with the township’s master plan, as follows:

TABLE 3.22.A		
FRONT AND SIDE STREET SETBACKS IN THE M-2 DISTRICT		
ROAD CLASSIFICATION	DISTANCE FROM CENTERLINE*	
	BUILDINGS	PARKING & OUTDOOR STORAGE
Regional (204 ft. ROW)	177	152
Regional (150 ft. ROW)	150	125
Major	135	110
Secondary	135	110
Collector	118	93
Local	105	80
Cul-de-sac radius	145	120
Freeway (measured from ROW line)	75**	50**
Private road (measured from the road easement or common usage line abutting the subject lot)	75***	50***

\* Where such use or district abuts or is across the road from any residential district, the distance between the front site line and setback line shall be increased by 25 feet and a five-foot-high landscaped berm shall be required.

\*\*Freeways shall be measured from the established right-of-way lines.

\*\*\*In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot



## Section 3.22.B - 3.22.F.3

- B. Parking shall not be permitted in the required front and street side setbacks.
- C. Corner lot side yards must equal the setback required for the front yards on the street to which they side. If an exterior yard borders other than a manufacturing district, there shall be a yard setback of not less than 100 feet.
- D. No building shall be closer than 100 feet to the outer perimeter (property lines) of this district where the property lines abut any residential district and such space shall be used only for the parking of individual passenger vehicles and/or small trucks.
- E. Building Requirements.
  - 1. Building height. No building shall exceed 40 feet in height except as otherwise provided in [section 5.28](#). Number of stories. No building shall contain more than three stories above ground level except as provided in [section 5.28](#).
  - 2. Maximum lot coverage. Maximum lot coverage is equal to the remainder of the site after all right-of-way, parking and yard space requirements are deducted from the gross site area.
  - 3. Distance between two buildings. The distance, at the closest point, between any two buildings on the same site shall not be less than 40 feet.
- F. Additional site requirements. In addition to those requirements cited in [section 3.19](#) the following additional site requirements also apply to this district:
  - 1. No part of any building, parking access and/or service area may be located closer to any property line adjacent to a residential district than specified in subsections A through C of this section.
  - 2. No outdoor storage shall be permitted unless it is part of an approved site plan and conforms to subsection F.6 of this section. If no outdoor storage will be created, the site plan shall contain a signed certified statement to that effect by the owner of the property.
  - 3. When industrial uses are to be conducted wholly within a building or within a building and/or an area enclosed within a wall or fence to the standards of [section 4.35](#) with a landscaped front yard and with the side or rear yard used for loading and unloading and parking, the fence shall be located not less than 75 feet from the front property line or side street property line. Outside of such fence shall be provided a twenty-foot greenbelt planting strip not less than eight feet in height to screen view of storage materials and/or activity from the street and adjacent properties. On the interior side property line and rear property line, the fence shall be located on the property line.

4. General regulations and limitations on uses.
  - a. Noise. Noise shall not exceed 70 decibels measured at the front site line and as measured at any site line which is adjacent to any industrial or C-2 or C-4 commercial zone or 70 decibels when adjacent to any RT, C-1 or C-3 or residential zone.
  - b. Odors and gases. No obnoxious odors or gases shall be emitted which may be harmful to public health and/or safety.
  - c. Glare and heat. Glare and heat from arc welding, acetylene torch cutting or similar processes shall be deflected in such a manner as to prevent any danger to persons outside of any building where such operation is being conducted.
  - d. Exterior lighting. Any lights used for exterior illumination shall comply with the requirements of [section 5.37](#).
  - e. Vibration. Vibration shall not cause a ground displacement exceeding 0.003 inch as measured at any site line of the premises.
  - f. Smoke. Emission of smoke shall not exceed the number 2 standard as established by the Ringelmann chart for periods aggregating three minutes in any 15 minutes when starting a new fire.
  - g. Dirt, dust and fly ash. The emission of dirt, dust and fly ash shall not exceed 0.30 grain per cubic foot of flue gas as measured at stack temperature of 500° F. and not to exceed 50% excess air. No haze shall be caused by such emission which would impair visibility.
  - h. Radioactive materials. No radioactive materials shall be emitted in excess of standards established by the U.S. Bureau of Standards for human safety.
  - i. Power. Power utilized in any industrial activity shall be derived only from electrical energy or smokeless fuels containing less than 20% volatile content on a dry basis. Bituminous coal shall be fired only by mechanical equipment.
  - j. Electrical radiation. Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
  - k. Waste. All sewage and industrial wastes shall be handled, stored, treated, and/or disposed of in compliance with all federal and state laws and regulations.
  - l. Bulk storage. Bulk storage of flammable liquids, liquefied petroleum gases and explosives:
    - I. Aboveground. Aboveground storage is not permitted unless special permit is obtained under [section 4.8](#).
    - II. Underground. Underground storage is permitted provided that storage tanks for explosives shall be located not less than 150 feet from any site line of the premises, and liquefied petroleum gas and flammable liquid storage tanks shall be located not less than 30 feet from any site line of the premises.



- m. Storage.
  - I. Inside and underground storage other than junk. Such storage is permitted provided compliance is made with all applicable fire, safety and health regulations.
  - II. Outside storage other than junk. No materials, goods and/or supplies used in connection with or part of any industrial use shall be stored, located or deposited in a manner so as to obstruct or interfere with any roadway on the premises which could be used as a means of access for firefighting equipment.
  - III. Outside storage of junk and/or industrial waste incident to an industrial use. Any such storage shall not exceed 10 days and shall be completely enclosed within a tight, unpierced masonry, wood or metal fence and shall comply with the requirements of [section 4.35](#) and subsection m of this section.
- 5. Requirements for and limitations on equipment and machinery:
  - a. Automatic screw machines. Such machines must be equipped with noise silencers or other sound-absorbing devices and must not be located closer than 500 feet to any residential zoned district.
  - b. Stamping machines, punch presses, press breaks and hydraulic presses. Such machines and equipment shall not be located closer than 500 feet to any residential zoning district or developed residential site, including single-family homes, two-family units, multiple- family units or mobile homes. All such machines shall be placed on shock-absorbing mountings located on suitable reinforced concrete footings. No such machine shall be loaded beyond such capacity as may be prescribed by the manufacturer of the machine.
  - c. Hammers, steam or board and hot forgings. No such machine or operation shall be permitted closer than 1,000 feet to any residential zoned district. Such machine or operation is otherwise permitted when placed on shock-absorbing mountings located on a suitable reinforced concrete footing, all of which shall be completely enclosed within a masonry-type building.

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# Chapter 76 | Article 4

## Use Standards

# Article 4 - Use Standards

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2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

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4.1 Adult Bookstore, Adult Motion Picture Theater, Adult Minimotion Picture Theater, Group D Cabaret, Hotels or Motels, Pawnshops, Pool or Billiard Halls, Public Lodging Houses, Secondhand Stores, Shoeshine Parlors, Taxi Dance Halls

- A. Concentration prevention. In the development and execution of this chapter, it is recognized that there are some uses which, because of their nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In addition to the review standards contained in this article, other special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than two such uses within 1,000 feet of each other) which would create such adverse effects. The uses subject to these controls are adult bookstores, adult motion picture theaters, adult minimotion picture theaters, group D cabarets, hotels or motels, pawnshops, pool or billiard halls, public lodginghouses, secondhand stores, shoeshine parlors or taxi dance halls.
- B. Exceptions. The planning commission may waive the locational requirement established in subsection A of this section for adult bookstores, adult motion picture theaters, adult minimotion picture theaters, group D cabarets, hotels or motels, pawnshops, pool or billiard halls, public lodging houses, secondhand stores, shoeshine parlors or taxi dance halls if the following findings are made:
  - 1. The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this chapter will be observed.
  - 2. The proposed use will not enlarge or encourage the development of a skid row area.
  - 3. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
  - 4. All applicable regulations of this chapter will be observed.
- C. Sale of beer or intoxicating liquor. For establishments for the sale of beer or intoxicating liquor for consumption on the premises, the township board may waive the locational requirements if the findings required in subsection B of this section can be made and after receiving a report

and recommendation from the planning commission.

D. Petition. Petition procedures shall be as follows:

1. It shall be unlawful to hereafter establish any adult bookstore, adult motion picture theater, adult minitheater or class D cabaret within 500 feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file with the township planning commission a petition which indicates approval of the proposed regulated use by 51% of the persons owning, residing or doing business within a radius of 500 feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses at which no contact was made.
2. The township clerk shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this section. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the township clerk and that the circulator personally witnessed the signatures on the petition and that the signatures were affixed to the petition by the person whose name appeared on the petition.
3. The township planning commission shall not consider the waiver of locational requirements set forth in subsections A through C of this section until the petition described in this subsection D shall have been filed and verified.

## 4.2 Agricultural Ponds and Aquaculture

A. Site Requirements

1. All approved ponds shall be on a contiguous parcel of at least 10 acres.
2. Soils removed to create the pond must remain on the site. If the owner wishes to sell or transport the excavated materials off the site, he shall conform with the requirements of [section 4.30](#) and the township mining ordinance.
3. All ponds shall be provided with adequate protection by the construction of a fence or other means approved by the planning commission.
4. Ponds shall be of an excavation type as defined by the Soil Conservation Service (SCS) engineering standard, and all ponds shall be constructed to the SCS standards. (See circular 378-A of the Soil Conservation Service.)
5. Where public (paid or unpaid) fishing shall be allowed in conjunction with a fish pond use, the development shall also be made part of a request for large-scale recreational use under [section 4.28](#).

B. Yard and placement requirements. Yard and placement requirements are as follows:

1. A setback of at least 60 feet to the nearest edge of the pond from the right-of-way of an existing or proposed street or road shall be required. If the pond is greater than 120 feet



- long, the setback distance from the road shall be equal to half the length.
2. All buildings shall minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of 100 feet to the property line of abutting lands and/or public right-of-way. Where topography conditions are such that the building would be screened from view, this requirement may be modified by the planning commission.
  3. No activity shall take place within 50 feet of the perimeter of the site. All non farm activities shall be adequately screened from abutting residentially zoned property.

### 4.3 Airports and Heliports

- A. Requirements and conditions.
  1. Airports, airfields, runways, etc. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations shall be subject to all rules and regulations of the Federal Aeronautics Administration. Such agency shall approve the preliminary plans submitted to the township. All aircraft approach lanes, as established by appropriate aeronautical authorities, shall be developed so as not to endanger the permitted land use. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies in considering an airport use.
  2. Yard and placement requirements.
    - a. No building or structure, or part of such building or structure, shall be erected closer than 60 feet from any property line.
    - b. Buildings used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.
  3. Performance requirements. All lights used for landing and other lighting facilities shall be arranged so as not to reflect towards adjoining nonairport uses.
- B. Prohibited uses. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than 30 days from the date of the accident.
- C. Prohibited uses. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than 30 days from the date of the accident.

#### 4.4 Amusement Device Centers

- A. Requirements and conditions in the C-3 District. Requirements and conditions shall be as follows:
  - 1. The site shall not be contiguous to a one-family residential district and shall not be located within 500 feet of the property line or any church, public or parochial school, or playground.
  - 2. The site shall be located so as to abut a major thoroughfare right-of-way, and all ingress and egress to the site shall be directly from such major thoroughfare.
  - 3. The building or part of the building devoted to such use shall be designed and constructed so that no audible sound may be heard by adjoining tenants or at the lot line.
  - 4. Such uses shall be conducted in accordance with all applicable regulatory ordinances of the township.
- B. Requirements and conditions in the C-2 District. Requirements and conditions shall be as follows:
  - 1. All such uses shall have public access only from the pedestrian areas.
  - 2. Adequate on-site security for the shopping center shall be provided.
  - 3. Noise associated with the use shall be confined within the tenant space so as to not constitute a nuisance to adjoining or nearby tenants.
  - 4. There shall be no more than one device for every 50 square feet of area specifically designed for such use (excluding areas used for other principal and accessory uses). The total number of devices in the designated area shall not exceed 125.
  - 5. Such use shall be conducted in accordance with all applicable regulatory ordinances of the township.

#### 4.5 Auditoriums, Stadiums, and Outdoor Theaters

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. Viewing screens and/or stages. Viewing screens and/or stages must be located so as to avoid distracting passing motorists on the streets and highways adjoining the site.
  - 2. Entrances. There shall be at least one entrance, and all entrances shall be separate from exits. There shall not be more than one entrance from any single access road. In any case where left turns are permitted from the access road into the entranceway, such entrance shall be a minimum width of 33 feet from any two-lane road and a minimum width of 44 feet from any road of three or more lanes. If left turns are prohibited, such entrances shall be a minimum width of 22 feet.
  - 3. Exits. There shall be at least one exit, and all exits shall be separate from entrances. There shall not be more than one exit to any single access road. If left turns are permitted to the access road from the exit, such exit shall be a minimum width of 22 feet for any two-lane road and a minimum width of 44 feet for any road of three or more lanes. If left turns are prohibited, such exits shall be a minimum width of 11 feet for two-lane roads and 22 feet for any road of three or more lanes.
- B. Vehicle ticket windows. If vehicle ticket windows are provided, they shall be made available in the ratio of one such window for each 250 cars of parking space capacity.

#### 4.6 Automobile Heavy Repair Garage

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. All repair activities shall be confined to the interior of the building.
  - 2. No outdoor storage is permitted.
  - 3. An adequate means of waste disposal shall be provided.

#### 4.7 Automobile Repair and Service Centers

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. All repair activities shall be confined to the interior of the building.
  - 2. No outdoor storage is permitted.
  - 3. An adequate means of waste disposal shall be provided.
- B. Measures shall be taken to ensure that any noise, dust, smoke, odor, fumes or other negative environmental impacts are confined to the site.

#### 4.8 Bulk Storage Flammable Liquids, Liquefied Petroleum, Gases and Explosives Above the Ground

- A. Site requirements. Site requirements shall be as follows:
  - 1. All such uses shall be located on a parcel of land which is surrounded by abutting land zoned M-2.
  - 2. All access to the parking areas shall be provided from a major thoroughfare.
  - 3. All sides of the development not abutting a major thoroughfare shall be provided with a twenty-foot-wide greenbelt planting and fence or wall so as to obscure from view all activities within the development. The screening shall be in accord with [section 5.34](#)
- B. Yard and placement requirements. Yard and placement requirements shall be as follows:
  - 1. No building, structure or tanks or containers for storage or part thereof shall be erected closer than 100 feet from any property line.
  - 2. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site.

#### 4.9 Businesses of a Drive-in Nature, Outdoor (Excluding Outdoor Theaters)

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. All buildings shall observe the front or street-side setbacks, as specified in [section 3.14.D](#), plus 25 feet.
  - 2. Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
  - 3. The entire site, other than the area occupied by buildings and/or structures, shall be landscaped or provided with a permanent, durable and dustless surface constructed of either asphalt or concrete. The site shall be landscaped and maintained. The site shall be graded and drained, hard surfaced and maintained.
  - 4. Devices for the transmission or broadcasting of voices shall be directed or muffled so as to prevent such sounds or music from being audible beyond the boundaries of the site.
  - 5. All driveway approaches, road drainage, curbs and curb cuts shall meet the requirements of the township or other agencies having jurisdiction thereof.
  - 6. All adjacent side yards shall be zoned for business use.
  - 7. All drive-in businesses with a drive-through or drive-up service facility shall meet the standards of Section 5.39.

#### 4.10 Carry-out Restaurants (Excluding Drive-through Facilities)

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. Adequate ventilation shall be provided to ensure that any odors associated with any food preparation will be confined to the site so as not to create a nuisance for any adjoining residential parcels. All such ventilation systems shall be maintained in good working order at all times.
  - 2. Evidence of the type and adequacy of any such such system shall be provided and approved by the Charter Township of Chesterfield Building Department and the Macomb County Health Department.
  - 3. Side and rear yard setbacks for restaurants may be increased when adjacent to residential zoning districts.



## 4.11 Car Washes

- A. Site requirements. Site requirements for car washes shall be as follows:
  - 1. (Vehicular ingress and egress from the site shall be directly onto a major thoroughfare. It may be permissible to allow vehicles to exit from the facility onto a public alley.
  - 2. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait on the public right-of-way as part of the traffic approach.
- B. Area, height and placement requirements. Area, height and placement requirements shall be the same as for the district in which this use is requested.
- C. Buffer and sign requirements. Buffer and sign requirements shall be the same as for the district in which this use is requested.

## 4.12 Cemeteries

Requirements and conditions. Requirements and conditions shall be as follows:

- A. As specified in section 76-172, a greenbelt and a fence shall be installed along the perimeter boundaries of the site. Along those boundaries of the site abutting a road, the greenbelt or wall shall observe the front yard setback of the district in which the site is located. Along all other site boundaries, the greenbelt or wall may be placed on the property line.
- B. Suitable gates for ingress and egress shall be provided, and the principal entrance shall not be closer than 200 feet to an adjoining residential site.
- C. If the applicant desires to install a cyclone wire fence (or other type of fencing) instead of a masonry wall, this shall be described on the application, and it may be approved in the discretion of the planning commission if the fence will be substantially compatible and harmonious with existing, adjacent types of installations.
- D. No building shall be erected closer than 100 feet to an adjacent site line, nor such building cover more than 10% of the site on which it is to be constructed.
- E. Any such use shall not be permitted in a floodplain.
- F. The applicant shall show with reasonable certainty that the elevations of the site when finished will provide adequate drainage.
- G. The proposed roads and parking areas shall be adequate for the use, and shall be paved with asphalt or concrete and drained.
- H. The greenbelt and wall (fence included) shall be maintained as required under [section 5.34](#).
- I. Minimum cemetery site shall be 10 acres. If a state law specifically permits a smaller size, or sets a maximum size less than 10 acres, this regulation shall not apply to an addition to the site of a use existing at the time of adoption of the ordinance from which this chapter is derived.

### 4.13 Colleges, Universities and Similar Uses

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. Any use permitted in this section shall be developed on sites of at least 15 acres in area.
  - 2. All ingress to and egress from the site shall be directly onto a major or secondary thoroughfare having an existing or planned right-of-way width of at least 120 feet, as indicated on the master plan.
  - 3. No building shall be closer than 50 feet to any property line when such property line abuts or is adjacent to land zoned for residential purposes.
  - 4. The site shall consist of a minimum area of 400 square feet per pupil.

### 4.14 Convalescent and Nursing Homes or Hospices

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. All such facilities shall have ingress and egress from a site directly onto a major or secondary thoroughfare having an existing or planned right-of-way of at least 120 feet, as indicated in the master plan.
  - 2. All such facilities shall be developed only on sites consisting of at least five acres in area.
  - 3. There shall be provided at least 1,000 square feet of lot area per bed.
  - 4. No building on the site shall exceed 25 feet in height, or two stories.
  - 5. Licensing shall be in accordance with the state and/or appropriate authority or jurisdiction.

### 4.15 Day Care Centers, Nursery Schools and Similar Uses

- A. Site requirements. Site requirements shall be as follows:
  - 1. The site shall contain a minimum of 150 square feet of outdoor play area for each child and shall not be less than 5,000 square feet in total.
  - 2. Any such use shall not be permitted in the interior of any residential block and shall be located adjacent to a multiple or nonresidential district.
- B. Yard and placement requirements. Front, side and rear yards shall comply with yard restrictions for nonresidential uses in the particular district they are located.

## 4.16 Detached One-family Planned Project

- A. As an option to applying the regulations in the immediate abutting one-family district, the Planning Commission may, as part of special land use approval, apply the following to detached one-family project in a multiple-family district
- B. Conditions and requirements. Conditions and requirements shall be as follows:
  - 1. All dwelling units shall observe the following minimum internal yard setbacks:
    - a. Front: 25 feet to the edge of any internal road measured from the back of curb).
    - b. Side: 15 feet between units.
    - c. Rear: 65 feet (measured from the rear building to the rear of the opposite building). No deck or attached structure shall encroach into this setback.
    - d. For street-facing garages, the garages shall be set back a minimum of 24 ft. from the sidewalk.
  - 2. All dwelling units shall observe the following minimum perimeter yard setbacks:
    - a. Front: as required in the applicable RM district.
    - b. All other perimeter yards: as required in the applicable RM district (see [section 3.9.L](#)).
  - 3. Building height:
    - a. In stories: two.
    - b. In feet: 28.
  - 4. Building floor plans (including attached decks or patios) and architectural elevations for typical units shall be provided. A block-front streetscape plan shall be provided, illustrating the front building elevations for a typical block.
  - 5. A landscaping plan shall be provided, illustrating proposed landscaping improvements for all common areas and typicals for each individual building site.
  - 6. Each unit shall include an attached two-car garage. Side-entry garages shall be provided for at least 25% of the total units.
  - 7. Well-defined and improved common recreation areas shall be provided to meet the anticipated needs of the residents of the development. At a minimum, 400 square feet of developed park space shall be provided for each dwelling unit.
  - 8. Sidewalks shall be provided along the frontage of any abutting public road. An internal pedestrian circulation plan, acceptable to the township, shall also be provided when additional pedestrian facilities are proposed.

9. Detached accessory buildings and perimeter yard fencing are prohibited.
10. All applications for special land use approval under this section shall be accompanied by either a preliminary site condominium subdivision plan meeting the requirements of [section 6.3](#), or a tentative preliminary plat meeting the requirements of the township subdivision requirements in chapter 58.
11. The following design objectives shall also be observed:
  - a. The design shall incorporate tree preservation or developed park and common open space as an integral part of the development.
  - b. The design shall not result in an appearance of oversized homes on undersized lots.
  - c. Units should be arranged in groups or clusters that provide an interesting arrangement, instead of in rows.

#### 4.17 Dry Cleaning and Laundry Establishments

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  1. Such use shall be limited to serving customers of the specific establishment only, and shall not be used to service other pick-up stations.
  2. The total usable floor area of the use shall not exceed 1,800 square feet.
  3. The operation and all materials and processes used in the dry cleaning business shall be nonflammable and shall be conducted in accordance with all applicable statutes, rules, regulations and standards established by any federal, state or local government or authority.
  4. Adequate ingress and egress shall be provided from a major or secondary thoroughfare of at least 120 feet of right-of-way, as indicated in the master plan.

#### 4.18 Fast Food Restaurants

Requirements and conditions. Requirements and conditions shall be as follows:

- A. The site and use shall be located on a major or secondary thoroughfare having a right-of-way equal to, or greater than, 100 feet, as specified by the master plan.
- B. Adequate ingress and egress to handle the traffic anticipated to be generated by the use shall be provided.
- C. Any freestanding use with a drive-through service facility or drive-up window located in a shopping center shall be aesthetically compatible in design and appearance with the other buildings and uses located in the shopping center. In making this determination, the planning commission shall consider the architectural design of the building, the signage and the landscaping to ensure that the design and appearance of the developed use with a drive-through service facility or drive-up window is compatible with the design and appearance of the remainder of the shopping center.
- D. Drive-through and drive-up service shall be permitted only if the use and site development is located to create a a satisfactory traffic pattern for the drive-through lane to prevent traffic congestion and the impairment of vehicular circulation for the site. Vehicle stacking lanes shall conform with the provisions in [Section 5.39](#).



## Section 4.18.E - 4.20

- E. Devices and controls adequate to ensure that no smoke, odor or gases are emitted so as to constitute a nuisance to adjoining tenants or to the public shall be provided.
- F. Devices for electronically amplified voices or music shall be directed or muffled to prevent any such noises from being audible at any lot line.

### 4.19 Funeral Homes and Mortuaries (Excluding Crematoriums)

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. Sufficient off-street automobile parking and assembly area is provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to any required off- street parking area.
  - 2. The site shall be located so as to have one property line abutting a major or secondary thoroughfare of at least 120 feet of right-of-way, existing or proposed.
  - 3. Adequate ingress and egress shall be provided to such major or secondary thoroughfare.
  - 4. No building shall be located closer than 50 feet to the outer perimeter (property line) of the district when such property line abuts any single-family residential district.
  - 5. Loading and unloading area used by ambulances, hearses or other such service vehicles shall be obscured from all residential view by a wall six feet in height.

### 4.20 Garage Sales, Rummage Sales, Etc.

No person shall conduct a garage sale, rummage sale or similar activity within the township unless authorized by the township building administrator. The sale or similar activity shall not be conducted for a period of more than nine consecutive days. No person shall be allowed more than two such sales within any twelve-month period. In no instance shall more than two garage sales or similar activity be held in any one location within any twelve-month period. All such sales or similar activity shall not be conducted within 25 feet from the street lot line of the premises. Overnight outside storage of goods or merchandise offered at the garage sale or similar activity is prohibited. No signs advertising a garage sale or similar activity shall be placed upon public property. Two signs advertising a garage sale are permitted to be placed upon private property with the consent of an owner of the property and shall be removed within 24 hours of the conclusion of the garage sale or similar activity.

## 4.21 Gasoline Self-service Station

- A. Requirements and conditions. Requirements and conditions shall be as follows:
1. The site shall be located at the intersection of two public roads, each having a proposed right-of-way of at least 120 feet, or one with a proposed right-of-way of 120 feet and the other a proposed right-of-way of 86 feet on the township master plan.
  2. The site for the gasoline self-service station shall have 150 feet of frontage on the principal street serving the station.
  3. The site shall contain an area of not less than 21,000 square feet.
  4. All buildings shall observe front or street-side setbacks, as specified in [section 3.16.A](#), plus 15 feet. For purposes of this section, gasoline pumps and pump islands shall not be considered buildings, but shall observe the setbacks of this article. Canopies may be located within 15 feet of the front site line.
  5. Curbs, curb cuts, driveway widths and acceleration or deceleration lanes shall meet the requirements of the township or other agencies having jurisdiction.
  6. In order to facilitate safe pedestrian circulation and safety, no parking or standing of customer vehicles shall be permitted in the area immediately adjacent to any customer entrance or payment window.
- B. On sites where a gasoline service station has existed as a nonconforming use:
1. The site for the gasoline self-service station shall have 150 feet of frontage on the principal street serving the station.
  2. The site shall contain an area of not less than 21,000 square feet.
  3. All buildings shall observe front or street-side setbacks, as specified in [section 3.14.A](#), plus 15 feet.
  4. In order to facilitate safe pedestrian circulation and safety, no parking or standing of customer vehicles shall be permitted in the area immediately adjacent to any customer entrance or payment window.
  5. Curbs, curb cuts, driveway widths and acceleration or deceleration lanes shall meet the requirements of the township or other agencies having jurisdiction.
  6. Pump islands used for the sale or distribution of petroleum products and service lanes shall observe the front or street-side setback requirements, as specified in [section 3.14.A](#). Service lanes in which automobiles are temporarily parked shall be no less than 12 feet in width.
  7. Canopies used to shelter pump islands and adjacent service lanes shall be required, provided that such canopies shall have a minimum height of 14 feet and be located to ensure clearance for and access to the site by firefighting equipment. Canopies may be located within 15 feet of the front site line.

## 4.22 General Hospitals

- A. Requirements and conditions. Requirements and conditions shall be as follows:
1. Hospital sites. All such hospitals shall be developed only on sites consisting of at least 10 acres in area and providing a minimum of 1,500 square feet of lot area per bed.
  2. Ingress and egress. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare having an existing or planned right-of-way width of at least 120 feet, as indicated on the master plan.
  3. Ambulance delivery and service areas. Ambulance delivery and service areas, when visible from adjacent land zoned for residential purposes, shall be obscured from view by a wall at least six feet in height.
  4. Minimum distance. The minimum distance between any structure and a property line shall be 75 feet.
  5. Maximum lot coverage. Maximum lot coverage shall not exceed 30%.
  6. Site requirements. If a use is proposed under this section in any residential district, the structure must be located either on a major thoroughfare or on the boundary line of the residential district and some other zoning district.
    - a. Size. No hospital shall be permitted unless its size is at least 50 inpatient beds.
    - b. Licensing. All applicants for a use under this section shall show evidence of procurement of a license to operate a hospital under the statutes of this state and the regulations of any administrative agency required by such statute.

## 4.23 Group Day Care

- A. Location. The proposed use shall not be located closer than 1,500 feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley:
1. Another licensed group day care home.
  2. Another adult foster care small group home or large group home, licensed by the state.
  3. A facility offering substance abuse treatment and rehabilitation service to seven or more people, whether or not it is licensed by the state.
  4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population, under the jurisdiction of the department of corrections or a similar governmental authority.
- B. Yard and placement requirements. Yard and placement requirements shall be as follows:
1. Front, rear and side yard minimums shall be the same as the residential district in which it is located.
  2. Maximum lot coverage shall be the same as for the district in which the use is located.

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- C. Environmental provisions and parking requirements. Environmental provisions and parking requirements shall be as required in [sections 5.33](#) and [5.39](#) of this chapter.
  - 1. On-site parking shall be provided for all employees, in addition to the required off-street parking for the residence. No off-street parking shall be permitted in the required front yard space.
  - 2. Fencing shall be required next to residential uses or districts in accordance with [section 5.34](#) and shall enclose all outdoor play areas.
- D. Character of development. The requested site and building shall be consistent with the visible characteristics of the neighborhood. The group day care home shall not require the modification of the exterior of the dwelling nor the location of any equipment in the front yard.
- E. Signage. The proposed use, if approved, may have one non-illuminated sign that complies with the sign ordinance and shall display only the name and address of the family day care home.
- F. Hours of operation. Operating hours shall be limited from 7:00 a.m. to 11:00 p.m. daily.
- G. Inspection. The proposed use, if approved, shall be inspected for compliance with these standards prior to occupancy and at least once each year thereafter within 10 days of the anniversary of the certificate of occupancy.

### 4.24 Home Occupations

- A. Home offices that do not result in more traffic than is normal for residential districts shall not require special approval.
- B. No person other than members of the family residing on the premises shall be engaged in such occupation.
- C. Handicapped persons applying for home occupation permits may be excused from certain provisions of this section by the planning commission, based on necessity.
- D. Site requirements. Site requirements shall be as follows:
  - 1. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25% of the floor area of the dwelling unit shall be used for the purposes of the home occupation and shall be carried out completely within such dwelling.
  - 2. There shall be no change in the outside appearance of the structure or premises or other visible evidence of the conduct of such home occupation.
  - 3. Such home occupation shall not require internal alterations or construction features, equipment, machinery or outdoor storage not customary in residential areas.
  - 4. One non illuminated nameplate, not more than two square feet in area, may be permitted. Such nameplate shall contain only the name and occupation of the resident of the premises and shall be mounted flat against the wall of the dwelling.

5. No home occupation shall be conducted, in whole or in part, in any accessory structure, attached or detached, including garages, breezeways, porches, patios, etc.
6. There shall be no sales of any goods, articles or services on the premises, except such as is produced by such approved home occupation.
7. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
8. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.
9. Maximum lot coverage. Maximum lot coverage shall be the same as for the district in which the use is requested.

#### 4.25 Housing for the Elderly and Senior Citizens Housing

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  1. Density. The number of units shall not exceed twice those permitted for standard development for the applicable RM district.
  2. All housing for the elderly may provide for the following:
    - a. Cottage-type dwellings and/ or apartment-type dwelling units.
    - b. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge and workshops.
  3. Dwelling size. All dwellings shall consist of at least 350 square feet per unit (not including kitchen and sanitary facilities).
  4. Total coverage. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed 25% of the total site, exclusive of any dedicated public right-of-way.
  5. Accessory buildings. Those customarily incidental to the uses listed in this section shall be permitted.
- B. Business uses. Business uses shall be permitted on the site when developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and totally obscured from any exterior view. No identifying sign for any such business or service use shall be visible from any exterior view. Such businesses or services shall not exceed 25% of the floor area at grade level.
- C. Proposal review. All proposals for housing for the elderly shall be reviewed against the standards for such housing as published by the state housing development authority. These standards shall be used only as a general guide for the review to ensure minimum adequacy and shall not limit the requirements placed on the use by the township.

## 4.26 Junkyards, Auto Wrecking Yards, Storage of Industrial Wastes

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. Such use shall be completely enclosed by a fence constructed of unpierced wood or metal vertical boards or panels not less than eight feet in height. Such fence shall be maintained in a condition of good repair.
  - 2. The fence required in subsection A.1 of this section shall observe the front yard setback requirements specified in the M-2 district.
  - 3. The area between the front fence and the front site line shall be completely landscaped and maintained with lawn and coniferous trees and shrubs. All site landscaping improvements shall meet the requirements of [section 5.33](#) through [section 5.36](#) of this chapter.

## 4.27 Landfills (Earthen Landfills Only)

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. Permitted earth landfills shall be subject to all other laws and ordinances pertaining to earth landfills. Earth landfills shall not be permitted in any wetland area or in any floodplain zone, except under terms and conditions of all other laws and ordinances pertaining to earth landfills.
  - 2. In passing upon an application for the location of a landfill, the planning commission and township board must be satisfied that the proposed use would not be detrimental to other proposed land uses in the area, adversely affect property values, and can be conducted with a minimum impact upon traffic patterns and adjacent uses all in accordance with the standards of this article. This section concerns only the location of landfills, the registering and operational regulations being contained in [section 34-111](#) et seq.
  - 3. The location and operation of earthen landfills shall be in compliance with Act No. 641 of the Public Acts of Michigan of 1978.
  - 4. An earthen landfill shall contain only soil free from building debris. No putrescible or inert materials may be placed in an earthen landfill.

## 4.28 Large-scale Recreation Uses

- A. Site requirements. Site requirements shall be as follows:
  - 1. All approved uses shall be on a continuous parcel of 20 acres or more in area.
  - 2. All vehicular ingress and egress from the site shall be directly onto a major or secondary thoroughfare having a designated right-of-way of 120 feet, or a collector thoroughfare with an existing right-of-way of 86 feet.
  - 3. Review of the proposed site plan shows that a proper relationship exists between the major, secondary or collector thoroughfare and all proposed service roads driveways and parking areas to encourage pedestrian and vehicular traffic safety.

- B. Yard and placement requirements. Yard and placement requirements shall be as follows:
  - 1. All development features, including the principal building, related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of 200 feet to the property line of abutting residentially zoned lands and public right-of-way, provided where topography conditions are such that the building would be screened from view, this requirement may be modified.
  - 2. No activity shall take place within 30 feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting property by means of a protective wall or greenbelt.
  - 3. Related accessory commercial use may be permitted in conjunction with recreation use when it is clearly incidental to the main recreational character of the use. Such related accessory use shall not include the sale, servicing or repair of any vehicles or equipment used on the site, except vehicles or equipment owned by the proprietor.
  - 4. Permitted accessory uses which are of a commercial nature shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreation use itself, such as a maintenance garage, may be located in a separate building.
- C. Other requirements. Other requirements shall be as follows:
  - 1. Whenever a swimming pool is to be provided, such pool shall be provided with a protective fence six feet in height. Pool entry shall be by means of a controlled gate or turn-style.
  - 2. When a gun club is proposed, it shall be clearly established that the activities shall in no way endanger the health, safety or welfare of any persons and will not become a nuisance in any manner.
  - 3. Days and hours of operation shall be agreed to as a condition of any approval.

#### 4.29 Medical Marijuana Uses

- A. Intent
  - 1. Voters in the State of Michigan approved a referendum authorizing the use of marijuana for certain medical conditions, being the Michigan Medical Marijuana Act, MCL 333.26421, et seq. ("The Act").
  - 2. The specified intent of The Act is to enable certain specified persons who comply with the registration provisions of the law to acquire, possess, cultivate, grow and use marijuana as well as to assist specifically registered individuals identified in the statute without being subject to criminal prosecution under state law in limited, specific circumstances.
  - 3. Despite the specific provisions of The Act and the activities identified in The Act, marijuana remains a controlled substance (Schedule 1 drug) under Michigan law. The activities set forth in The Act have a potential for abuse. Such activities should be closely monitored and, to the extent permissible, regulated by local authorities.

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4. If not closely monitored or regulated, the presence of marijuana even for the purposes specified by The Act may present an increase for illegal conduct and/or activity which adversely affects the health, safety and welfare of the residents of Chesterfield Township.
  5. Nothing in this section shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow any other activity relating to cultivation/growing, distribution or consumption of marijuana that is otherwise illegal.
  6. This Section is intended to protect and preserve the public health, safety and welfare of the community, the quality of life and the stability of property values including but not limited to the value of residential, commercial, and industrial districts.
  7. This Section is intended to prohibit a caregiver's cultivation of marijuana in residential and commercial districts in order to protect and preserve peace, order, property and safety of persons as a result of issues associated with the growth of marijuana in residential and commercial districts including problems with insufficient or improper electrical supply, problems with ventilation leading to mold, offensive odors, or other health hazards and other hazards which are associated with the cultivation of marijuana in residential and commercial settings and which is otherwise often difficult to detect and regulate.
- B. Medical marijuana dispensary, compassion centers or other similar operation for the consumption or distribution of medicinal marijuana. It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marijuana dispensary, compassion center or other similar operation, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marijuana dispensary, compassion center, growth facility, growth cooperative or other similar operation in the township.
- C. Registered Primary Caregiver Operations. Any registered primary caregiver may acquire, possess, cultivate, manufacture, transfer, or transport medical marijuana in compliance with the MMMA. Cultivation of medical marijuana by a registered primary care giver as defined under the MMMA, is prohibited in any zoning district, except the M-1 (Light Manufacturing) and M-2 (Heavy Manufacturing) Districts; and further subject to the following:
1. A registered primary caregiver may only grow, cultivate, manufacture, process, and store marijuana on a parcel of land in the M-1 (Light Manufacturing) and M-2 (Heavy Manufacturing) Zoning Districts and in an enclosed locked facility.
  2. The registered primary caregiver is responsible for utilizing an enclosed locked facility in compliance with the MMMA for cultivating, growing, manufacturing, processing, and storing marijuana for medical use only. The enclosed locked facility utilized by the registered primary caregiver, shall provide separation by fully enclosed walls or fences, for plants that are grown on behalf of each registered qualifying patient, on whose behalf the registered primary caregiver is furnishing marijuana for medical use, so it is accessible only to the primary caregiver and registered patient.



## Section 4.29.C.3 - 4.29.D.2

3. The registered primary caregiver may grow up to a maximum of 72 plants, but no more than 12 plants for each individual registered qualifying patient as set forth in the MMMA.
  4. The registered primary caregiver is responsible for providing the security necessary to assure that the growing marijuana and usable product are accessible only by the primary registered caregiver and/or registered qualifying patients who are registered to the registered primary caregiver through the state registration system. The security must fully comply with the provisions of the MMMA, and Administrative Rules promulgated by the State of Michigan.
  5. Each parcel of land upon which enclosed locked facilities with marijuana for medical use are present, must be a minimum of 1,000 feet from any parcel upon which any school, school facility, child care facility, place of worship, or public park is situated. Measurement of the buffer shall be from property line to property line.
  6. A Certificate of Occupancy is required and must be obtained from the Township before a registered primary caregiver may commence grow operations.
  7. The consumption, transfer, or use of marijuana, in public, or a place opened to the public is prohibited.
  8. No person other than the registered primary caregiver shall be engaged or involved in the growing, processing, dispensing, delivering or handling of medical marijuana except to the extent that the primary caregiver lawfully transfers medical marijuana to a qualifying patient to whom the primary caregiver is linked through the state registration system.
- D. Certificate Required. The operations of a registered primary caregiver shall only be permitted upon the issuance of a Township Certification to Cultivate Medical Marijuana. Such certificate must be renewed annually and is subject to inspections by the building and fire department as well as the Chesterfield Township Police Department for compliance with the provisions of this Ordinance and for the issuance of the certificate and its renewals.
1. A complete and accurate application shall be submitted on a form provided by the Township along with submission of the application fee. The application fee and renewal fee shall be in an amount determined by resolution of the Township Board.
  2. The certificate application shall include the name and address of the applicant; the address of the property; a copy of the current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marijuana cultivation and processing; and a description of the location at which the use will take place. The planning and zoning department shall review the application to determine compliance with this Ordinance, the MMMA and any applicable Michigan Regulatory Agency General Rules. A certificate shall be granted if the application demonstrates compliance with this Ordinance, the MMMA and Administrative Rules.

- 3. The use shall be maintained in compliance with the requirements of this Ordinance, the MMMA and Administrative Rules promulgated by the State of Michigan. Any departure shall be grounds to revoke the certificate and take other lawful action. If a certificate is revoked, the applicant shall not engage in the activity unless and until a new Zoning Authorization to Cultivate Medical Marijuana certificate is granted.
- 4. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

### 4.30 Mining and Extraction

Sand and gravel mining or extraction, similar removal operations, quarry excavating and land stripping may be permitted as a special land use only in the A-1 district. When passing upon the application for the location of a mining and/or extractive operation, the planning commission must be satisfied that sufficient material to be mined or extracted exists on the site in question to justify such operation and that such use would not be detrimental to other permitted land uses in the A-1 and adjoining zoning district as provided by the standards set forth in this article. This section concerns only the location of mining and extractive industry operations, licensing and operational regulations being controlled by Ordinance No. 17 of the township.

### 4.31 Noncommercial Recreation

- A. Permitted uses. The following noncommercial recreation uses may be permitted in all residential districts and the O-2 district:
  - 1. Private noncommercial recreation areas, institutional or community recreation centers.
  - 2. Nonprofit swimming pools.
- B. Site requirements. The proposed site for any of the community-servicing uses (those which would attract persons from beyond the immediate neighborhood) permitted in this section shall have one property line abutting a major or secondary thoroughfare. The site shall be planned so as to provide vehicular ingress and egress directly onto such major or secondary thoroughfare.
- C. Yard and placement requirements. No building shall be located, nor activity take place, within 50 feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting residentially zoned property by means of a protective wall or greenbelt as described in [section 5.33](#) of this chapter.
- D. Other requirements. Whenever a swimming pool is to be provided, such pool shall be provided with a protective fence six feet in height and entry shall be by means of a controlled gate or turn- style.



## 4.32 Nurseries and Greenhouses

- A. Criteria. Criteria shall be as follows:
1. Where the nursery and/or greenhouse operation grows stock for sale on the premises or elsewhere and does not engage in selling items not produced on the site, the use may be considered generally compatible in all zoning districts as cited in subsection (a) of this section.
  2. Where the nursery and/or greenhouse operation engages in the sale of small item merchandise clearly accessory to the sale of products raised on the site, the use may be considered generally compatible in sparsely developed or undeveloped residential districts and in all other districts.
  3. Where the nursery and/or greenhouse operation engages in the sale of medium to large trees and items not produced on the site, including the selling of patio blocks, loose yard and building materials as a principal part of its business, such use may be considered generally compatible with the C-3, M-1 and M-2 districts.
- B. Requirements and conditions. Requirements and conditions shall be as follows:
1. All such uses shall be located on a paved major or secondary road as designated on the township master plan.
  2. Site and yard requirements shall be as provided for the districts in which the use is located. The township board may establish such conditions so as to ensure the compatibility of the development with surrounding uses or districts.

## 4.33 Office/Service Businesses with Ancillary Drive-through Facilities

Requirements and conditions. Requirements and conditions shall be as follows:

- A. The drive-through facility shall be an ancillary part of the use provided for the convenience of the business customers. A drive-through facility that provides the principal means of transacting business at the facility shall not be permitted under this section as an accessory use but must meet the requirements applicable to businesses of a drive-in nature which are permitted as a principally permitted special land use under [section 4.9](#).
- B. The site shall abut a major or regional thoroughfare not including interstate freeways. It is permissible to allow vehicles a secondary means of access to and from the site on to a driveway which is part of the overall C-4 project.
- C. The drive-through facility shall be located at the rear of the site and shall be screened from public view as required.
- D. All vehicles waiting or standing to use the drive-through facility shall be provided off-street waiting space. No vehicle shall be permitted to wait on the public right-of-way as part of the traffic approach.
- E. The hours of operation of the drive-through facility shall be no greater than 7:00 a.m. and 9:00 p.m. Monday through Saturday, except for ATM access which shall be available on a twenty- four-hour basis for customer convenience.

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- F. Devices for the transmission or broadcasting of voices shall be directed or muffled so as to prevent such sounds or music from being audible beyond the boundaries of the site.
- G. All adjacent side yards shall be zoned for business use.
- H. All buildings shall observe the front or street-side setbacks as specified for the district in which this use is requested.
- I. Buffer and screening requirements may be imposed in order to ensure that the use is compatible with adjacent uses.

### 4.34 Outdoor Merchandising

- A. Time restriction. No person or business shall use any sidewalk or that space between the sidewalk and curb or any planted strips, or park in sidewalks or any parking area, or any area of a road right-of-way for displaying for sale, or for any other purpose, any goods or any other articles; or leave any goods, boxes, trucks, barrels, trunks or any other article or thing in or on such areas for a longer time than is necessary for the removal thereof from the transporting vehicle, into the place of business or residence to the transportation vehicle to which the sale is intended to be removed.
- B. Commercial sidewalk sales may be permitted under the provisions of [Section 5.45](#). An applicant must be an owner or operator of an existing commercial operation who desires to display and sell goods or merchandise customarily sold within a building on the sidewalk abutting or in proximity to the existing facility. Commercial sidewalk sales shall be for a defined period specified in the permit, but not to exceed a total of 30 days per calendar year. Sidewalk sales shall be located and operated so as not to obstruct or interfere with pedestrian and vehicular traffic. The Township Board may by resolution establish a fee to defray the administrative costs for issuance of a permit.

## 4.35 Outdoor Storage, Sales and/or Display Lots

- A. When permitted in a particular zoning district, an outdoor storage use shall be enclosed by an approved decorative masonry wall or decorative obscuring fence, as approved by the planning commission. The wall and/or fence shall be of such materials as to reflect aesthetic compatibility with the primary building on the site. The extent of such a wall or fence shall be determined by the planning commission on the basis of usage. Such wall or fence shall not be less than four feet six inches in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of [section 5.34.C](#). Openings shall be screened with a metal-framed wood screening gate. A decorative fence, as provided in [section 5.42](#), or a landscaped earth mound (berm), both with intense evergreen shrub planting, may be permitted by the planning commission. Outdoor storage shall not take place within that space located between the front of a building and any street. Areas set aside for outdoor storage shall not occupy any required side or rear setbacks nor any easements of record. Open storage areas shall be hard-surfaced with gravel or other suitable approved material and drained to meet township engineering requirements. If open storage is to park wheeled vehicles, then it shall be paved to parking lot standards or provided with a surface acceptable to the planning commission based on use.
- B. The outdoor display and sales of goods and materials may be permitted after full site plan review and special land use approval by the planning commission, the goods and materials shall be clearly accessory to the primary permitted commercial use that is making the request. Any approval for such use shall be for a specific time frame and not to exceed five months for any given season; (a season being defined as “summer or winter”). The specific time frame for approval shall be subject to seasonal and/or year to year review and renewal of the site plan and special land use and may at the time of any subsequent review be revoked, rescinded and/or denied for violations of any regulatory codes and/or ordinances of the township or obvious compromise to the safety, health and welfare of the public. The seasonal/yearly review may be performed as an administrative review. All goods and materials being requested to be displayed and sold outdoors as well as any additions to that listed inventory shall be approved by the planning commission. Required parking and display areas for such businesses and uses shall be hard-surfaced, as required by township approved engineering design standards, or have a functionally equivalent surface approved by the planning commission. The commission may reduce the required parking for a site to accommodate the outdoor sales area upon the commission’s approval of a parking generation study completed for the particular use on the site by the applicant.
- C. The area(s) set aside for outdoor display and sales shall not impede and/or compromise in any way either on and/or off-site pedestrian and vehicular traffic. These areas shall incorporate safety/warning and directional signage as deemed appropriate by the planning commission and shall be effectively cordoned off from other areas of the site that accommodate normal pedestrian and vehicle shopping traffic with some form of decorative, aesthetically pleasing fencing and/or barriers.

- D. The manner in which the goods and materials are to be delivered/transported to the particular areas set aside for outdoor display and sales shall be provided for review by the planning commission. Any areas that are intended to be used for private vehicle pick-up of the goods and materials shall be indicated on the site plans and clearly posted on the site; any deviations from this condition without prior Township review and approval shall constitute a violation of the special land use approval and may result in the immediate revocation of same. This section shall not be deemed to include outdoor vending pursuant to a license issued by the township pursuant to Ordinance No. 74, the Chesterfield Township Soliciting and Vending Ordinance [18-131 et seq.].
- E. Outdoor display and sales of vehicles, including new and previously owned, when permitted in a zoning district, shall conform to the following:
  - 1. All outdoor display areas, include parking lots used for outdoor display of vehicles, shall be setback according to the required parking setback in the zoning districts plus five additional feet.
  - 2. The outdoor display setback area shall be landscaped as a parking lot and maintained as a landscaped greenbelt area in accordance with [section 5.36.E](#) and 3 and 4 below, and display spaces shall have the same meaning as parking spaces for purposes of applying this section.
  - 3. Greenbelt plantings shall be designed to include a variety of species and generally be no taller than 24 inches. Low upright shrubs shall be the dominant type to provide the greatest visual impact; low or spreading varieties and low ornamental grasses may be used as an accent material. Annual flowers are also encouraged to provide variety and color.
  - 4. The greenbelt shall include only living materials except approved pathways, walls, fences or other similar ornamental features.

**4.36 Outdoor Sales Lots for the Sale of Secondhand Automobiles, New or Secondhand Recreational Vehicles, Boats, Mobile Homes**

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. The lot or area shall be provided and maintained with a permanent, durable and dustless surface constructed of either asphalt or concrete. The lot or area shall be graded and drained so as to dispose within the site of all surface water accumulated within the area.
  - 2. The location of the site shall be upon a street with a right-of-way of at least 120 feet (existing or proposed) and shall contain no fewer than 40,000 square feet.
  - 3. Such use shall be located no closer than 500 feet from any single-family zoning district.
  - 4. Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
  - 5. No vehicle repair, bumping, painting or refinishing shall be done on the site. Cleaning and refurbishing of vehicles or units shall be permitted if done completely within an enclosed building.
  - 6. Devices for the transmission or broadcasting of voices and/or music shall be prohibited.

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- B. Environmental provisions and parking requirements. Environmental provisions and parking requirements shall be as required in [sections 5.33](#) and [5.39](#) of this chapter.
  - 1. If such a use abuts a street of less than 120 feet of right-of-way located abutting an R district, a berm and landscaping in the front yard on such street shall be provided to screen all outdoor facilities, including storage and display areas, from adjacent residential property. All other areas of the site shall be fully landscaped.
  - 2. Display areas, storage areas and all other vehicle parking contained on the site shall comply with the parking design and layout and storage requirements of [section 5.39](#) of this chapter and [section 4.37](#).
- C. In the Waterfront District. No parking lot shall be occupied by stored boats during the months of June, July and August. All such storage shall be arranged in an orderly manner, and at least half of the parking area shall be conveniently available for customer parking by May 15.

### 4.37 Outdoor Storage

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. Screening requirements. Any such use must be completely enclosed with screening in accordance with the requirements of [section 4.35](#) and subsection A.2 of this section.
  - 2. Minimum setback requirements. No improvements for such use shall be erected closer to the site boundary lines than permitted in [section 3.16.D](#). No storage use shall be closer than 100 feet to the outer perimeter (property lines) of this district where such property lines abut any residential district or border other than a manufacturing district, and such space shall be fully landscaped and fenced at the setback line. Corner lot side yards must equal the setback requirements for the front yard on the street side as referenced in this article.
  - 3. New approval. Whenever a different material is to be stored than approved in the original request, a new approval shall be required from the planning commission.
  - 4. Prohibited uses. Uses expressly prohibited under this section include the following:
    - a. Junkyards, including used auto parts.
    - b. Used building materials.
    - c. Storage of loose minerals, including soil, stone, sand, gravel, coal, cinders and similar materials.
    - d. Storage of combustible or odoriferous materials.
- B. Off-street parking space shall be provided entirely within the screening required in this section at a ratio of one parking space for each employee.

### 4.38 Places of Worship and Private Schools

- A. Site requirements. Site requirements shall be as follows:
  - 1. Minimum site shall be two acres on a continuous parcel.
  - 2. The site shall abut a public road having a right-of-way of not less than that of a collector thoroughfare (86 feet) or the proposed right-of-way of a major or secondary thoroughfare on the township's master plan.
- B. Yard and placement requirements. Yard and placement requirements shall be as follows:
  - 1. Front and rear yard: 50 feet minimum.
  - 2. Side yard: 20 feet minimum.
  - 3. Maximum lot coverage is the same as for the district in which the use is requested.
- C. Places of Worship only. In the event that there is a less stringent standard for another place of public assembly use that is permitted within the same zoning district as a place of worship, the least stringent standards shall also apply to the place of worship.

### 4.39 Private Clubs, Fraternal Organizations, Lodge Halls, Cultural Centers, Union Halls

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. All such uses shall have ingress and egress directly onto a major thoroughfare having an existing or planned right-of-way width of at least 120 feet, as indicated on the master plan.
  - 2. All activities, other than parking of motor vehicles and loading and unloading, shall be conducted within a completely enclosed building, except for outdoor activity specifically approved and/or licensed by the township.
  - 3. No building shall be closer than 50 feet to any property line.
  - 4. Maximum lot coverage shall not exceed 30%.
  - 5. No such uses shall abut an existing residential district on more than one side.

### 4.40 Public Buildings and Recreation

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. Adequate ingress and egress to handle the traffic anticipated to be generated by the use shall be provided.
  - 2. No building shall be located, nor activity take place, within 50 feet of the perimeter of the site.
  - 3. All activities shall be adequately screened from abutting residential or residentially zoned property by means of a protective wall or greenbelt, as described in [section 5.34](#)
  - 4. The appearance of the requested site and building shall be consistent with the scale and visible characteristics of the neighborhood.



#### 4.41 Public Utility Buildings Without Storage

- A. Public utility buildings, including telephone exchange buildings and repeater stations, electric transformer substations and stations, gas regulator stations (all without storage yards) and cable television, may be permitted in any district when operating requirements necessitate their location within the district in order to serve the immediate area.
- B. Site requirements. Site requirements shall be as follows:
  - 1. Minimum site size: two acres.
  - 2. The site shall abut a public road having a right-of-way not less than that of a secondary thoroughfare (86 feet) or a proposed right-of-way of a major thoroughfare.
- C. Yard and placement requirements. Yard and placement requirements shall be as follows:
  - 1. All development features shall be enclosed within a building.
  - 2. Maximum height of any structure: 25 feet.
    - a. Minimum yard requirements: Front: 50 feet.
    - b. Side: 30 feet for each side with one additional foot for each five feet when the nonresidential structure exceeds 40 feet in length along the adjoining property line.
    - c. Rear: 50 feet.
  - 3. Maximum lot coverage of all buildings: 10%.
- D. No off-street parking shall be permitted in the required front yard space.

#### 4.42 Public Utility Electronic Equipment Enclosures

- A. There shall be no more than one structure for each zoning lot. Such structure shall be freestanding with a maximum floor area of 264 square feet devoted to a public utility electronic equipment enclosure.
- B. The structure shall be located in the yard opposite the street in accordance with the standards applicable to accessory structures where a principal building or use already exists on the property. Where such facility is the only principal use upon the site, the facility shall meet the setback requirements applicable to principal structures.
- C. On sites already developed with a one-family residence, such a facility shall be permitted only if the lot exceeds one acre.
- D. The maximum height of the structure shall be 12 feet. Outdoor storage shall be prohibited.
- E. No antenna or other exterior transmitting and receiving devices shall be permitted.
- F. All driveways or maneuvering areas servicing the facility shall be hard surfaced, installed and maintained by the public utility in accordance with all applicable township standards.
- G. The parking of vehicles pertaining to such use shall be limited to the use of such vehicles in the performance of ongoing service work or repairs to the facility for the period of time necessary to complete such service or repairs.
- H. The structure shall be maintained against deterioration and/or damage from the elements or from any other cause by prompt and appropriate repairs, painting, and other protective measures.
- I. Site plan review shall be required pursuant to the requirements of [section 6.1](#).

### 4.43 Race Tracks

- A. Requirements and conditions. Requirements and conditions shall be as follows:
  - 1. Such uses shall be conducted only during daylight hours.
  - 2. Permanent seating shall be provided in a number adequate to accommodate not less than 50% of the maximum attendance capacity.
  - 3. Any such use must be completely enclosed with screening in accordance with the requirements of [section 5.34.C.1.b through d](#).
- B. Off-street parking space shall be provided entirely within the area enclosed by the screening required in this article in a ratio of one parking space for each two persons in attendance.

### 4.44 Raising of Fur-bearing Animals, Kennels

- A. Site requirements. Site requirements shall be as follows:
  - 1. Minimum site size: 20 acres.
  - 2. The site shall abut a public road having a right-of-way not less than that of a collector thoroughfare (86 feet) or a proposed right-of-way of a major or secondary thoroughfare.
- B. Other requirements. Other requirements shall be as follows:
  - 1. There shall be provided an area of at least 100 square feet for each animal, including the area devoted to interior kennel space and runs.
  - 2. All interior building areas used for the keeping of animals shall be soundproofed.
  - 3. All animals shall be kept in soundproofed buildings between 8:00 p.m. and 8:00 a.m.
  - 4. Exterior dog runs and non-soundproofed interior buildings shall not be located closer than 200 feet to any lot line.
  - 5. Soundproofed interior buildings shall be located at least 100 feet from any property line.
  - 6. Exterior areas for the keeping of dogs shall be provided with fencing capable of confining the animals.
  - 7. All exterior dog runs shall be screened from view by adjoining parcels and the public road.
  - 8. The design and appearance of buildings used as animal boarding places shall be consistent with surrounding uses.
  - 9. One parking space shall be provided for every five kennel runs.
  - 10. All kennel runs and interior building areas shall have concrete floors or a suitable equivalent that can be easily cleaned.

#### 4.45 Receiving and Broadcast Antennas

Any exterior receiving or broadcasting antenna should not be located in the yard between the building and the street. The location of the antenna shall be as obscure as possible to public view.

#### 4.46 Refuse Disposal Incinerators and Transfer Stations

- A. Permission. Refuse disposal incinerators and transfer stations may be allowed only in the M-2 districts. If the state statute does not preempt local land use regulation as to location and operation of such uses, the following provisions shall apply.
  - 1. The proposed plan of operation shall be approved by the state, the county health department and township engineer.
  - 2. All refuse storage dumping and feeding shall be done within an enclosed structure.
  - 3. All ash and other incineration by-products shall be stored in an enclosed structure.
  - 4. Smokestacks shall be of a design and operated in a manner so as to preclude the emission of noxious odors and smoke which would interfere with the use of adjoining properties.
  - 5. All ingress and egress to incinerators shall be paved roads and driveways maintained in a dust free state.
- B. Permit required. If approval for such use is granted by the planning commission, a permit shall be required in accordance with the provisions of this Code.

#### 4.47 Residential One-family Dwelling in Nonresidential Districts

- A. Permission. Only existing one-family dwellings occupied on the effective date of the ordinance from which this chapter is derived may be allowed in the nonresidential districts in this chapter with the following rules to apply:
  - 1. Such premises shall be regulated by the requirements of the immediately abutting one-family residential district or the closest district to such lot or parcel if none abut.
  - 2. No such use shall be permitted to expand unless all of the standards and requirements of this article are met.
- B. Permit required. If approval for expansion of such use is granted by the planning commission, a permit shall be required in accordance with the provisions of the township building code in article II of chapter 14.

#### 4.48 Sleeping Quarters for Security of Maintenance Personnel

Such quarters shall not be constructed as permanent housekeeping facilities or units for family living.

#### 4.49 Stack In-and-Out Boat Storage

- A. Requirements and conditions. Requirements and conditions shall be as follows:
1. All stack storage and in-and-out boat storage, including all storage racks and access to such racks, shall be enclosed in a building. No such stack storage or access to such racks can be maintained on the grounds of the premises outside a building.
  2. The stack storage building shall comply in all respects with all building, height, zoning and site plan requirements for all other buildings in the waterfront district. No building which will be used for stack storage of any vessel shall exceed 30 feet in height.
  3. Such building exteriors shall be of durable materials as may be approved by the planning commission on an individual application basis.
  4. In-and-out boat storage shall be prohibited unless there is on-site access for launching of the stored vessels. For the purpose of this section, the term "site" shall mean and include a single parcel of property for which a separate tax identification number exists, or any property contiguous to such parcel owned by the same person or legal entity, which contiguous parcel includes on-site launching facilities. Contiguous property does not include property which is on the opposite side of the thoroughfare, trunk highway or other county road, regardless of the ownership of both parcels.
  5. The number of off-street parking spaces for any building in which stack storage of vessels is allowed, shall depend on the type of stack storage utilized. There shall be separate parking requirements for inventory storage areas and berthing or in-and-out storage areas.
    - a. For buildings having berthing for in-and-out vessel storage, there shall be three-quarter parking spaces for each storage berth or space, as required by article VI of this chapter.
    - b. For any building, including inventory storage areas, accessory to a new or used retail boat sales facility, the parking requirements shall conform to [section 5.39.C.8](#). The square footage of an inventory storage rack area within the building shall be the total square footage of the building less the amount of floor area actually occupied by any in-and-out berthing racks.
    - c. For any building which includes both in-and-out storage and inventory storage areas, the parking requirements shall be a combination of the requirements in this section and shall be determined based upon the number of in-and-out storage berths and the total area used for inventory storage purposes, as provided in subsection A.4 of this section.

## Section 4.49.A.6 - 4.51

6. There shall be posted in a conspicuous place in the storage facility, in clear view of all employees and customers of the facility, a sign of not less than 12 inches in height by 24 inches in length, listing the number of approved in-and-out berthing racks or spaces, as well as the number of racks or spaces approved for inventory storage. The lettering on such sign shall be presented in a clear and understandable fashion and shall not be less than six inches in height. At no time shall the number of boats stored in either category exceed the approved number of spaces, as posted.
- B. Parking spaces and/or yard spaces on the site shall not be used for boat storage during the wet storage season. Such parking spaces may be utilized for the storage of boats during the dry storage season pursuant to the provisions set forth in [section 3.18](#)

### 4.50 Temporary Buildings

All temporary buildings shall be immediately removed upon completion of the work or fulfillment of the purpose for which they were erected and/or used.

### 4.51 Various Retail Uses

- A. Uses permitted. Retail uses which have a warehouse; or which have an industrial character by reason of outdoor storage requirements or activities such as, but not limited to lumber yards, building materials, upholsterer, cabinet maker, outdoor boat, house trailer, automobile or agricultural implement sales; or serve the convenience needs of such M-1 district, such as but not limited to: churches, eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motels, bowling alleys, trade or industrial schools, medical or other offices serving such district, including an industrial medical clinic.
- B. Site and yard requirements. The site and yard requirements shall be as provided for the district in which the use is located.

## 4.52 Veterinary Offices or Clinics

- A. Requirements and conditions. Requirements and conditions shall be as follows:
1. No such use shall be located within 150 feet of any residential zone.
  2. All facilities shall be completely enclosed within a freestanding building or corner tenant space in such a manner as to produce no offensive odor or audible sound at the lot line.
  3. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.
  4. The site shall be located so as to have one property line abutting a major thoroughfare of at least 120 feet of right-of-way, existing or proposed.

## 4.53 Wireless Communication Towers

- A. Purpose and intent. It is the general purpose and intent of the township to provide authorization for wireless communication facilities and to retain the integrity of neighborhoods and the character, property values and aesthetic quality of neighborhoods and the community at large. It is the intent of the township to balance these potentially competing interests and to fully exercise the authority granted by law relative to the placement, construction and modification of wireless communication facilities. It is the further purpose and intent of this section to:
1. Establish predetermined districts or zones of the number, shape and in the location considered best for the establishment of wireless communication facilities as special land uses, subject to conformance with applicable standards.
  2. Recognize that reasonable operation of a wireless communication system may require the establishment of a facility in a location which is not within one of the predetermined districts or zones. In such case, it has been determined that there will be greater adverse impact upon the neighborhood and/or area, and, consequently, more stringent standards and conditions should apply to the review, approval and use of such a facility.
  3. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings, and limit inappropriate physical and aesthetic overcrowding of land use activities and adverse impact upon existing population, transportation systems, and other public services and facility needs by regulating and limiting the establishment, placement and manner of wireless communication facilities.
  4. Facilitate adequate and efficient provision of sites for wireless communication facilities.
  5. Promote the public health, safety and welfare.
  6. Provide for adequate public information about private plans for wireless communication facilities, and allow the township to efficiently plan for the location of such facilities.
  7. Minimize the adverse impacts of technological obsolescence of such facilities, including timely removal of facilities.

8. Minimize the adverse impacts from the presence of relatively tall towers having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.
  9. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas, and public rights-of-way. This contemplates the use of as few structures as reasonably feasible and the use of structures which are designed for compatibility, including the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
- B. General provisions. Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication, and similar communication services and facilities, shall be permitted as a special land use in the light and general manufacturing districts and in the recreation district, when found to be essential or desirable to the public convenience or welfare and in conformance with the following requirements:
1. A written explanation of the design characteristics and ability of the structure and attendant facilities to withstand winds, ice and other naturally occurring hazards shall be submitted. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall be provided.
  2. The applicant shall demonstrate the need for the facility, as proposed, based on the following factors:
    - a. Proximity to an interstate or major thoroughfare or area of population or business concentration that cannot be serviced by existing towers or structures through co-location.
    - b. Areas where signal interference has occurred due to tall buildings, masses of trees or other obstructions.
    - c. Other reasons creating the facility need.

## Section 4.53.B.3 - 4.53.B.4.b

3. In order to maximize the efficiency of providing such services, while minimizing the negative impact of such facilities on the township, co-location of such facilities on an existing tower or other existing structure is required, when feasible. An applicant shall furnish written documentation as to why a co-location at another site is not feasible and whether they have contacted the owners of existing facilities to determine if co-location is possible. If the application represents a new tower/antenna facility, the applicant shall provide a letter of intent to lease any excess space on a tower facility and shall commit itself to:
  - a. Promptly respond to any requests for information from a potential co-user of their tower/antenna;
  - b. Negotiate in good faith and allow for leased, shared use of the facility, when it is technically practical; and
  - c. Make no more than a reasonable charge for a shared use lease. If the application involves co-location on an existing tower or structure, the public hearing requirements shall be waived and approval shall only include a site plan and documentation by the co-user as to their compliance with all of the terms and conditions required of the host applicant. Co-location may be permitted by the planning commission, after site plan review, on all existing towers and existing similar structures, regardless of the zoning district in which it is located.
4. If the application involves co-location on an existing tower or structure, the following shall apply:
  - a. If the proposal is determined by the Planning and zoning Administrator to be an Eligible Facilities Request, as defined herein, it shall be a principal permitted use and shall be reviewed administratively.
  - b. Within 60 days of the date on which an applicant submits an application seeking approval for collocation under this section, the Chesterfield Township Planning and Zoning Administrator shall approve the application unless it determines that the application is not qualified under the terms of this Ordinance regulating Eligible Facilities. If the Planning and Zoning Administrator determines the application constitutes a substantial change, as defined herein, or a first location of an antenna on an existing tower, but not a new facility, the 60 -day review timeline shall also apply, and approval shall be under the authority of the Planning Commission as a principal permitted use.



5. Within 60 days of the date on which an applicant submits an application seeking approval for collocation under this section, the Chesterfield Township Planning and Zoning Administrator shall approve the application unless it determines that the application is not qualified under the terms of this Ordinance regulating Eligible Facilities. If the Planning and Zoning Administrator determines the application constitutes a substantial change, as defined herein, or a first location of an antenna on an existing tower, but not a new facility, the 60-day review timeline shall also apply, and approval shall be under the authority of the Planning Commission as a principal permitted use.
6. Pausing of Timeframe for Review. The review period begins to run when the application is filed, and it may be paused 1) by mutual agreement of the applicant and Chesterfield Township or 2) by Chesterfield Township if the Township determines that the application is incomplete. To pause the timeframe for incompleteness, the Chesterfield Township Planning and Zoning Administrator shall provide written notice to the applicant, within 14 days of receipt of the application, specifically delineating all missing documents or information required by the application. The timeframe for review begins running again from the point it was stopped when the applicant makes a supplemental submission. Following a supplemental submission, if the application is still incomplete, the Planning and Zoning Administrator shall notify the applicant within 5 days that the submission did not provide the missing information. This timeframe is then paused again until the next submission
7. Review fees shall not exceed the actual review and processing fees or \$1,000.00 whichever is less.
8. The location and improvement of facilities, as provided for in this section, shall be subject to the following additional requirements:
  - a. Towers may be located in the M- 1, M- 2 and RT districts after special land use approval, and provided the location of such facilities do not represent a hazard to the use and/ or development of other uses on the site and in the area. Tower locations within a commercial district may be considered as a special land use when they are located adjacent to an industrial district or an unbuildable area, such as a wetland or floodplain, or area so located on the commercial site as to not adversely affect the commercial development area or any neighboring residential areas. The development of new towers is specifically prohibited in all other districts in the Township. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect or prohibiting wireless communications services. The Township strongly encourages the development of necessary towers on suitable Township -owned property, and the Township has authority to approve a new tower on Township property, regardless of the zoning district. Consultation with the Township Planning Department with regard to Township property locations shall be accomplished prior to submitting an application.
  - b. The site shall be of such size and shape that the proposed tower facility may be developed in compliance with all requirements of the Township. Such tower/antenna shall not exceed 175 feet in height above the average grade around the structure it is mounted upon.

- c. The Township encourages innovative designs and utility pole camouflage as practical solutions for minimizing the visual pollution impact on residential neighborhoods or the motoring public. Monopole ( stealth or equivalent type) antenna structures shall be required where they are technologically feasible.
- d. The tower site shall be landscaped in an aesthetically pleasing and functional manner. The tower base, accessory buildings and protective fencing shall be screened from the view of any public right-of-way and/or adjacent properties by an obscuring greenbelt. Landscaping shall also be incorporated along access drives servicing the tower site.
- e. Setback requirements shall be determined in relation to the tower/antenna design and collapse data previously required in this section. Minimum setback requirements, unless otherwise provided for, shall be as follows:
  - I. When adjacent to nonresidential zoning districts, the setback shall not be less than the overall height of the tower/antennas. This setback requirement shall also apply to any accessory buildings. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirements to any side or rear yard property line abutting a nonresidential zoning district may be reduced to no less than 50 feet. In no instance shall any tower facility be located within a front yard. Accessory buildings shall be screened from view by an obscuring greenbelt.
  - II. When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antenna. This setback shall apply to all accessory buildings. No tower shall be located on a front yard. Further modifications to the side and rear yard setbacks may be considered if the adjacent property is unbuildable due to wetlands, floodplains or other significant limitations, and if no adverse effects on reasonable development patterns in the area would be created by developing the tower.

#### 4.54 Wind Energy Conversion Systems/Windmills

- A. The purpose of the ordinance from which this section is derived is to allow for wind energy facilities in the township, while controlling the structural integrity and safety of these devices and, at the same time, to attempt to minimize negative impacts associated with the appearance, aesthetics, and shadow flicker of such facilities as well as the noise that is created from them, while promoting the health, safety and welfare of the township residents and trying to minimize any negative effect that such facilities may have on surrounding properties.
- B. Intent.
  - 1. This section applies to an electrical generating facility, based upon a wind turbine, whose main purpose is to supply electricity to the property where the wind energy facility is located and to sell any excess electricity from that wind energy facility to utility companies for electrical use elsewhere.

## Section 4.54.B.2 - 4.54.C.5

2. This section applies to wind energy facilities that consist of a single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities wherein the power generated is used primarily for on-site consumption, consisting of a single wind turbine that has a rated capacity of not more than 30 kW. This section does not apply to any wind energy conversion systems consisting of more than one wind turbine whose primary purpose is to generate and sell electricity that will not be used on the subject property.
  3. This section does not apply to agricultural windmills whose primary purpose is to use rotating wind blades to turn mechanical energy to do physical work, such as pumping water.
  4. The temporary use of an anemometer for three months or less for wind testing shall be exempt from the requirements of this section. Any proposed anemometer that occupies a site for greater than three months shall not be considered exempt and shall be subject to all requirements of this section.
  5. A wind energy facility may only be constructed in the township upon approval by the planning commission as a special land use. Such special land use permit, if granted, shall be for a period of one year only at which time the applicant/user must reappear before the planning commission and show cause as to why the special land use permit should be extended.
- C. Application requirements. The application shall demonstrate that the proposed wind energy facility will comply with this section and shall contain at a minimum the following:
1. A narrative describing the proposed wind energy facility, including an overview of the project;
  2. Engineering drawings depicting the elevation view of the actual wind energy facility that is proposed;
  3. The approximate generating capacity of the wind energy facility; including a copy of the site assessment study to determine wind speeds and site feasibility.
  4. A site plan, with legal property description, showing the proposed location of the wind energy facility, property lines, setback lines, access drives and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures including permanent meteorological towers, location of transmission lines, topography, waterways, wetlands, proposed grading, and location of all structures and properties within the geographical boundaries of any applicable set back (provide dimensions for all).
  5. Evidence of compliance with applicable Federal Aviation Administration Regulations, Michigan Airport Zoning Act, and Michigan Tall Structures Act.

6. Signed and approved copies of any negotiated power purchase agreement and the utility company's approved schematics;
  7. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for insuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned and the site restored;
  8. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the township to insure compliance with this section;
  9. Signature and identification of the property owners and the facility owner/operator of the wind energy facility.
  10. Environmental impact and wildlife impact analysis report by a professional engineer.
  11. Provide a complaint resolution process for addressing excessive noise, shadow flicker, or any other nuisance associated with the operation of the WECS.
  12. The planning commission may waive any of the submission requirements based on the necessity for the information in relation to the installation type.
- D. Applicable zoning districts. WECS may be permitted in any zoning district subject to special land use approval requirements and all applicable laws and ordinances of the township, the state and the federal government.
- E. Standards for and regulation of WECS. In addition to the requirements of the application for special land use in the township, the application for a wind energy facility special land use shall also contain the following:
1. Construction. Tower construction shall be in accordance with the latest edition of the Michigan Building Code, Fire Code, Electric Code and any future amendments thereof.
  2. Electric-magnetic interference (EMI). Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.
  3. Setbacks.
    - a. The wind energy tower and rotor must be set back from all property lines a distance equal to one and one-half linear feet for every foot of height. However, the planning commission may require additional setbacks to reduce noise and shadow flicker impact to any surrounding properties.
    - b. No tower shall be located within the front yard, unless it is set back a minimum of 660 feet of the front lot line.
    - c. The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within 10 feet of utility lines.

## Section 4.54.E.4 - 4.54.E.6.h

4. Maximum height. The maximum height of a wind energy conversion system facility shall not exceed 20% of the lot width. In no case shall the height of any WECS exceed 50 feet. Roof mount structures shall not project higher than 10 feet above the highest point of the roof and shall be a vertical axis WECS only.
5. Minimum blade height. The minimum distance between the ground and any protruding blades utilized on a WECS shall be 15 feet, as measured at the lowest point of the arc of the blades.
6. Installation and design.
  - a. The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute, and any applicable building codes.
  - b. All electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state and national codes.
  - c. No wind energy facility shall be used or operated until such time as it has received final approval from the township building department.
  - d. The structural integrity of the foundation, tower, and turbine itself must be certified by a licensed structural engineer, registered in the state, and further that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the state and all sections herein.
  - e. Any on-site transmission or power lines associated with the WECS shall, to the maximum extent possible, be placed underground.
  - f. Guy wires shall not be permitted as part of any proposed WECS, excepting roof-mounted applications.
  - g. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six-foot high decorative fence (aluminum simulated wrought-iron design). The supporting tower shall also be enclosed with the same fence as above unless the base of the tower is not climbable for a distance of 12 feet.
  - h. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed 140 square feet in area nor 12 feet in height, and must be located at least the number of feet equal to the height of the tower from any property line. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed 140 square feet in area nor eight feet in height, and must be located at least the number of feet equal to the height of the tower from any property line.

7. Labeling requirements. A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.
  - a. The maximum power output of the system and the wind speed at which it is achieved.
  - b. Nominal voltage and maximum current.
  - c. Manufacturer's name and address, serial number and model number.
  - d. Maximum survival wind speed and the emergency and normal shut down procedures.
8. Utility company notification. The Detroit Edison Company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform to any legislated requirements governing installations of WECS so as to comply with the utility tariff specifications.
9. Safety.
  - a. The WECS' manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than 80 miles per hour.
  - b. The WECS shall be kept in good repair and sound condition.
  - c. An automatic braking/governing system shall be installed to control rotor speed.
10. Noise. Noise generated by the WECS shall not exceed the township noise ordinance maximum decibel level of 65 dbA at the closest property line. Provide a copy of the modeling and analysis report. Submit a sound analysis report by a 3rd party after 90 days of operation to the township.
11. Appearance.
  - a. All WECS shall maintain a galvanized finish or be of a non-obtrusive color such as white, off-white, light gray;
  - b. WECS shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - c. WECS shall not display advertising, including the identification of the turbine manager, facility owner, or operator.
12. Shadow flicker. The WECS shall be designed in such a manner as to minimize shadow flicker on a roadway and any existing structure. The planning commission shall require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures.

- F. Decommissioning.
  - 1. The wind energy facility owner and/or operator and/or property owner shall have three months to complete decommissioning of the facility if no electricity is generated for a continuous period of 12 months.
  - 2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads and other associated features. The site shall be restored to pre-construction conditions.

#### 4.55 Yard Clipping Compost Facilities

- A. The uses or sites which accept yard clippings for the purpose of conducting a yard clipping composting facility, may be permitted in the M-2 General Manufacturing District only, subject to the issuance of a special land use permit by the Planning Commission and compliance with the following conditions and standards:
  - 1. The owner/operator registers the site as a composting facility with the Michigan Department of Environmental Quality.
  - 2. Only yard clippings shall be composted at such facilities. Yard clippings containing invasive species, or diseased or infested materials shall not be accepted at the composting facility. Noncompostable materials shall be prohibited. Examples of noncompostable materials include, but are not limited to, plastic, glass, textiles, rubber, metal, ceramics, styrofoam, and painted, laminated, or treated wood.
  - 3. Yard clipping composting facilities shall be prohibited from receiving materials in plastic bags. The owner/operator shall describe the types of containers in which yard clippings will be accepted and the source of incoming yard clippings.
  - 4. The management or storage of yard clippings, compost, and residuals occurs in an area that is not in the one-hundred-year floodplain and is the following distance from each of the following features:
    - a. Two hundred feet from a property line;
    - b. One thousand feet from a residence or property indicated on the Township Zoning Map, Zoning Ordinance or Master Plan for residential use;
    - c. Five hundred feet from a body of surface water, including a lake, stream or wetland;
    - d. Two thousand feet from a Type I or Type IIA water supply well;
    - e. Eight hundred feet from a Type IIB or Type III water supply well;
    - f. One thousand feet from a church or other house of worship, hospital, nursing home, licensed day-care center or school, or property designated as such on the Township Zoning Map, Zoning Ordinance or Master Plan.
    - g. Four feet above groundwater.

## Section 4.55.A.5 - 4.55.A.17

5. Does not result in more than 5,000 cubic yards of yard clippings, compost and residuals present on any acre of property at the site, exclusive of access roads, service areas, parking areas and required buffer zones.
6. Does not result in an accumulation of yard clippings for a period of over three years.
7. Results in finished compost with not more than 1% by weight of foreign matter that will remain on a four-millimeter screen.
8. If yard clippings are collected in bags other than paper bags, debug the yard clippings by the end of each business day.
9. Prevent the pooling of water by maintaining proper slopes and grades.
10. Properly manage stormwater runoff.
11. Does not attract or harbor rodents or other vectors.
12. The owner or operator maintains and makes available to the Township all of the following:
  - a. Records identifying the volume of yard clippings accepted by the facility and the volume of yard clippings and of compost transferred off site each month;
  - b. Records demonstrating that the composting operation is being performed in a manner that prevents nuisances and minimizes anaerobic conditions. These records shall include records of carbon-to-nitrogen ratios, the amount of leaves and the amount of grass in tons or cubic yards, temperature readings, moisture content readings, and lab analysis of finished products.
13. A composting facility shall not be allowed in a protected or regulated wetland. A Level 3 wetland assessment shall be made prior to site plan and special land use approval. If a wetland resource(s) is identified, a Level 3 assessment will be required.
14. The maximum height of all windrows or any other material being stored on site shall not exceed a total height of eight feet.
15. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors.
16. The site shall be level and well-drained. Pondered water shall not be permitted to collect on a yard clippings composting site. A plan for collection, retention and drainage of stormwater shall be provided for review and approval. The Planning Commission shall require that the plan provide a settling basin/detention pond and vegetation filtration of runoff prior to discharge off site. Vegetation filtration shall be accomplished by use of a fifty-foot-wide perimeter strip of grass, or a similar measure.
17. The area being actively utilized for composting shall be provided with an engineered pad consisting of clay or other impermeable lining to a depth as determined by the design engineer and acceptable to the Township Engineer to ensure that contamination or leaching into the ground and groundwater is eliminated or minimized to the greatest extent possible.



## Section 4.55.A.18 - 4.55.A.20

18. The entire site utilized for composting operations shall be screened and buffered by means of a six-foot-high berm with a four-foot-wide flat crown. Further, such berm shall be planted with a double row of evergreens six feet to eight feet in height at planting. Each row of trees shall not exceed a spacing of 15 feet on center. These rows shall be offset by eight feet. In no case shall the trees be planted lower than three feet on the height of the berm.
19. The owner/operator shall submit a composting facilitation operations plan (CFOP) for the facility that demonstrates compliance with this chapter and other applicable regulations. The CFOP shall describe or provide information pertaining to the following: site design considerations, including material flow and other procedures; the location of different activity areas (e.g., receiving, windrows, curing, disposing of waste materials found in income materials; volume limits and where the operator will send material if site limitations are achieved, typical carbon to nitrogen ratios for expected materials and how the materials will be mixed to maintain reasonable ratios for successful composting; planned processing activities from receipt at the gate through the end user of the finished compost; the frequency with which the yard clippings will be rotated; the steps that will be taken to maintain yard clippings at the appropriate moisture content and temperature; the means by which the temperature and moisture of the compost piles will be measured; the steps that will be taken to ensure that the decomposition process will be properly managed and maintained in an aerobic condition; the monitoring, recordkeeping and reporting program that will be maintained; the length of time for which yard waste will remain on the site; product quality standards and testing for pathogens; the owner/operator's staffing plan and how many people will be working on-site throughout the year; the operating staff's qualifications and what training is planned for both operations and safety; and a plan for how the owner/operator will troubleshoot typical composting difficulties, such as litter control, odor, inappropriate temperature, dust, noise, flies and pests, and neighborhood complaints. The CFOP must be amended to reflect changes in operation and be available to the Township upon request.
20. The CFOP shall include provisions for emergency response and shall coordinate with the Township Fire Department to ensure that firefighting equipment is available at the site and that personnel have been trained in firefighting procedures. Water equipment, such as water trucks, hydrants and hoses, or backpack spray units, is required for wetting organic material and for firefighting purposes. Sufficient quantities of water, noncombustible soil, and earthmoving/excavating equipment or the equivalent shall be maintained on site for purposes of fire extinguishing.

21. A description of the direction of prevailing winds and how the wind conditions will affect operations shall be submitted. Pile turnings shall be timed to coincide with favorable wind conditions. The owner/operator shall not permit offensive odors to escape the boundaries of the yard clippings composting facility and/or interfere with the enjoyment of adjacent properties. The owner/operator shall submit a set of low-odor operating protocols and an odor response management plan that shall be employed in the event that the owner/operator or Township receives odor complaints during operation.
22. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants.
23. The owner/applicant shall provide a study of the impact that truck traffic associated with the facility will have on public roadways, including a description of the volume of truck traffic that will be generated, with truck traffic estimates during peak and off-peak times; the type and quantity of incoming vehicles by season; the trucks' projected routes; the current condition of affected roadways and the impact that truck traffic is projected to have on their condition; and a plan for mitigating the impacts of truck traffic on area roadways.
24. Because of the level of truck traffic typically associated with a yard waste composting facility, direct access to a paved public roadway designated as a major thoroughfare in the Township's adopted Master Plan and capable of carrying Class A loadings on a year-round basis is required.
25. An area for truck stacking and staging shall be provided. The staging of trucks on the exterior of the site shall be prohibited. The area designated for truck staging shall be located in such a manner as to not impact adjacent residences. Based on the location of the operation and the proximity to residential land use, the Planning Commission may place restrictions on the hours of operation for the staging and filling of trucks.
26. All site access roads, drives, roads for maneuvering lanes internal to the site, and areas for employee parking shall be paved with asphalt or concrete. The thickness of such roads and maneuvering lanes shall be acceptable to the Township Engineer to ensure emergency access. A minimum of five parking spaces shall be provided on site.
27. The owner/operator shall provide sufficient equipment on-site to properly manage the composting process. At a minimum, this shall include a front-end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
28. Storage of finished compost on site is limited to 12 months of production.
29. A restroom facility sufficient in size to accommodate the facility's staff and an office providing space for administrative functions shall be constructed on site.
30. The owner/operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment.

## Section 4.55.A.31 - 4.55.A.39

31. The hours of operation shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday. No operations are permitted on holidays.
32. The operator shall establish a procedure and mechanism for proper disposal of nonyard wastes at an approved sanitary landfill. Further, all nonorganic material, such as debris and litter, shall be contained on site so as to not scatter or blow off the premises.
33. Access to the site shall be controlled to prevent unauthorized dumping during nonbusiness hours. The entire site being actively used for the storage or processing of compost shall be fenced. The fence shall be no higher than eight feet in height and shall be vinyl coated or the equivalent. Such fence shall be placed behind the landscape berm required by this chapter. Further, access point(s) to the site shall be controlled by gates to prevent unauthorized entrance. Finally, the use of barbed, razor or electrified fencing shall be prohibited.
34. In the event that the Township retains the services of an independent compost engineer to evaluate the site plan and CFOP, the owner/operator shall pay for and comply with the conditions of the compost engineer's review. These conditions shall be included as conditions of special land use approval.
35. The owner/operator shall submit proof of insurance for the proposed operation as a part of site plan and special land use review and shall provide proof of ongoing insurance as a part of each yearly license renewal. Such proof shall be kept on file in the Clerk's office or other designated area. Such insurance shall insure the owner/operator, employees and/or agents or representatives, and the Township as an additional insured for general comprehensive liability in an amount of at least \$1,000,000 per person and \$2,000,000 per occurrence. Further, the applicant shall also provide an umbrella policy under the same terms, no less than \$2,000,000 above that previously described. These policies shall have no pollution liability exclusions.
36. The owner/operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to the Township.
37. The owner/operator understands and agrees that failure to maintain and operate the site in accordance with this section and any additional conditions shall constitute grounds for revocation of the special land use permit by the Planning Commission.
38. Township officials and/or consultants engaged by the Township shall be permitted entry to a yard clipping composting facility for inspection purposes during normal operating hours to determine compliance with this chapter and other applicable regulations. No person shall impede reasonable inspection of a composting facility by Township officials and/or consultants engaged by the Township.
39. The owner/operator shall submit a bond in an amount established by resolution of the Township Board to guarantee clean up and restoration of the site.

## Section 4.55.A.40 - 4.55.A.44

40. Copies of all state applications, registrations, reports and permits, where required, shall be provided to the Planning Commission as part of the application package.
41. A semiannual inspection for rodents shall be performed by a licensed pest control company. Copies of the report shall be transmitted to the Township. If rodents are detected, appropriate measures shall be taken to capture or exterminate the rodents in an environmentally safe manner.
42. A semiannual test shall be performed to ensure that on-site soils and surface waters leaving the site are not contaminated by a concentration of nitrogen, phosphorus, phenols, pesticides and/or herbicides. Soil samples shall be taken from the windrow area and the settling basin/detention pond and surface water samples shall be taken at the outlet from the detention pond.
43. A farm composting yard clippings pursuant to MCLA 324.11521(3) and in accordance with generally accepted agricultural and management practices under the Michigan Right to Farm Act is exempt from this section.
44. A site plan meeting the requirements of Article VII of the Township Zoning Ordinance.

# Chapter 76 | Article 5

## Site Standards



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# Article 5 - Site Standards

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## 5.1 Access Through Yards

- A. Access drives may cross a required front or be placed in the side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Any walk, driveway or other pavement servicing a like function shall not be considered to be a structure and shall be permitted in any required yard.
- B. Ingress and egress to a parking lot, loading area or to a use other than residential shall not be permitted across or upon land zoned as residential. This provision shall not apply if the planning commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

## 5.2 Animals

No animals, livestock or poultry of any kind shall be raised, bred or kept on any residentially zoned or used property, except that non-vicious dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purposes.

## 5.3 Average Lot Size

Subject to approval of the township board and upon recommendation of the planning commission, a subdivider or developer may vary lot sizes and lot widths so as to average the minimum size and width per dwelling unit as required in each respective district. For the purposes of lot averaging, the following conditions shall be met:

- A. In meeting the average minimum lot size, the subdivision shall be designed so as not to create individual lots having an area or width more than 10% below that area or width required in each respective district and shall not create an attendant increase in the number of lots.
- B. The technique of averaging minimum lot size shall be acceptable only in those instances wherein the entire preliminary plat, which has received township board approval, is carried through final plat approval and is then recorded in its totality. Recording of portions of a preliminary plat shall not be acceptable under this provision.
- C. All computations showing lot area and the average resulting through this technique shall be indicated on all preliminary plat drawings.

## 5.4 Building Surface Materials and Alteration

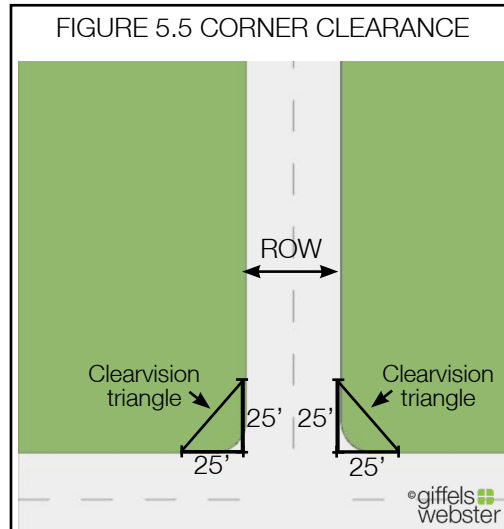
- A. The exterior surface of all buildings, except agricultural uses and one-family dwellings, fronting upon a street or a public waterway as described in a corner lot having frontage on a side street, or any portions of a building visible from a street or public waterway shall be face brick or other comparably durable decorative building materials approved by the planning commission.
- B. Building frontages, as described above, in commercial or office zoning districts shall be constructed with a minimum of 90% brick or similarly decorative and durable material, as determined by the planning commission. The remaining 10% of the surface material shall be color integrated block, E.I.F.S., factory finish seam metal or similar materials as determined by the planning commission.
  - 1. E.I.F.S., block, or similar materials that are susceptible to staining shall not be utilized where signs may be installed, as determined by the planning commission.
  - 2. E.I.F.S. and similar materials that are susceptible to contact damage shall not be utilized in areas below eight feet from established grade.
- C. Two-family and multiple-family developments shall be constructed with a predominance (a minimum of 51%) of brick facing on each side of each building. The remaining materials shall be low maintenance, high durability materials, as determined by the planning commission.
- D. No materials that are painted or require painting shall be permitted on any elevation of any building in any zoning district, excepting single-family and two-family homes.
- E. All buildings, except one-family dwellings, having a brick exterior shall not be reconstructed, remodeled, altered (including use of awnings and/or canopies), painted or repainted without prior approval of the planning commission and after review and recommendation by the township planner, engineer and building administrator.

## 5.5 Building Grades

When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property. If necessary, drain systems will be installed to provide water runoff solutions from new buildings or existing buildings onto existing areas at the new building owner's expense. Final grades shall be approved by the building administrator. A certificate of grading and location of building shall be duly completed and certified by a registered engineer or land surveyor before construction begins. See [section 5.18](#)

## 5.6 Corner Clearance

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection. For private drives intersecting on public roads, the edge of the drive shall be used in place of the intersecting right-of-way line.



## 5.7 Excavation or Holes

The construction, maintenance or existence within the township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are prohibited. This section shall not prevent any excavation under a permit issued pursuant to this article where such excavations are properly protected and warning signs posted in such manner as may be approved by the building administrator. Such excavations and holes shall not be permitted beyond a sixty-day duration. This section shall not apply to drains created or existing by authority of the state, county, township or other governmental agency.

## 5.8 Frontage

Every dwelling or principal building shall be located on a lot which shall front upon an improved public or an existing private street, road or highway. That portion of lots abutting Anchor Bay and the Salt River south of Callens Road shall be deemed the front lot line. Modification of this requirement may be permitted by the planning commission in cases where unusual topographic or geographic conditions exist. See [section 5.40.A](#), [5.41](#), and [5.42](#).

### 5.9 Locations of Structures and Buildings in a Public Easement

No structure or building, other than a fence, walk or parking lot, may be erected in a public easement.

### 5.10 Lots, Yards and Open Space

The yard area for each building resulting from compliance with the minimum lot area, setbacks and open space requirements of this chapter shall not be utilized to satisfy like requirements supporting any other building adjacent or in proximity thereto. The required yard areas for each building shall be exclusive.

### 5.11 Nonresidential Driveways

Nonresidential driveways, entrances and exits shall be subject to approval by the county road commission, the state department of transportation, where applicable, and by the planning commission after considering the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles.

### 5.12 Project Entryways

See sign regulations in Chapter 52 of the Code of Ordinances.

### 5.13 Prohibited Occupancy

- A. Dwelling classification. In no case shall a travel trailer, motor home, automobile chassis, tent or portable building be considered a dwelling. Mobile homes shall not be used as dwellings except when located in and as part of a mobile home park or when located in zoning districts set forth in this article. All travel trailers, motor homes and mobile homes parked or stored on lands not approved for such use shall not be connected to sanitary facilities and shall not be occupied.
- B. Mixed occupancy. In the case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this article and shall comply with the provisions of this article relative to dwellings.

## 5.14 Sanitary Systems

- A. Public sewer not available. In any proposed use of any site, a private sanitary disposal system and septic tank and fields shall be installed in accordance with all rules and regulations pertaining to public health and sanitation and the rules of the county health department.
- B. Public sewer available. All new structures shall be connected to such public sewer system at the time of construction. Existing structures shall be connected to such public sewer system when such system is made available, as required by Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.1101 et seq., MSA 14.15(1101) et seq.) and chapter 64 of this Code.

## 5.15 Side Yard Setbacks

The placement of all buildings on corner lots and lots having frontage on two streets shall observe the required front yard setback from all abutting streets.

## 5.16 Storage, Accumulation, Dumping and/or Collection of Waste, Junk, Garbage and Other Similar Materials

- A. Approval required. No site shall be used for the storage, accumulation, dumping and/or collection of waste, junk, garbage and other similar materials, except upon approval by the planning commission in compliance with [section 6.5](#) of this chapter or as otherwise permitted under this chapter in any district.
- B. Maintenance. The owner or occupant of all land, structures and/or every part of such land or structures shall have the duty to maintain such land or structure in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage and vermin, and the duty not to act or omit to act so as to create or permit the existence of a nuisance as defined in this chapter. This duty shall extend to any area of land between the site line and adjoining streets and curbs.
- C. Requirements. The depositing of dirt, sand or earth materials shall be permitted in any district in accordance with the following requirements:
  - 1. Any finish grade to be established shall be approved by the township engineer.
  - 2. The finish grade shall be graded not later than 60 days after completion of the deposits on the land, in a manner so as to prevent the collection of water and which will leave the ground surface in a condition suitable for other permitted uses within the district in which the site is located.

### 5.17 Temporary Dwelling

Any and all basement dwellings, garage dwellings and/or other temporary residential dwellings which have been erected and occupied shall be unlawful for residence purposes and shall be vacated or altered so as to immediately comply with the provisions of this chapter. The zoning board of appeals may extend such period for not more than one year upon written application by the occupant and proof of undue hardship.

### 5.18 Topographical or Ground Level

In any district, no dwelling or building containing a dwelling or dwellings shall be erected or used on any lot the topographical or ground level of which shall be less than the ground level established in the township flood damage prevention ordinance. Lots or property shall be graded not to exceed one foot to four feet and a swale placed at the bottom to provide proper drainage to the street or drain ditch.

### 5.19 Two-Street Frontage (Double Frontage)

A front yard shall be maintained on each street in accordance with the minimum front setback requirements established by the zoning district in which the front yard is located.

### 5.20 Utility Approval

Except as provided elsewhere in this chapter, the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities of underground, surface or overhead distribution of gas, electricity, communications (except transmitting or receiving towers), steam or water transmission or distributing systems, collection, supply or disposal system, including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, and other similar equipment and accessories in connection with such lines shall require township board approval pursuant to article VII, section 29 of the 1963 state constitution, after review and recommendation by the planning commission based on the standards outlined in section 76-483 and Act No. 368 of the Public Acts of Michigan of 1925 (MCL 247.171 et seq., MSA 9.251 et seq.), as amended, and applicable ordinances of the township.

### 5.21 Vacated Right-of-Way

Whenever any street, alley or other public way within the township shall be vacated, such street, alley or other public way or portion of such street, alley or public way shall automatically be classified in the same zone district as the property to which it is attached.

## 5.22 Water Supply

The water supply on any site for any proposed use shall be tested and approved in accordance with the requirements of the county health department prior to the issuance of any occupancy permit for such site and use and, if for human and domestic consumption, the water supply shall be found satisfactory for domestic consumption.

## 5.23 Yard Use

The portion of a site in front of any dwelling shall be used only for ornamental landscaping, driveways and parking spaces located within such driveways, except as otherwise prohibited in this chapter.

## 5.24 Zero Lot Line

- A. Except as may be allowed by this chapter, and where side and rear yard setbacks are not required, a structure may not be located on a lot closer than 10 feet to a structure located on adjacent property.
- B. A building proposed to be located on a lot adjacent to vacant property:
  - 1. Shall be not less than five feet from the common boundary of said properties; or
  - 2. If to be located on the common boundary, site plan approval for such building shall be conditioned upon the owner of the adjacent parcel, granting the applicant a maintenance easement 10 feet in width and parallel to the common boundary of the properties.
- C. New structures erected on a lot line abutting an existing structure for the full length, or to be located less than 10 feet from a structure on adjacent land, shall comply with all applicable building codes of the township concerning fire-rated construction.

## 5.25 Sidewalks

Sidewalks shall be required along all road frontages. All such sidewalks shall be constructed to the standards of the township engineering standards ordinance.

### 5.26 Temporary Structures

- A. Temporary Structures Prohibited. No temporary structure shall be placed, located or assembled to be placed or located on any property within the Township, with the exception of special circumstances as set forth below in subsection B.
- B. Exceptions.
  - 1. Mobile homes and tents. This section shall not apply to mobile homes as defined and regulated by the Zoning Ordinances of the Township or to tents for special sales or events of established retail businesses, provided a permit is issued.
  - 2. Events/patios in residential districts. This section shall not apply to recreational events (such as a graduation party or wedding), or seasonal patio uses in residential districts.
  - 3. Variance for construction projects. Upon the recommendation of the Building Official, the ZBA may approve a temporary structure necessitated by a construction project, which temporary structure may remain in place solely for the time period established by the ZBA or the completion of the construction project if the ZBA does not establish a time period.

### 5.27 Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of this township. Such essential services which primarily serve the township shall be exempt from the application of this chapter.

### 5.28 Height Limit and Exceptions

No building shall be converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the district in which the building is located. Exceptions shall be penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building. Fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smoke stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures, excluding light poles, may be erected above the limits prescribed in this section. No such structure may be erected to exceed by more than 15 feet the height limits of the district in which it is located. No such structure shall have a total area greater than 10% of the roof area of the building. No such structure shall be used for any residential purpose other than a use incidental to the main use of the building. The zoning board of appeals may specify a height and setback limit for the erection of commercial, radio and television transmitting, cellular telephone, relay or other types of antenna towers. Height restrictions for all buildings, structures and appurtenances erected beneath established aircraft approach lanes shall be established by the zoning board of appeals after consultation with the appropriate aeronautical agency.



## 5.29 Lot Area

Any lot which was of record at the time of the adoption of the ordinance from which this chapter is derived, that does not meet the requirements of this chapter for lot width and depth and available space for yards, shall meet the provisions of [section 7.4](#).

## 5.30 Porches/Terraces, At-Grade Patios, Step/Stairs and Decks

- A. At-grade patios. At-grade patios may be constructed within required side and rear yards, but not in a required yard facing upon a street.
- B. Enclosed porches, patios, and decks. Enclosed porches, patios, and decks (including sunrooms, saunas and similar structures) shall not project into any required yard space. Such enclosed porches, patios, decks, sunrooms, saunas, terraces and similar structures shall be attached to the main structure and constructed on a full foundation.
- C. Open porch, steps, or stairs. An open porch, steps, or stairs may project into a street facing front yard for a distance not exceeding eight feet.
- D. Patios, decks and associated awnings. Patios, decks and associated awnings may be allowed to project not more than 15 feet into the required rear yard or open space, provided that the following conditions are met.
  - 1. The patio or deck does not encroach into any easement.
  - 2. The patio or deck is not located facing any street.
  - 3. The patio or deck conforms with applicable side yard setback requirements.
  - 4. The patio or deck is located not less than six feet from any detached accessory building.
  - 5. The patio or deck elevation shall be no greater than eight inches over the first floor grade elevation of the main structure. (Exception: a deck around a pool may match the height of the pool.)
  - 6. Any additional structures attached to the patio or deck, such as a gazebo or pool, shall be located at least six feet from any structure.

## 5.31 Projections into Yards

Architectural features such as, but not limited to, window sills, cornices, eaves, bay windows (not including vertical projections), may extend or project into a required side yard not more than two inches for each one foot of width of such required side yard, and may extend or project into a required front or rear yard not more than three feet.

## 5.32 Railroad Lines, Siding and Spurs

The installation or extension of all railroad lines, sidings and spurs shall be subject to prior approval of the township board. In any case where such installation will cross a street or highway, plans shall first be submitted for approval as to public safety by the township engineer, township police department, and the county road commission.

### 5.33 Environmental Provisions

The intent of this article is to preserve the quality and character of the township's environment by regulating manmade development and by conserving natural resources. The requirements of this section apply to [section 5.34](#) through [section 5.38](#) and are promulgated pursuant to the following objectives:

- A. Screen and buffer incompatible views and activities within and between uses.
- B. Define the limits of site functions and areas.
- C. Reduce or eliminate glare into and from adjacent sites and activities.
- D. Reduce dust and other pollutants from the air.
- E. Control noise and provide acoustical modification into and from adjacent sites.
- F. Contain odors and minimize their passage into and from adjacent sites.
- G. Control the direction and velocity of surface water runoff and minimize soil erosion.
- H. Moderate interior and exterior temperatures by controlling solar radiation on buildings and paved surfaces
- I. Maintain aesthetic quality of property and preserve its value.
- J. Maintain and enhance the visual quality of the township.

### 5.34 Screening Requirements

- A. Impact ranking. Screening shall be required between different zoning districts and uses according to the requirements of this section. The type of screening required in different situations is based on the following impact rankings:
  - 1. None;
  - 2. Minor;
  - 3. Moderate; and
  - 4. Major.
- B. Uses. Where screening is required, only one adjoining use shall be responsible for its installation, except as noted in this section. This use shall be referred to as the use providing screening. The other use shall be the protected use. To determine the appropriate level of impact, refer to the adjoining zoning districts in the schedule of screening requirements in this section. The level of impact is indicated where both uses interface.
- C. Improvements. Specific requirements for screening improvements are described in subsection (c)(1) of this section and are subject to planning commission approval. The planning commission has the authority to modify these requirements when justified by the nature or intensity of the proposed development or the characteristics of the site. These requirements are in addition to specific screening requirements set forth elsewhere in this chapter.
  - 1. Screening alternatives for each intensity/impact classification.
    - a. None. No screening or buffering shall be required between adjoining uses.

- b. Minor. The purpose of screening in this situation is to soften the impact of one land use on another land use. An interrupted or open screen is required, which creates an impression of space separation without necessarily eliminating visual contact. Screening intended to satisfy these objectives shall conform to the following minimum standards:
  - I. Ten-foot-wide landscaped greenbelt with five-foot-high evergreens and/or 1 1/2-inch-caliper deciduous trees planted at intervals, not exceeding 20 feet on center.
  - II. Shrubs and ground cover or mulches shall cover the ground at the time of planting. All such plantings shall meet the height and spacing requirements specified in [section 5.36](#)
- c. Moderate. Screening required for areas where a moderate impact is identified is necessary to provide a better separation and buffering of land uses and activities and to minimize the impact of one use or activity on another. Screening provided in these instances shall conform to the following minimum standards:
  - I. Fifteen-foot-wide greenbelt with a four-foot-high color-coated chain-link fence.
  - II. Five-foot-high evergreens, or 1 1/2-inch-caliper deciduous trees, planted at staggered intervals an average of not less than 10 feet on center. Not more than 50% of planting shall consist of deciduous trees.
  - III. Shrubs, a minimum of 18 inches in height, and other ground cover or mulches to cover the ground upon planting.
  - IV. Whenever the layout of the site places passenger vehicular parking areas adjacent to a residential district, a minimum five-foot-high decorative concrete wall shall be required in place of the greenbelt requirement. The wall shall be placed on the property line with a five-foot-wide landscaped greenbelt provided between the wall and parking area. This greenbelt shall be planted with grass, ground cover or other acceptable landscape materials as determined to be appropriate by the planning commission. The wall shall not be permitted to extend into any required front yard setback or the parking lot setback, whichever is less.
  - V. A minimum four-foot-high landscaped earthen berm may be constructed in place of either the wall or greenbelt, with planning commission approval. Such berm shall meet the requirements of this section.

- d. Major. The intent of the screening requirements where major impacts are anticipated is to block the view of obtrusive or undesirable visual elements, exclude all contact between such uses and create a strong impression of spatial separation. Screening in these situations shall conform to the following minimum standards:
  - i. Six-foot-high decorative masonry wall. The wall shall be placed on the property line with a ten-foot-wide landscaped greenbelt provided between the wall and the building, parking lot or loading area. Such greenbelt shall be planted with two-inch deciduous trees for each 30 feet of wall length. The remainder of the greenbelt shall be planted with grass, ground cover, or other acceptable landscape materials as determined to be appropriate by the planning commission.
  - ii. In lieu of the wall, the planning commission may allow the development of a minimum six-foot-high landscaped earthen berm, with a forty-eight-foot-wide greenbelt, meeting the requirements of this section, or a twenty-four-foot-wide greenbelt with a three-foot-high landscaped earthen berm planted with two staggered rows of six-foot-high evergreens planted at intervals not exceeding 10 feet on center. Shrubs, a minimum of 30 inches in height, or other ground cover and mulches shall cover the ground upon planting.

2. Schedule of Screening Requirements.

TABLE 5.34.C.2					
SCHEDULE OF SCREENING REQUIREMENTS					
USE PROVIDING SCREENING		PROTECTED USE			
ZONING DISTRICT	DEVELOPMENT FEATURES	ONE-FAMILY	MULTI/MHP	OFFICE	RESOURCE TECHNOLOGY
One-family & Two-family	Building	None	None	None	None
Multi/MHP	Building	Minor	None	None	None
	Circulation/Parking	Moderate	None	None	None
Office	Building	Moderate	Moderate	None	None
	Circulation/Parking	Moderate	Moderate	None	None
Local Commercial	Building	Moderate	Moderate	Minor	Minor
	Circulation/Parking	Moderate	Moderate	Minor	Minor
	Loading	Major	Major	Moderate	Moderate
General Commercial	Building	Major	Major	Minor	Minor
	Circulation/Parking	Major	Major	Minor	Minor
	Loading	Major	Major	Moderate	Moderate
Resource Technology	Building	Moderate	Moderate	None	None
	Circulation/Parking	Moderate	Moderate	None	None

TABLE 5.34.C.2					
SCHEDULE OF SCREENING REQUIREMENTS					
USE PROVIDING SCREENING		PROTECTED USE			
ZONING DISTRICT	DEVELOPMENT FEATURES	ONE-FAMILY	MULTI/MHP	OFFICE	RESOURCE TECHNOLOGY
Light Manufacturing	Building	Major	Major	Minor	None
	Circulation/Parking	Major	Major	Minor	Moderate
	Loading/Storage	Major	Major	Moderate	Moderate
General Manufacturing	Building	Major	Major	Moderate	Moderate
	Circulation/Parking	Major	Major	Moderate	Moderate
	Loading/Storage	Major	Major	Moderate	Moderate
Marinas	All activity areas	Major	Major	Moderate	Moderate

3. Other Screening Specifications.

- a. Walls. Whenever a wall is used in conjunction with, or in lieu of, the screening requirements in this section, it shall be constructed according to the following minimum specifications:
  - I. Walls shall be constructed of reinforced protective face brick, decorative poured reinforced concrete or similar decorative building material determined acceptable by the planning commission. The color of brick or facing shall be compatible with brick used on the site and shall be durable, weather resistant and easy to maintain. Masonry units may be integrally colored at the factory or stained on the site.
  - II. Walls shall be placed on the lot line and shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this section and/or as may be approved by the planning commission for the purposes of public safety. Where walls are pierced, the openings shall be so spaced as to maintain the required overall obscuring character and shall not reduce the minimum height requirement.
  - III. The foundation of any wall shall be constructed to meet the requirements of the applicable township building code in article II of chapter 14 and the township engineering design standards in chapter 30. Masonry walls shall have a durable cap meeting the requirements of the township building department.
  - IV. No such wall shall be painted, nor shall it be constructed of exposed concrete block, cinder block or wood products, except as provided in subsection C.1.c. of this section.
  - V. Unless otherwise expressly directed by the provisions of this article, all protective walls or greenbelts shall be provided when required along and immediately adjoining the zoning district boundary line and/or property line, and shall be installed so as to lie wholly on the land of the applicant seeking site plan approval. In instances where drains, trees or other obstacles preclude such location, the planning commission shall determine the most appropriate alternative location.

- VI. All walls or greenbelts required by this article shall be completely installed prior to the issuance of an occupancy permit for the use of the premises, except as provided in this article.
- VII. In any case where the development of the land and/or buildings has been fully completed and an occupancy permit would otherwise be issued, and the completed installation of the wall, greenbelt and/or landscaping required is prevented by inclement weather or acts of nature beyond the control of the owner, the owner may receive an extension of no more than six months subject to the requirements of [section 7.6](#). A performance guarantee, as specified by [section 6.1.D.4](#), may be required.
- VIII. Maintenance of the wall or any other substituted screening device shall be the responsibility of the property owner on whose property such wall or screen is located.
  - b. Berms.
    - I. Berms shall be designed to be consistent with the architectural character of the building to be located on the site and shall consist of landscaped earth mounds possessing a maximum slope ratio of four feet horizontal to one-foot vertical, except where retaining walls are used. Side slopes shall be designed and planted with sod or hydro seeded to prevent erosion.
    - II. In those instances where a berm is included as part of a greenbelt, a detailed drawing and cross-section of the proposed berm shall be provided as part of the landscape plan.
  - c. Pressure-treated fencing. Whenever pressure-treated fencing is permitted in conjunction with the screening requirements permitted by this section, it shall conform to the following standards:
    - I. The height of the fence shall not exceed eight feet.
    - II. All fences shall be constructed using pressure-treated lumber.
    - III. The fence construction shall meet the applicable requirements of the township building code in article II of chapter 14.
    - IV. Only shadow-box style fences shall be permitted.

### 5.35 Tree Preservation Requirements

- A. Intent. The intent of this section is to protect and preserve trees and related natural resources in the Charter Township of Chesterfield, Macomb County, Michigan; to regulate the use of land area subject to development; to conserve property values and natural resources; to encourage the use of land in accordance with its character and sound environmental development; to protect aesthetic, recreational and other natural resource values associated with trees; to require permits for the removal of trees; to establish application requirements and review procedures and standards; to require the installation of tree protection devices prior to development, construction or land clearing activities; and, to require replacement trees under certain circumstances.

Section 5.35.B - 5.35.D

- B. Purpose. The purpose of this section is to promote feasible and prudent alternatives to the destruction and removal of trees consistent with promotion of the public health, safety and welfare in light of the paramount public concern for the protection of natural resources from impairment or destruction; to provide for the protection and preservation of trees in order to minimize destruction and disturbance to them, the wildlife habitat that they provide and other consequential effects on other natural resources; to protect and preserve trees for their economic support of the character, and ecological significance. The purpose of this section is not to be excessively restrictive or prohibitive but to provide for the submission and evaluation of feasible and prudent alternatives to the destruction, removal and relocation of trees in accordance with the standards and procedures set for herein prior to such action being taken.
- C. Findings. The township finds that protection of natural resources is a matter of paramount public concern as provided by Article IV, Section 52 of the Constitution of the State of Michigan and the Natural Resources and Environmental Protection Act, being Act No. 451 of the Public Acts of 1994, as amended. The removal of trees constitute destruction of a natural resource and may be protected from removal under the aforesaid Act; rapid growth and the spread of development have had the effect of encroaching upon, despoiling and eliminating many trees and other forms of vegetation within the township with a significant consequential effect on other natural resources; and, such growth and development has clearly emphasized the need for regulatory control to achieve harmonious integration of improvements to land with these natural resources in order to maximize preservation of such natural resources. The township further finds that trees protect public health through the absorption of air pollution and contamination, by conserving water quality, by the reduction of noise, and the mental and physical damage related to noise pollution, and through their cooling effect in the summer months; that trees contribute to public safety through the prevention of soil erosion, siltation and flooding; and that trees and the wildlife habitat that they provide promote the general welfare by maintaining natural beauty, recreation and education opportunities, natural visual screening of land uses and improvements thereon, and represent an irreplaceable heritage for existing and future residents of the township.
- D. Removable trees.

TABLE 5.35.D	
REMOVABLE TREES	
COMMON NAME	BOTANICAL NAME
Chinese Elm	Ulmus Pumila
Cottonwood	Populus Deltoides
Large-toothed Aspen	Populus Grandidentata
Lombardy Poplar	Populus Nigra (Italica)
Russian Olive	Elaegnus Augustifolia

TABLE 5.35.D	
REMOVABLE TREES	
COMMON NAME	BOTANICAL NAME
Trembling Aspen	Populus Tremuloides
Weeping Willow	Salix Babylonica
White poplar	Populus Alba
Silver Maple	Acer Saccharinum
Fruit-bearing Trees	

- E. Tree Removal Permit Required. It shall be a violation of this Code for any person, except as otherwise provided herein, to remove, cause to be removed, transplant or destroy a regulated tree within the township without obtaining a tree removal permit issued in accordance with this Code. A tree removal permit shall be required for the removal, transplanting or destruction of any regulated tree, unless such removal, transplanting or destruction is otherwise permitted by this section.
- F. Exceptions to tree removal permit requirements. Notwithstanding the requirements of subsection E, the following activities are allowed without a tree removal permit unless otherwise prohibited by law:
  - 1. On occupied property which is five acres or less and a valid certificate of occupancy has been issued, removal, transplanting, or destruction of no greater than 10% of the total number of regulated trees on the property per calendar year.
  - 2. The removal of “removable trees”, dead or damaged trees.
  - 3. The trimming, maintenance, or care of trees or other woody vegetation in accordance with standardized forestry and horticultural practices and techniques as established by the American Nursery and Landscape Association or the Natural Arborist Association.
  - 4. The removal or destruction of trees damaged by tornado, windstorm, flood, freeze, lethal insect infestation, or man-made or natural disaster, in order to prevent injury or damage to persons or property.
  - 5. The removal, transplanting or destruction of trees in order to perform maintenance or repair of lawfully located roads, public utilities, structures and facilities used in the service of the public, provided that such roads, public utilities, structures and facilities are not materially changed or enlarged.
  - 6. Existing and active farm operations shall be exempt from this section of the Code.
- G. Application for tree removal permit. An application for a tree removal permit shall be filed with the planning department. When a site is proposed for site plan, plat, division of land or other permit pursuant to the codes of the township, said application for a tree removal permit shall be made at the same time as such other related application. The application for a tree removal permit shall consist of the following:
  - 1. Tree removal permit application and payment of the application fee. The application fee shall be established by resolution of the township board.



## Section 5.35.G.2 - 5.35.G.5

2. Current county aerial photographs or copy thereof suitable quality (minimum scale of one inch equals 100 feet) of the site.
3. The current U.S.G.S. quadrangle map of the site.
4. A tree location survey, which shall have the following information and details:
  - a. A topographical map at the same scale as the related site plan, plat, or survey drawing.
  - b. The shape and dimensions of the site, together with the existing and proposed locations of structures and improvements, including existing and proposed utilities and proposed changes to existing grades.
  - c. Location and dimensions of all set back and existing or proposed easements.
  - d. All existing regulated trees on the parcel shall be inventoried by actual field survey and shown on the topographical map by type, location and tree canopy drawn to scale. Existing trees of six inches A.E.G. or greater shall be shown on the topographical map with the ground elevation at the base of each such tree. All existing regulated trees shall be superimposed on the related site plan, plat or survey drawing for division of land. Groups of trees whose individual bases are located at a ground elevation within one foot of each other may be shown on the topographical map as a group with the overall tree canopy drawn to scale, by predominant species with an average base elevation of each group.
  - e. Isolated regulated trees shown on the topographical map shall be tagged in the field with identifying numbers, using non-corrosive metal tags. Groups of trees shall be tagged sufficiently to identify the group upon field inspection. Such identifying numbers shall be shown on the topographical map.
  - f. All regulated trees proposed to remain, to be relocated or to be removed, shall be so designated by the identifying number.
  - g. If existing regulated trees are to be relocated, the proposed location for such trees, together with a statement setting forth how such trees are to be removed, protected and/or stored during land clearing, development and construction and how they are to be maintained after construction.
  - h. A statement setting forth how existing regulated trees which are not to be relocated are to be protected during land clearing, development, construction and on a permanent basis including proposed use of tree wells, protective barriers, tunneling or retaining walls.
  - i. The number of regulated trees to be removed which are six inches A.E.G. or greater.
  - j. All information and details shall be provided by a registered landscape architect, certified arborist or forester who must verify the contents by seal or signature, whichever applies.
5. In lieu of the tree location survey required by subsection G.4, the applicant may submit an affidavit that no regulated trees exist on the site. Upon submission of such certification, the township shall conduct an inspection of such site. If one or more regulated trees are found to exist on such site, the applicant shall submit the tree location required by subsection G.4 and pay to the township the cost of said inspection.

## Section 5.35.H - 5.35.H.6

- H. Review of tree removal permit application. The township shall process a tree removal permit application as follows:
1. The planning department or other designated department shall review the tree removal permit application to verify that all required information has been provided. At the request of the applicant or the planning department, an administrative meeting (pre-planning) may be held to review the application in light of the intent, purpose and review standard of this section.
  2. Upon receipt of a completed application, the planning department may conduct or authorize a field investigation to review and verify the accuracy of the information and details provided by the applicant. The receipt of the application shall constitute permission from the owner of the site to conduct such on-site investigation, and inspect the site of any land disturbing or tree removal activities.
  3. No person shall refuse entry or access to any authorized representative or agent who requests entry for the purpose of inspection and who presents appropriate identification, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
  4. If the tree removal permit application requests the commission to waive the required tree location survey of subsection G.4 for all or any area of the site, the commission may waive such requirement for all or any area of the site upon the following conditions being satisfied:
    - a. A field investigation of the site to review and verify the accuracy of the information and details provided by the applicant;
    - b. The location of the proposed activity being flagged, marked or otherwise identified by the applicant on site at the time of field investigation;
    - c. The applicant or an authorized representative of the applicant being present during such field investigation; and
    - d. The commission finding that the proposed activity in the area of the site, for which a waiver is sought, meets the standards set forth in subsection H.
  5. If a tree removal permit application relates to an activity on a site necessitating review and approval by the township board, the board shall consider said application concurrent with its review of the related site plan, plat, division of land or other permit application together with the recommendations, if any, of the commission. If the board approves the related site plan, plat, division of land or other permit application, such approval together with any terms and conditions attached thereto, shall be considered approval of the application for a tree removal permit.
  6. When a tree removal permit application is not related to an activity necessitating review and approval by the township board, the planning commission shall be responsible for granting or denying the application. The commission shall consider said application concurrent with its review of any related site plan or other permit application. If the commission approves the related site plan or other permit application, such approval together with any terms and conditions attached thereto, shall be considered approval of the application for a tree removal permit.

7. Whenever an application for a tree removal permit is granted, the township board or the commission may:
  - a. Attach to the granting of the tree removal permit any reasonable conditions considered necessary to ensure that the intent and purpose of this section will be fulfilled;
  - b. Affix a reasonable time to carry out the activities approved by the permit; and
  - c. Require the applicant to post with the township a cash deposit, certified check or irrevocable bank letter of credit, whichever the applicant selects, or a surety bond acceptable to the approving authority, in an amount sufficient to ensure compliance with any tree removal permit conditions and this section.
8. Whenever an application for a tree removal permit is denied, the applicant shall be notified, in writing, of the reasons for such denial.
- I. Standards for review by the approving authority. Applications to remove regulated trees shall not be approved unless and until the applicant demonstrates that:
  1. No feasible alternative location(s) is available on the site for the proposed building, structures or other improvements which would allow for the preservation of all regulated trees or a greater amount of regulated trees. The applicant shall demonstrate that all reasonable efforts have been undertaken in the site plan layout, architectural layout and engineered design of the proposed development to preserve regulated trees. The plan shall show, at a minimum, that:
    - a. Building placement, driveway, walkway and parking areas shall be designed in such a way as to avoid unnecessary removal of regulated trees.
    - b. The required utility, drainage and grading plan shall be developed in such a way as to avoid removal of regulated trees wherever possible and to protect remaining regulated trees from risk of loss through change in grade or moisture.
    - c. Landscape planning shall incorporate tree preservation and replacement required by this Code and shall respect the locations and types of such trees with regard to the long-term health of such trees and plants.
  2. The proposed activity complies with all applicable statutes and ordinances.
  3. The proposed activity includes necessary provisions for tree relocation or for tree replacement as permitted by this article.
  4. Tree removal or transplanting shall be limited to the following:
    - a. When removal or transplanting is necessary for the construction of a building, structure or other improvement, and the applicant has demonstrated there is no feasible and prudent location alternative for a proposed building, structure or other improvement; or,
    - b. When a tree is dead, in decline, in danger of falling, is located too close to existing buildings or structures, interferes with existing utility service or drainage, creates unsafe vision clearance or otherwise endangers persons or property; or,
    - c. The tree is a “removable tree”.

5. Trees removable, meeting the standards of this section, shall not have the effect of reducing the tree canopy of regulated trees on a site in excess of the standards of this paragraph. The regulated tree canopy on said site or parcel shall not be reduced below the following minimum requirements, unless otherwise permitted in this Code:

TABLE 5.35.I.5 TREE CANOPY PRESERVATION	
PROPOSED DEVELOPMENT ACTIVITY	MIN. PERCENTAGE OF PRESERVATION OF TREE CANOPY
One-family residential subdivision or site condominium	25%
One-family residential acreage	35%
Multiple family	25%
Mobile home park	5%
Office	20%
Commercial	15%
Industrial	10%
Forested wetlands preserved in accordance with Part 303, Wetlands Protection of NREPA, as amended, may be used in the above calculation of tree canopy area.	

- J. Tree protection. Prior to development, construction and/or land clearing the applicant shall do the following:
  1. All regulated trees, which have been approved for removal, shall be so identified on-site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to any activity. Regulated trees selected for transplanting shall be flagged with a separate distinguishing color.
  2. Erect construction limit fencing to restrict access to protected areas and install tree protection devices where required to protect tree roots, branches and/or tree trunks. All tree protection fencing and tree protection devices shall be approved by the building official prior to any tree removal or construction activity on the site.
  3. No damaging attachments, wires (other than cable wires for trees), signs or permits may be fastened to any tree protected by this Code.
  4. The township may assess fees to the developer to utilize services of an arborist or similar expert to verify plans and on-site compliance.

- K. Replacement of trees.
1. The removal or relocation of regulated trees which results in the reduction of the site's tree canopy in an amount greater than permitted in subsection I herein, shall only be approved if such removal and/or relocation meets all of the following applicable requirements:
    - a. The location of existing regulated trees prevents the reasonable development of a lot or parcel or the physical use thereof. It shall be the burden of the applicant to prove that no feasible alternative location of the structures or improvements can be achieved without causing undue hardship. Regulated tree removal shall not be granted where an alternative design solution exists consistent with the permitted use of the property.
    - b. The regulated trees interfere with safe vision clearances or conflicts with other ordinances or regulations.
    - c. The trees are dead, diseased or otherwise damaged to the extent that it will not survive. Such trees shall be exempt from replacement requirements of this Code.
    - d. The regulated trees pose a safety hazard to buildings, structures, pedestrians or vehicular traffic or threaten to cause disruption to public utility service.
    - e. Regulated trees that completely prevent access to a lot or parcel shall be permitted to be removed to the extent to provide a means of ingress/egress acceptable to the township and the road authority with jurisdiction.
    - f. Removal of the regulated trees is consistent with good arboricultural and/or forestry practices with regard to the health of the overall woodland area.
  2. The township shall not permit regulated tree removal or regulated tree relocation requests until such time that a tree replacement plan is submitted and approved by the township. Trees shall be planted evenly throughout the property in areas suitable for such trees. The sum of the canopy area of the replacement trees and the trees preserved on the site shall equal or exceed the tree canopy required to be preserved under subsection I.5. No trees required by this Code such as, but not limited to, screening trees, parking lot trees or frontage trees shall be counted towards the tree replacement calculations. The canopy calculations shall be based on the average size canopy at planting time for the types of trees being planted (canopy at maturity is not an acceptable means for meeting replacement requirements).
  3. All replacement trees shall be at least eight feet tall and have a three-inch A.E.G. or greater, and shall be inspected and approved by a building official or other designated official on-site upon planting. Such trees shall be planted with a minimum tree spacing of 15 feet apart and in accordance with the standardized forestry and horticultural practices as established by the American Nursery and Landscape Association or the Natural Arborist Association. Each such tree shall be staked, fertilized, mulched and watered. All replacement trees shall be guaranteed for one year.

## Section 5.35.K.4 - 5.35.N.1

4. All replacement trees shall satisfy American Nursery and Landscape Association standards and shall be:
    - a. Nursery grown;
    - b. State department of agriculture inspected;
    - c. No. 1 grade with straight unscarred trunk and a well developed uniform crown; and
    - d. Tree spade transplanted while in a dormant state, or if not in a dormant state, having been balled and burlapped with a solid well-laced root ball when in a dormant state.
  5. The applicant and any person who applies for a building permit in connection with the proposed activity shall be responsible for planting replacement trees as required by this section.
  6. Replacement trees shall not be planted within any easements of record and shall be planted prior to the issuance of a final certificate of occupancy.
  7. Removable trees shall not be planted as replacement trees.
- L. Bonding.
1. The commission will evaluate all applications requesting the removal of regulated trees. If upon completion of the site evaluation, the commission deems it appropriate to allow such regulated tree removal, a bond shall be required. The bond shall be secured by the township as a mechanism to ensure performance and compliance with this section. The township board may waive this requirement for tree removal activities on individually owned single family residential lots.
  2. The required bond amount will be 110% of the total cost for purchasing and replanting trees to satisfy the tree replacement requirements of this Code. A tree replacement cost obtained from a plant nursery will be provided to the township with the tree removal request and the bond amount will be based on the tree replacement cost. The township reserves the right to request additional replacement cost if deemed appropriate. The township will hold the bond until the project activity, including tree replacement to satisfy the tree replacement requirements, is completed. If the required tree replacement is not completed within six months from the date of the issuance of a tree removal permit, the township will attempt to contact the property owner (via certified mail) for a project update. Should the property owner not respond within 30 days of receipt of the status request, the bond will be utilized to complete the tree planting requirement.
- M. Appeal. A tree removal permit approved by the commission shall not be issued until 10 days following the date of the approval. An applicant who is aggrieved by the grant or denial of a tree removal permit may request an appeal of the decision to the township board. A request for appeal must be filed within 10 days following the grant or denial. If a request for an appeal is filed, the issuance of the tree removal permit shall be suspended pending the outcome of the appeal. The township board shall, within 20 days, affirm, modify or reverse the determination of the commission.
- N. Variances for hardship. The township board may grant a variance from the provisions of this section when undue hardship may result from strict compliance therewith.
1. In granting any variance, the township board shall prescribe conditions that it deems necessary or desirable in the public interest and in furtherance of the intent and purpose of this section.

2. No variance shall be granted unless the township board finds:
  - a. There are special circumstances or conditions affecting the site such that the strict application of the provisions of this section would deprive the applicant of the reasonable use of his or her land;
  - b. That the variance is necessary for the preservation and enjoyment of a substantial property of the applicant; and,
  - c. That the variance will further the objectives and policies of this section and other Code provisions of the township.
3. No variance shall be granted for financial hardships.

## 5.36 Landscaping Requirements

### A. General Requirements.

1. Whenever any front, side or rear yard is not designated for building, off-street parking, loading and unloading, storage or other purpose within the terms and requirements of a given zoning district, the yard shall be landscaped with either approved natural materials or living plant materials which shall be maintained in an aesthetically pleasing condition.
2. All landscaping shall consist either of approved natural materials or living plant materials. All landscaped areas shall be protected from the encroachment of vehicles by curbing or other suitable device, as approved by the planning commission. The installation of sprinklers shall be required to ensure the maintenance of all landscaped areas.
3. A detailed landscape plan for all yard areas shall be submitted to the planning commission showing the common and botanical names, location, spacing, starting size and planting and staking details of all plantings to be installed, and the location and types of all natural materials proposed to be included in the landscape treatment of the yard areas. This provision shall apply to all landscaped yards including those expanded beyond the minimum setback requirements of this article. This landscape plan shall be reviewed and approved by the planning commission.
4. Existing significant trees, tree stands, natural vegetation and wildlife habitat shall be integrated into the site landscape plan to the maximum extent possible and shall meet the standards of [section 5.35](#).
5. Undeveloped open portions of the site and subsequent phases of the site shall be seeded, mowed and maintained.
6. The planning commission may approve constructed features of other materials such as masonry walls or brick, stone and cobblestone pavement as a supplement or substitute, upon a showing by the applicant that general plantings will not prosper at the intended location.
7. Landscaping shall be planted, landscape elements shall be installed, and earth moving or grading performed in a sound workmanlike manner and according to accepted good planting and grading procedures, with the quality of plant materials and grading as described in subsection (c) of this section. A copy of current acceptable standards is available from the township building department.

8. The owner of property required to be landscaped by this section shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All plant materials shall be continuously maintained in a sound, weed- free, healthy and vigorous growing condition and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one year or the next appropriate planting period, whichever comes first.
  9. Plant and grass materials shall be of acceptable varieties and species, free of pests and diseases, hardy in the county, and shall conform to standards of the American Association of Nurserymen and the township, and shall have passed any inspections required under state regulations. Standards shall be in written form and made available by the building department. No plant materials used to satisfy some or all planting requirements of this section shall be comprised of nonliving materials, except as provided here in this section.
  10. Approved ground cover used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season, with at least three plants per square foot.
  11. Grass areas shall be planted in species normally grown as permanent lawns in the county. Grass may be plugged, sprigged, hydroseeded, seeded or sodded, except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod and seed shall be clean and free of weeds and noxious pests or diseases.
- B. Design objectives. The following general design objectives and criteria shall be considered in the evaluation of landscape plans:
1. Ample variety and quantity of ornamental plants, trees and shrubs should be provided. A few dominant types are usually chosen with subordinate types interspersed for accent. Repeating some types creates unity, but no types should be overused. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity.
  2. Landscaping should be encouraged that will serve the functions of enhancing the visual environment, ensuring public safety, moderating the microclimate and minimizing nuisances.
  3. Landscaping should serve to integrate the project with the site, with a particular sensitivity to the natural topography, drainage and existing native vegetation. It should enhance the architecture of surrounding structures, when possible, by being of similar scale.
  4. Preservation of the existing landscape material and landforms is mandatory, particularly where mature trees are a part of the site to the standards of [section 5.35](#).
  5. Visual variety should be the aim of landscaping treatment. Landscaping should be used to break up large expanses of pavement.
  6. Local soil, water, and other climatic conditions should be considered when choosing landscape materials to create optimum conditions for their survival and to ensure that they will thrive with a minimum amount of maintenance.



Section 5.36.B.7 - 5.36.C.2

7. Landscaping should be protected from vehicular and pedestrian encroachment. Raised planting surfaces and the use of curbs are ways of achieving this objective.
  8. Species that are a public nuisance or that cause litter should be avoided. When landscaping is to be installed in areas that children will frequent, trees and bushes with sharp needles shall be prohibited.
  9. The aesthetic and functional aspects of the proposed landscaping, both at installation and at maturity, shall be a paramount consideration in review and approval by the planning commission.
- C. Plants and materials.
1. All plant materials used shall be placed in fertile soil with good surface drainage and shall be given reasonable maintenance necessary to ensure their healthy existence and survival. All natural materials shall be maintained, refurbished or replaced, as necessary, to ensure a positive aesthetic quality.
  2. All proposed landscaped plantings shall meet the minimum size requirements specified in the following table:

TABLE 5.36.C.2									
PLANT MATERIAL SIZE TABLE									
PLANT MATERIAL	HEIGHT				CALIPER				
	5'-6'	3'-4'	2'-3'	18"-2'	2"	2.5"	18"-2' spread	2" Peat Pot	2 Gal. Container
Evergreen Trees									
Fir	x								
Spruce	x								
Pine	x								
Hemlock	x								
Douglas Fir	x								
Narrow Evergreen Trees									
Red Cedar	x								
Arborvitae	x								
Juniper (selected varieties)	x								
Large Deciduous Trees									
Oak						x			
Maple						x			
Beech						x			
Linden						x			
Ash						x			
Ginko (male only)						x			

TABLE 5.36.C.2									
PLANT MATERIAL SIZE TABLE									
PLANT MATERIAL	HEIGHT				CALIPER				
	5'-6'	3'-4'	2'-3'	18"-2'	2"	2.5"	18"-2' spread	2" Peat Pot	2 Gal. Container
Honeylocust (seedless, thornless)						x			
Birch						x			
Sycamore						x			
Small Deciduous Trees (ornamental)									
Flowering dogwood					x				
Flowering cherry, plum, pear					x				
Hawthorn (thornless)					x				
Redbud					x				
Magnolia					x				
Mountain Ash					x				
Hornbeam					x				
Russian Olive					x				
Large Evergreen Shrubs									
Hicks Yew			x						
Upright Yew			x						
Spreading Yew							x		
Pfizer Juniper							x		
Savin Juniper							x		
Mugho Pine							x		
Small Evergreen Shrubs									
Brown's, Ward's Sebion Yews							x		
Dwarf Spreading Juniper							x		
Dwarf Mugho Pine							x		
Euonymous Varieties							x		

TABLE 5.36.C.2									
PLANT MATERIAL SIZE TABLE									
PLANT MATERIAL	HEIGHT				CALIPER				
	5'-6'	3'-4'	2'-3'	18"-2'	2"	2.5"	18"-2' spread	2" Peat Pot	2 Gal. Container
Large Deciduous Shrubs									
Honeysuckle			x						
Lilac			x						
Border Privet (hedge plantings)				x					
Sumac		x							
Buckthorn		x							
Pyracantha			x						
Wiegela		x							
Flowering Quince		x							
Barberry		x							
Cotoneaster (Peking and spreading)		x							
Sargent Crabapple		x							
Dogwood (Red Osier)		x							
Euonymous Varieties		x							
Viburnum Varieties		x							
Tail Hedge (hedge planting)			x						
Small Deciduous Shrubs									
Dwarf Winged				x					
Regal Privet				x					
Fragrant Sumac				x					
Lavender				x					
Cotoneaster (Rockspray, Cranberry)				x					

TABLE 5.36.C.2									
PLANT MATERIAL SIZE TABLE									
PLANT MATERIAL	HEIGHT				CALIPER				
	5'-6'	3'-4'	2'-3'	18"-2'	2"	2.5"	18"-2' spread	2" Peat Pot	2 Gal. Container
Ground Cover									
Periwinkle								x	
Euonymous Varieties								x	
Hall Honeysuckle								x	
Pachysandra								x	
Decorative Grasses								x	
Vines									
Euonymous Varieties									x
Virginia Creeper									x
Baltic Ivy								x	
Wisteria									x

- D. Prohibited plant materials. Where a landscape plan is required, the following plant materials are specifically prohibited:
1. Boxelder.
  2. Soft maple (red silver).
  3. Elm.
  4. Poplar.
  5. Willow.
  6. Horse chestnut (nut bearing).
  7. Tree of heaven.
  8. Catalpa.
  9. Fruit-bearing trees.
  10. All thorned trees and shrubs.
  11. Ribes (gooseberry).
  12. Cottonwood.

## Section 5.36.E - 5.36.G

- E. Parking lot landscaping requirements. The intent of these requirements is to enhance the visual environment of the township; to promote public safety; to moderate heat, wind and other local climatic effects produced by parking lots; and to minimize nuisances, particularly noise and glare.
1. Interior parking lot landscaping. All surface parking lots shall incorporate and provide curbed tree planting spaces providing not less than seven feet at their least dimension and a minimum 50 square feet of land area per each tree planted. Trees shall be placed somewhat evenly, either symmetrically or asymmetrically, throughout the parking area. The number of trees required shall be based on a ratio of one tree for each six parking spaces, or fraction thereof. If three-inch caliper trees are provided, the number of trees required shall be based on a ratio of one tree for each ten parking spaces. Small parking areas of less than 20 spaces may place the required trees next to ( within 10 feet of) the parking area, rather than within the lot proper. For lots of 20 spaces or more, up to 20 percent of the required interior parking lot trees may be placed at the exterior edge of the parking lot, provided they are planted within 10 feet of the parking lot. The remainder shall be planted within the surface parking lot. The following types of trees or similar types are considered to be suitable for parking lots and other intense urban conditions:
    - a. Birch River Heritage Clump; *Betula Nigra* Cully
    - b. Honeylocust Skyline; *Gleditsia Triacantho* Var. *Inermis* 'skycole'
    - c. Linden, Greenspire; *Tilia Cordata* Greenspire
    - d. London Plane Tree; *Platanus x Acerifolia*
    - e. Dawn Redwood; *Metasequoia Glyptostroboides*
    - f. Ginkgo Princeton Sentry; *Ginkgo biloba* 'princeton Sentry'
    - g. Maple, Red -hybrid, Autumn Blaze; *Acer X Freemanii* Jeffersred
    - h. Maple, Norway -Hybrid, Crimson Sunset; *Acer Truncatum X Platanooides*
    - i. Tulip Tree; *Liriodendron Tulipifera*
    - j. Lilac Tree; Japanese, Ivory Silk; *Syringa Reticulata* Ivory Silk
    - k. Hackberry Tree; *Celtis occidentalis*
    - l. American Yellowwoodum; *Cladrastis kentukea*
    - m. Sweetgum; *Liquidambar Styraciflua*
- F. Frontage landscaping. Landscaping shall be required in the front yard, and in any street -facing side or rear yard, and shall be located adjacent to any public right-of-way or private street. One tree shall be planted for each 30 linear feet of the landscaping strip and shall be located within such required front yard setback. The width of this linear landscape area shall be as specified in this ordinance, but in no case shall it be less than ten feet wide, unless a lesser minimum building setback is permitted and created by the placement of an adjacent structure less than ten feet from the right-of-way or private street easement.
- G. Vision clearance. To ensure that landscape materials do not constitute a driving hazard, clear vision site triangles shall be established at all street intersections and at the intersection of site driveways and streets. See [section 5.34](#). Internal parking lot landscaping improvements should be located to avoid blocking the vision of drivers within the parking lot.

## 5.37 Lighting

- A. Requirements. Lighting in all use districts shall conform to the following requirements as to type, location, intensity and method of shielding.
1. All outdoor lighting shall be shielded downward or below horizontal with cut-off luminaries (maximum of 85° from vertical) to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences, as well as public rights-of-way.
  2. The height of any lighting fixture, including the base, measured from the established grade shall not exceed 25 feet or the height of the building, whichever is less, unless modified by the planning commission.
  3. The planning commission may modify these height standards in the commercial and industrial districts based on the position and height of buildings; other structures and trees on the site; the potential off-site impact of the lighting; and the character of the proposed use relative to surrounding uses. In no case shall the height of the lighting exceed 35 feet.
  4. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view. Open neon is prohibited, except that the commission may permit open neon lighting when it is determined that such lighting is solely for architectural enhancement purposes, serves no advertising purposes and is in character with the surrounding area.
  5. Flood lights shall not be permitted in any zoning district.
  6. A lighting photometric plan for the entire site with values at ground level shall be required to ensure compliance with the standards of this section.
  7. Light poles shall be located within parking islands or at the boundary of the parking lot area, whenever feasible and practical. In both instances, the light pole must be set back from the curb a minimum of 2 1/2 feet to ensure proper vehicular overhang clearance.
  8. The intensity of outdoor lighting in all use districts shall be limited to the following minimum and maximum average amounts:

TABLE 5.37.A.8		
SCHEDULE OF ILLUMINATION		
USE	AVERAGE OF ILLUMINATION LEVEL (FOOTCANDLES)	AVERAGE TO MINIMUM UNIFORMITY RATIO* (NOT TO EXCEED)
Residential	0.8	4:1
Place of worship, school, and childcare facility	1.0 Max	4:1
Nonresidential	3.0 Max	4:1

\*If the minimum is less than 0.5 fc, then 0.5 fc shall be used to determine average to minimum ratio.

## Section 5.37.B - 5.38.G

- B. Intensity. No light measured at eye level at the property line between nonresidential and any residential district or use shall be greater than one-quarter footcandle at the side and rear property line, nor greater than one-half footcandle or the intensity of the available street lighting at the front property line, whichever is greater.

### 5.38 Performance Standards

It is the intent of this section to regulate all uses except industrial [see [sections 3.19](#), [3.20.F](#), [3.21.F](#)] and require that each permitted use shall be a good neighbor to adjoining properties by control of noise, odor, glare, vibration, smoke, dust, liquid wastes, radiation, radioactivity, etc. The performance standards set forth in this section shall be complied with. Any use which fails to comply with these standards shall be in violation of this section and be subject to penalties as accorded by law. The sum of the effects of concurrent operations on two or more lots measured at any property line shall not be greater or more offensive to the senses than the standards contained in this section. Compliance with the provisions of this section by single or mutual changes in operational levels, scheduling of operations and other adjustments is permitted. In case of conflict among these standards and federal and state regulations, the most restrictive standard or regulation shall apply. The township board may enforce any such standard or regulation.

- A. Noise. Noise shall not exceed 60 decibels (db(A)) equivalent daytime and 55 decibels equivalent nighttime, as measured at any site line. In no case shall the maximum noise level exceed 60 decibels.
- B. Odors. Odors from any use shall not be discernible at the property line to a greater degree than odors from plants for the manufacture of electronic equipment. The values given in Table III (Odor Thresholds) in the latest revision of chapter 5, Physiological Effects, in the Air Pollution Abatement Manual, by the Manufacturing Chemists' Association, Inc., Washington, D.C., copyright 1951, shall be used as standard in case of doubt concerning the character of odors emitted. In such case, the smallest value given in such Table III shall be the maximum odor permitted.
- C. Glare. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
- D. Vibration. Vibration shall not be discernible at any property line to the human sense of feeling.
- E. Smoke. Emission of smoke on the site shall be controlled so that a nuisance will not result. Emission of smoke shall not exceed the number 1 standard as established by the Ringelmann chart.
- F. Gases. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic or corrosive.
- G. Electrical radiation. Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation.

- H. Utilities underground. All lines for telephone, electric, television and other similar services distributed by wire or cable shall be placed underground entirely throughout the development area, except for major thoroughfare right-of-way, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Overhead lines may be permitted by not less than six affirmative votes of the township planning commission at the time of final approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare or area design. All such facilities placed in dedicated public ways shall be planned to not conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. All underground utility installations which traverse privately owned property shall be protected by easements granted to the appropriate authority by the applicant.
- I. Air-borne matter generally. There shall not be discharged from any source such quantities of air contaminants or other materials which cause injury, detriment or nuisance to the public, or which endanger the comfort, repose, health or safety of persons, or which cause injury or damage to business or property.
- J. Storage of hazardous substances.
1. Definition of hazardous substances. Hazardous substances include hazardous chemicals as defined by the state department of public health and the state department of labor. Hazardous materials are defined by the U.S. Department of Transportation. Critical materials and polluting materials are defined by the state department of natural resources. Hazardous waste is defined by the state department of natural resources.
  2. Applicability. These provisions apply to all businesses and facilities which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds).
  3. Aboveground storage.
    - a. Primary containment of hazardous substances shall be product-tight.
    - b. Secondary containment of hazardous substances shall be provided for all facilities, subject to site plan review. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
    - c. Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of precipitation.
    - d. At a minimum, state and federal agency requirements for storage, leak detection, recordkeeping, spill prevention, emergency response, transport and disposal shall be met.



- 4. Belowground storage.
  - a. At a minimum, regulations of the state department of natural resources, state fire marshal division and the township for the installation, inspection, maintenance of a leak detection system, inventory and recordkeeping, emergency response and closure must be met.
  - b. All underground storage tanks which have been out-of-service for nine months or longer shall be removed from the site before a building permit is issued. This requirement may be adjusted by the fire chief in situations where a clear timetable for the safe use of the underground tank is established.
- 5. Plan review and approval. Site plans for facilities with hazardous substances shall be reviewed by the fire chief or his designee prior to the approval by the planning commission.
- K. Signs. Whenever a sign is reviewed for permit or variance, the standards in the sign ordinance shall apply.

### 5.39 Off-Street Parking, Vehicle Stacking and Loading Requirements

- A. Intent. The off-street parking and loading requirements of this article are established to:
  - 1. Prevent congestion on public streets by providing clearly defined parking areas that are separated from roadways;
  - 2. Remove the hazard to pedestrians of emerging between parked vehicles onto a public street;
  - 3. Facilitate proper stormwater runoff;
  - 4. Prevent the generation of dust into the area; and
  - 5. Make clear the availability and arrangement of spaces to all users;
  - 6. Ensure safe pedestrian circulation; and
  - 7. Provide for efficient vehicle stacking for drive-through and drive-up lanes that does not impede internal site circulation or vehicular ingress and egress.
- B. General parking. It shall be the duty of both the owner and occupant of any premises to provide off-street parking spaces as required in this article. Such off-street parking areas shall be laid out, constructed and maintained in accordance with the following standards and regulations:
  - 1. Whenever a use or an activity requiring off-street parking is created, enlarged or increased in activity or intensity, off-street parking spaces shall be provided on the site and maintained as required by this article.
  - 2. The amount of required off-street parking for new uses of buildings, additions to existing buildings, new uses of land and accessory buildings shall be determined in accordance with the regulations in effect at the time the new use or addition was proposed, and the space so required shall be shown on the site plan and shall be irrevocably reserved for such use. No such designated parking area shall be changed to any other use unless and until equal facilities are properly approved and provided elsewhere on the site.
  - 3. Off-street parking existing at the effective date of the ordinance from which this article is derived in conjunction with the operation of an existing building or use shall not be reduced to an amount less than that amount required for a similar new building or new use.



4. Nothing in this section shall be construed to prevent the collective provisions of off-street parking facilities for two or more buildings or uses on separate sites, provided such parking collective shall not be less than the sum of requirements for the various uses computed separately. The provision for shared parking shall not be construed to allow for development without parking located reasonably proximate to the development it is intended to serve. Parking shall be reasonably distributed to fulfill the parking needs of each use being served and be irrevocably dedicated to each use.
5. The planning commission may permit a reduction of the requirement for shared parking for developments in the C-4 district mixed-use which exceed 50,000 square feet of floor area by an amount not to exceed 10%, subject to the following conditions and findings:
  - a. A study performed by a recognized traffic engineer shall be provided in support of the request.
  - b. The planning commission may reduce the required parking under this section only if the site or sites contain two or more separate and distinct uses which, by their nature, can use shared parking without having an adverse impact on traffic circulation or without impairing the overall functioning of the site. In the event that there is a change of uses that no longer meet the criteria established for shared parking, the required number of spaces as provided in [section 5.39.C](#) shall be installed.
  - c. An overflow or reserve area capable of accommodating the required number of parking spaces shall be specified on the site plan that could accommodate an expansion of the existing parking facilities, should that be required. The developer shall execute an agreement, in a form satisfactory to the township, that will obligate the property owners to install additional parking at the township's request if the need arises.
  - d. Any such provisions for collective parking for two or more buildings or uses on the same site or on separate sites shall be set forth in a recordable instrument recorded at the office of the county register of deeds, describing the lands affected by this agreement.
6. Where the owners of two buildings, whose operating hours do not overlap, desire to utilize common off-street parking facilities, the planning commission may permit such dual function provided that the following conditions have been met:
  - a. The normal business hours of the two buildings or uses in no way overlap, except for custodial personnel. If there is a change of uses that no longer meets the criteria established for shared parking, the required number of spaces as provided below shall be installed.
  - b. The common parking lot meets the off-street parking requirements of the larger building or more intensive use, plus 15%.
  - c. The common parking lot meets all of the locational requirements of this article with respect to each building or use.
  - d. The site plan shall indicate a reserve area that is capable of accommodating the required number of parking spaces, if necessary. The developer shall execute an agreement, in a form satisfactory to the township, that will obligate the property owners to install additional parking at the township's request if the need arises.

7. Off-street parking facilities required herein shall be located within 300 feet of the permitted use it is intended to serve. Such distance shall be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served, provided that such off-street parking facility shall not be separated from the building to be served by any major or secondary thoroughfare so designated by the township master plan, drain or physical barrier or public improvement.
  8. Required off-street parking may not be enclosed with a gate that would permit it to be closed to either employees or patrons.
  9. When units of measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall require one parking space.
  10. For the purpose of determining off-street parking requirements for all uses, floor area shall mean 100% of the gross floor area as measured from the interior of all exterior walls. For those buildings which feature unique interior natural features, such as atriums and landscaped areas, the floor area occupied by such areas may be deducted from the gross floor area used to calculate parking requirements.
  11. The amount of required off-street parking space for new uses of buildings, additions to buildings and additions to existing buildings as specified in this section shall be determined in accordance with this article. The required space shall be shown on the site plan and shall be irrevocably reserved for such use.
- C. Minimum Parking Space Requirements. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the schedule in this section. For those uses not specifically mentioned, the requirements for off- street parking facilities shall be in accord with a use which is most similar in type as determined by the planning commission.
1. Residential.
    - a. One- and two-family dwellings. The off-street parking facilities required for one- and two- family dwellings shall be located on the same lot or plot of ground other than in the required front yard space of the building they are intended to serve and shall consist of a paved parking strip, parking apron, carport and/or garage on the basis of two parking spaces for each dwelling unit. Such parking shall be paved to provide not less than two off-street parking spaces. Parking shall be restricted to paved areas unless otherwise permitted in other township ordinances. Paved areas shall not be permitted in any required side yard or any required front yard (except the driveway located in the front yard) unless it is necessary to provide access to a side entry garage or a detached garage or unless it is permitted by other township ordinance. Horseshoe driveways shall be permitted, provided they are not used for permanent on-site parking required by this section.
    - b. Multiple-family residential dwellings. Multiple-family residential dwellings shall have two paved off-street parking spaces for each one-bedroom dwelling unit. For each additional bedroom per unit, 1/2 additional parking space shall be provided.
    - c. Housing for the elderly. Housing for the elderly shall have two spaces for each three dwelling units, and one space for each employee. Mobile homes. Mobile homes shall



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have two spaces per unit, plus one space for every three mobile home sites for visitor parking. Visitor parking shall be located within 300 feet of the mobile home sites they are intended to serve.

- d. Community buildings (multiple-family and mobile home parks). Community buildings shall have one space for each four persons allowed within the maximum occupancy load, as determined by the fire department.
  - e. Other requirements. In multiple-family residential districts and mobile home parks where recreation vehicles are permitted, a secured storage area for such vehicles shall be provided and buffered from adjacent uses. No unlicensed motor vehicle of any type shall be parked within the development at any time, except within a covered building or the enclosed storage area. In the mobile home park district, no motorized recreation vehicles or boats shall be parked on individual home sites. All group off-street parking lots shall be adequately lighted during hours of darkness with no more than 1/2 footcandle of illumination.
2. Institutional.

TABLE 5.39.C.2	
INSTITUTIONAL USES: MINIMUM PARKING REQUIREMENTS	
USE	REQUIRED PARKING SPACES
Auditoriums (incidental to churches, schools and hospitals)	One space for each three seats; plus one for each two employees. If no seats, one for each 50 square feet of floor area.
Places of worship	One space for each three seats or six feet of pew in the main worship area; plus spaces for any residential uses, as determined in accordance with the parking requirements established for residential uses. Additional spaces for ancillary facilities, such as social halls, schools, etc., may be required by the planning commission.
Convalescent homes	One space for each two beds; plus one for each staff member.
Elementary and junior high schools	Ten spaces, plus one for each employee (including teachers and administrators), in addition to the requirements of the auditorium. Additional spaces for ancillary facilities and activities may be required by the planning commission.

TABLE 5.39.C.2	
INSTITUTIONAL USES: MINIMUM PARKING REQUIREMENTS	
USE	REQUIRED PARKING SPACES
Hospitals	One space per bed; plus one space per employee and doctor on peak employment shift. Additional spaces shall be required for ancillary medical office buildings based on their individual requirements. Parking for emergency facilities shall be provided on the basis of one space per 100 square feet of floor area of the emergency room, patient treatment areas and waiting areas.
Libraries/museums	One space for every 500 square feet of gross floor space.
Municipal offices	One space for each 200 square feet of gross floor area.
Nursery schools, day nurseries or child care facilities	One space for each employee; plus one space for each four students on the premises at one time. Adequate, but not fewer than five, stacking spaces shall be provided for pick-up and drop-off.
Private clubs and lodges	One space for each three members allowed within the maximum occupancy load, as determined by the fire department, plus one per employee.
Senior high schools and colleges	One space for each employee (including teachers and administrators); plus one for each three students; plus the requirements of the auditorium. Additional spaces for ancillary facilities and activities may be required by the planning commission.

3. Recreational

TABLE 5.39.C.3	
RECREATIONAL USES: MINIMUM PARKING REQUIREMENTS	
USE	REQUIRED PARKING SPACES
Bowling alleys	Five spaces per lane, plus parking required for ancillary uses such as restaurants or lounges, as determined in accordance with the requirements of this section.
Dancehalls, roller rinks, amusement device centers, billiards, ice skating rinks, indoor shooting ranges, archery ranges and exhibition halls.	One space per three persons allowed at maximum occupancy load, as determined by the fire department.

TABLE 5.39.C.3	
RECREATIONAL USES: MINIMUM PARKING REQUIREMENTS	
USE	REQUIRED PARKING SPACES
Miniature golf, par three courses and driving ranges	Three spaces for each miniature golf or par three golf hole; one space for each driving range tee; plus one space per employee; plus spaces required for any ancillary uses, as determined in accordance with the requirements of this section.
Private golf, swimming or tennis clubs and similar uses	Open space for each three-member families; plus one per employee. If clubhouses are provided, one additional space shall be provided for each three persons allowed within the maximum occupancy load, as determined by the fire department.
Private parks	One space for each two individual members.
Public golf courses (not including miniature golf, driving ranges or par three courses)	Six spaces for each golf hole; plus one per employee; plus spaces required for any ancillary use, such as a restaurant or bar, as determined in accordance with the requirements of this section.
Public recreation (other)	One space for every two users at maximum capacity; plus one space for each employee.
Stadiums and sports arenas or similar places of assembly	One space for each three seats or 60 inches of benches.
Racquet/tennis and exercise clubs	One space for each two persons allowed within the maximum occupancy, as determined by the fire department; plus spaces required for any ancillary uses, as determined in accordance with the requirements of this section.
Riding stables	One space per horse that could be kept at the stable when occupied at maximum capacity.
Theaters	One space for each three seats, plus one space for each two employees. If no seats, then one space for each 50 square feet of floor space.

4. Offices.

TABLE 5.39.C.4	
OFFICE USES: MINIMUM PARKING REQUIREMENTS	
USE	REQUIRED PARKING SPACES
Banks	One space for each 100 square feet of floor area.
Business offices or freestanding administrative offices, except as otherwise indicated in this table.	One space for each 150 square feet of floor space.
Clinics, medical, dental and veterinary	One space for each employee; plus one space for each 150 square feet of floor space.
Professional buildings and all offices located in the professional office district	One space for each 120 square feet of floor area, or one space for each 25 square feet in waiting rooms; and one space for each examining room, dental chair, office or similar use, whichever is greater.

5. Auto-related Uses.

TABLE 5.39.C.5	
AUTO-RELATED USES: MINIMUM PARKING REQUIREMENTS	
USE	REQUIRED PARKING SPACES
Auto wash, hand or coin-operated	One space for each employee.
Enclosed self-service two-door time charge car wash	One space for each employee.
Auto wash, high speed commercial	One space for each employee.
Auto service stations (gasoline and repair) and auto repair services, excluding heavy and major repair	In addition to a service space to be provided at each pump, the following additional requirements shall apply: three spaces for each service bay; one space per employee; plus one space per each 100 square feet of retail floor area.
Self-service gasoline stations (gasoline and convenience retail; no repair)	In addition to a service space to be provided at each pump, the following additional requirements shall apply: one space for each 100 square feet of retail floor area; plus one space for each employee.
Heavy and major auto repairs	Three spaces for each service bay. No wrecked vehicles to be parked or stored outside.
Quick oil changes	Two spaces per bay; plus one space per employee at the peak shift; one space per 200 square feet of floor area used for retail sales.

TABLE 5.39.C.5	
AUTO-RELATED USES: MINIMUM PARKING REQUIREMENTS	
USE	REQUIRED PARKING SPACES
New vehicle sales establishments	One space for each 300 square feet of sales area; one space for each 200 square feet of office area; and three spaces for each service bay.

6. Commercial.

TABLE 5.39.C.6	
COMMERCIAL USES: MINIMUM PARKING REQUIREMENTS	
USE	REQUIRED PARKING SPACES
Agricultural sales, greenhouses and nurseries	One space per employee, plus one space for each 100 square feet of actual permanent or temporary areas devoted primarily to sales.
Banquet/catering halls	One space for each two persons allowed within maximum occupancy, as determined by the fire department.
Beauty parlors/barbershops	Three spaces for the first two chairs, plus 1 1/2 spaces for each additional chair; or one space for each 75 feet of floor area, whichever is less.
Dry cleaners	One space per each two employees, with a minimum of five spaces.
Funeral homes/mortuaries	One space for each 50 square feet of assembly room floor space, parlors and slumber rooms.
Furniture and appliance; household equipment; repair shops; showroom of a plumber, decorator, electrician or similar trade; shoe repair and other similar uses.	One space for each 500 square feet of floor area. For that floor area used in processing or storage, one additional space shall be provided for each two persons employed within or each 1,000 square feet, whichever is greater.
Laundromats and coin-operated dry cleaners	One space for each two machines.



TABLE 5.39.C.6	
COMMERCIAL USES: MINIMUM PARKING REQUIREMENTS	
USE	REQUIRED PARKING SPACES
Motel, hotel or other commercial lodging establishments	One space for each occupancy unit, plus one space for each employee; spaces required for ancillary uses, such as lounges, restaurants or conference areas, shall be determined on the basis of the individual requirements for each use as specified in this section.
Open air businesses	One space for each 500 square feet of lot area used for retail sales, services and uses.
Retail stores, except as otherwise specified in this section	One space for each 150 square feet of floor area.
Restaurants/lounges (excluding fast-food or carryout establishments)	One space for each 100 square feet of floor area, or one space for each two persons allowed within maximum occupancy, whichever is greater.
Restaurants—fast-food and drive-ins	One space for each two employees, plus one space for each two seats intended for patrons within the restaurant building and one space for each 20 square feet of building area available in the order-waiting area.
Restaurants—carryout only	One space per employee, plus 50% of the parking requirement for restaurants with permanent seating.
Specialty shops	One space for each 200 square feet of floor space.

7. Industrial.

TABLE 5.39.C.7	
INDUSTRIAL USES: MINIMUM PARKING REQUIREMENTS	
USE	REQUIRED PARKING SPACES
Industrial, wholesale or warehouse	Five spaces, plus one per 500 square feet of floor area for each tenant or occupancy unit.
Office-research	One space for each 300 square feet of floor area.
Miniwarehouses or self-service storage units	Two spaces for the residential caretaker's unit, plus one space per 50 square feet of floor area used for office purposes.

8. Waterfront

TABLE 5.39.C.8	
WATERFRONT USES: MINIMUM PARKING REQUIREMENTS	
USE	REQUIRED PARKING SPACES
Boat berthing, in-and-out storage and in-water storage	One space for every two boat berths and one off- street parking space for each boat available for rent. Where launching from a boat trailer is permitted, adequate space shall be provided for the storage of boat trailers as part of any parking plan. Launching shall be limited to the number of parking spaces available to the general public for the parking of vehicles and boat carriers at such location.
Storage buildings and marina work areas.	Two spaces, plus one space for every two employees in the largest working shift; plus one space for every 1,500 square feet of storage or work floor space. If there is no concurrent dock or berthing space (with parking as provided above roughly equivalent to the number of boats stored, then the excess boat space shall provide parking at the rate of one space for each 300 square feet of storage space. Ship's store retailing and office use areas parking shall be tabulated according to the requirements for such uses shown elsewhere in this section.

- D. Off-street Parking Space Layout Standards, construction and maintenance. Wherever the off-street parking requirements in [section 5.39.B](#) require the construction of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:
1. No parking lot shall be constructed unless and until a permit for such parking lot is issued by the building department. Applications for a permit shall be submitted as per the requirements of article VII of this chapter.
  2. Plans for the layout of an off-street parking lot shall have dimensions consistent with the following standards:
    - a. Ninety-degree pattern. Parking spaces and maneuvering lanes shall be provided based on one of the following alternatives:

TABLE 5.39.D.2.a			
SPACE AND MANEUVERING ALTERNATIVES			
SPACE WIDTH	SPACE LENGTH	MANEUVERING WIDTH	TWO TIERS OF PARKING AND ONE MANEUVERING LANE
9.0	20	24	64
9.5	20	22	62
10	20	20	60

- b. Sixty-degree pattern. Fifty-eight feet for two tiers of spaces, and one aisle/maneuvering lane, with minimum 20 feet of aisle width.
  - c. Forty-five-degree pattern. Fifty-six feet with two tiers of parking spaces, plus one aisle/maneuvering lane of at least 20 feet in width.
  - d. Other drives or maneuvering lanes. All other drives or maneuvering lanes not indicated above shall have a minimum width of 24 feet.
  - e. Vehicle with trailers. Parking spaces to accommodate vehicles with trailers (boats and recreational vehicles) shall be at least 10 feet by 40 feet.
  - f. Parking lot stalls. All parking lot stalls shall be striped and maintained.
3. Handicapped spaces shall be furnished as required by state law.
  4. Parallel parking shall not be permitted.
  5. All parking spaces shall be provided with adequate access by means of maneuvering lanes. Spaces shall not be designed to permit backing directly onto a street.
  6. The entire parking area, including parking spaces, maneuvering lanes and drives required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications of the township engineering design standards in chapter 30. Unless a waiver is granted by the board of zoning appeals for a specified period of time, the parking area shall be surfaced prior to the issuance of the certificate of occupancy for the building which it serves, or cash deposit or irrevocable letter of credit acceptable to the township in an amount equal to 110% of the estimated cost of the improvement. Any improvements for which a letter of credit or cash deposit has been posted shall be installed by the end of the construction season following the posting.
  7. Off-street parking areas shall be drained to dispose of all surface water accumulated in the parking area in such a way as to prevent drainage of water onto adjacent property or toward buildings. Drainage plans shall meet the specifications of the township engineering design standards in chapter 30.

8. In any area where front-end parking abuts a curbed landscaped area at least two feet in width or a raised sidewalk having a minimum width of at least seven feet, the minimum parking stall depth of 20 feet (as otherwise specified in this section) may be decreased by up to two feet in depth in order to allow for a vehicle to overhang such landscaped area or such sidewalk. In no case shall the parking stall depth be decreased to allow a vehicle to overhang a required parking setback or property line.
9. Ingress and egress to a parking lot for nonresidential purposes shall not be provided across land zoned for one-family or two-family residential purposes. All such entrances and exits shall also be located at least 25 feet from any property zoned for one-family residential use.
10. Parking lot lighting shall meet the requirements of [section 5.37](#).
11. The surface of the parking lot area shall be maintained and kept free from weeds, rubbish, refuse and debris.
12. All parking serving other than one- or two-family dwellings shall be side-by-side. Tandem parking shall be prohibited, except where a multiple-family unit has its own separate two-car garage, their separate approach apron can be used for visitor parking. Tandem parking to a depth of three cars may be permitted in vehicle storage and inventory areas provided such areas are under the control of employees and are not accessible by the general public. Any parking or vehicle circulation areas accessible to the public shall meet the size standards specified in this section.
13. Except as otherwise provided in this article, required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Off-street parking shall not be used for other than parking purposes or allowed to become unusable, except for temporary repairs. The storage of vehicles or merchandise in any off-street parking space is prohibited, except as permitted in conjunction with the approved principal or accessory use. No repairs or service to vehicles and no display of vehicles for the purpose of sale shall be permitted upon any off-street parking area, except as permitted in conjunction with the approved principal or accessory use.
14. The planning commission may require an access easement to provide for vehicular access to existing or contemplated adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic. In such instances, a reciprocal use agreement shall be signed by each owner.
15. Adequate ingress and egress to the parking lot by means of clearly limited and defined paved drives shall be provided for all vehicles. All parking areas shall be provided with an entrance and exit from the abutting public thoroughfare. Such entrance and exit may be combined as one, which shall be 30 feet in width. The number of driveways permitted for each site shall be determined by the planning commission as part of site plan review. In making this determination, consideration shall be given to the following factors: the location of driveways on adjacent sites and across the street, turning movements and traffic volumes. The location of each such entrance and exit shall be submitted for approval of the county road commission or the state department of transportation, as the case may be, and the township. Tapers and bypass lanes shall be required, as determined by the planning commission.

## Section 5.39.D.16 - 5.39.D.23.a

16. Reinforced concrete curbs, meeting the construction standards of the township engineering design standards regulations in chapter 30, shall be required. The use of bumper blocks is discouraged, except in such circumstances as determined by the planning commission where the site characteristics warrant their use.
17. Whenever a parking lot abuts a residential lot, a side yard setback of 10 feet shall be provided between the parking lot and the adjoining residential property line. This requirement may be modified where carports with walls or full skirting are approved by the planning commission to be located on the side or rear property line to serve as required screening. The parking lot setback from the road shall not be less than the required setback for the residential dwellings located on the same block as the parking lot. The front yard setback between the road and the parking lot shall be landscaped.
18. All parking lots abutting residential lots shall be screened as per the requirements of [section 5.34](#).
19. It shall be unlawful for any person to leave, park or store any motor vehicle or to permit any motor vehicle to be left, parked or stored in a parking lot as permitted in this subsection for a period of longer than 18 hours. It shall be unlawful to park or permit to be parked any motor vehicle in such parking area between the hours of 12:00 midnight and 6:00 a.m., unless the business maintaining such parking area remains open after midnight, in which case such lot shall be closed and all parked cars removed within 30 minutes after such business has closed. The parking of vehicles accessory to the principal use of the site is exempt from this provision.
20. No charge for parking shall be made in an off-street parking area provided under this subsection.
21. The use of any outdoor loud noise-producing device or public address system shall be prohibited.
22. Curbed and landscaped islands shall be placed at the ends of parking space groupings to separate parking spaces from maneuvering aisles and provide for safe traffic flow.
23. Bollards and similar devices used to protect structures, gathering areas, and similar places. Whenever bollards, decorative fences, and similar devices are proposed on a site, the following standards shall apply.
  - a. Height. When provided, bollards and similar devices shall be from 36 inches to 48 inches in height unless the approving body determines that a lower or higher standard is appropriate based on unique circumstances associated with the site or the land use.

- b. Appearance. Bollards and similar devices shall be decorative and in keeping with the overall design characteristics of the site. Exterior finishes such as aluminum, stainless steel, decorative weathered steel (e. g. Corten), and similar materials are required due to their ability to withstand harsh exterior environments. Other durable finishes may be permitted by the approving body if they are manufactured with a durable and decorative exterior that is consistent with the spirit and intent of these regulations. Additionally, bollards shall be finished in natural, earthtone colors such as silver, black, and subdued shades red, gray, brown, green and blue. One or two reflective bands, up to a total of four inches wide, may be added at or near the top of each bollard for safety purposes. The reflective color and color used for illuminated bollards shall be white or silver/gray. The use of yellow or orange bollards may be permitted in a rear or interior side yard when the approving body finds that certain areas warrant additional attention or awareness, and the more colorful bollards will aide in the protection of these areas from damage or encroachment by vehicles.
- c. Placement. When provided, bollards and similar devices shall be placed at least two feet from the face of curb or edge of traveled way within a parking lot or internal circulation drive, whichever is greater. If placed adjacent to the front or rear of parked or standing vehicles, there shall be a separation distance of three feet from the face of curb or wheel stop to the bollard or similar device or any wall. This separation between a bollard and a wall or similar barrier shall at least three and one-half feet, and the approving body may require more separation for barrier -free access, high pedestrian traffic area or emergency access.
- E. Parking Structure Development Requirements. The provision of parking within structures or buildings shall serve to increase the value and convenience of related development and to enhance, rather than detract from, the appearance of the overall development. The provision of such facilities shall not negatively impact the safety and security of the public. All parking structures shall observe the layout, construction and maintenance requirements of [section 5.39.D](#), plus the following additional standards:
1. Parking structures shall be physically integrated into the overall design and functioning of the site. The exterior treatment of the parking structure element of a building complex shall be substantially the same in appearance to that of the main building element, and shall further be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties.
  2. The development of parking structures shall be in accordance with safety and security requirements established by the township.

- F. Off-Street Loading and Unloading. The number, size and location of off-street loading and unloading area shall be provided whenever the planning commission determines that the nature or use of the building is such that loading areas would be necessary.
  1. All loading or unloading areas shall provide a minimum height clearance of 14 feet.
  2. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot maneuvering lane or aisle. When required, loading and unloading areas shall be designated and defined.
  3. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking. No portion of any off-street parking area shall be used to satisfy the area requirements for loading and unloading facilities, except as specifically authorized by this article.
  4. Unless otherwise specified, loading and unloading areas shall be provided only in rear yards. Side yard loading may be permitted by the planning commission if such space and loading facilities do not interfere with parking and circulation, either vehicular or pedestrian, or with abutting uses.
  5. All loading and unloading areas shall be surfaced, drained and otherwise developed in accordance with the provisions applicable to off-street parking areas as enumerated in [section 5.39.D](#).
- G. In the C-4 District, parking and loading shall be permitted to occupy a portion of the required front yard provided that there shall remain a minimum landscaped setback measured from the centerline of each road right-of-way in accordance with the township’s master plan, as follows:

TABLE 5.39.G	
DISTANCE REQUIREMENTS FROM CENTERLINE	
ROAD	DISTANCE FROM CENTERLINE (ft)
Regional (204 ft ROW)	122
Regional (150 ft ROW)	95
Major	80
Secondary	80
Collector	63
Local	50
Cul-de-sac	80
Freeway	60*
Private	60**

\* Freeways shall be measured from the established right-of-way lines.

\*\* In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot.

## Section 5.39.H - 5.39.H.1.e

H. Drive-through, Drive-up and Walk-up Stacking and Circulation Standards. When drive-through or drive up service facilities are permitted, the following shall apply:

1. Drive-through and Drive-up Design and operation standards.
  - a. Drive-through / drive-up lanes shall have a minimum width of ten (10) feet.
  - b. Drive through / drive-up stacking spaces shall have a minimum length of nineteen (19) feet.
  - c. Drive-through /drive-up lanes shall be striped, marked, or otherwise distinctly delineated.
  - d. Drive-through / drive-up lanes shall be separated from internal circulation routes and lanes necessary for ingress to and/or egress from the property.

When the direction of traffic in an adjacent lane or aisle is opposite the direction of the drive-thru lane or when the adjacent aisle is used to access parking spaces, the required separation shall be provided using a landscaped island, sidewalk or any other similar barrier, as determined by the planning commission. In no case shall this barrier be less than five (5) feet wide. Any island that is within 100 feet of the front façade of the building shall be landscaped. A landscaped island shall be at least 50 feet in length.

- e. All vehicle stacking shall be accommodated and contained on site. Vehicle stacking is prohibited between a building and the front lot line, and no related service window shall face a front lot line. When calculating the number of vehicle stacking spaces on site to meet the standards in Section 5.39.H.2., no stacking space area shall extend into any portion of a front yard. In the case of corner lots, if any stacking area is visible from the street abutting the exterior side yard, it shall be buffered with an adjacent landscaped island containing a continuous hedgerow or similar natural vegetative screening that is maintained to be no less than two and a half (2.5) feet and no more than three (3) feet high.



Section 5.39.H.1.f

In this example, there are nine stacking spaces required because the window is fast food with ordering and pickup.

This section of island can be concrete because it's in a rear yard.

Landscaped island required to separate drive-through lane from aisle that provides access to parking spaces. Landscaping of the island is required when 1) it is located within 100 feet of front facade and 2) it is in an exterior side yard.



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- f. Drive-through and drive-up facilities that exceed eight (8) stacking spaces in length shall provide one of the following: 1) one bypass lane to allow unobstructed travel for vehicles to pass those waiting to be served or 2) at least one bailout location approximately midway along the stacking area that connects to a parking aisle or internal road. If a bypass lane is provided it shall be a minimum of eleven (11) feet in width, unless a wider dimension is required by the Fire Marshal.

In this example, there are four stacking spaces required because the window is pick-up only. All food must be pre-ordered online or by phone.

Landscaped island required to separate drive-thru lane from aisle that provides access to parking spaces. Landscaping of the island is required when it is located within 100 feet of front facade.



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- g. Drive-through and drive-up lanes shall have a minimum inside curb radius of fifteen (15) feet.
  - h. Drive-through and drive-up lanes shall not utilize any space which is necessary for adequate access to parking spaces to/from internal maneuvering lanes.
  - i. Drive-through and drive-up lighting, menu boards and speaker boxes shall be aimed away from residentially-zoned property and any lot that has residential or lodging uses so that light and sound from these devices is not discernable on these adjacent or nearby properties.
  - j. Drive-through and drive-up window lanes and stacking spaces shall be setback from all property lines a distance equivalent to the minimum setback required for parking lots as specified for each district. In no case shall the setback be less than ten (10) feet. The setback area shall be landscaped in a manner consistent with the applicable parking lot setback landscaping requirements.
  - k. In the event that the demand for a drive-through or drive-up window exceeds the designated stacking lane capacity, the facility shall make adjustments to operations reduce the stacking area so that it no longer exceeds capacity.
  - l. Enhanced pedestrian pavement markings and signage between the public sidewalks and the internal pedestrian circulation system are required to alert drivers to the presence of pedestrians within a site.
  - m. The standards Section 4.18 shall also be met for all drive-through and drive-up facilities, regardless of use.
2. Drive-through and Drive-up window Stacking (queuing) standards. Drive-through lanes shall have a minimum stacking space per lane in accordance with the standards below. Stacking spaces are inclusive of a vehicle being served.
- a. Drive-up window only (retail and restaurants). When a single window is used for pick-up of food or merchandise only, and no ordering taking place at any window, a minimum stacking area of four (4) total vehicles shall be required, inclusive of the vehicle at the drive-up window.
  - b. Fast food restaurant with drive-through service. Nine (9) total vehicles, with at least five (5) in advance of ordering board. Multiple lanes for ordering may be used to serve one window.
  - c. Fast food drive-through service only restaurant (seating for 10 or fewer people). Twelve (12) total vehicles, with at least eight (8) in advance of ordering board. Multiple lanes for ordering may be used to serve one pick up - window.
  - d. Coffee shop drive-through service. Fourteen (14) total vehicles, with at least ten (10) in advance of ordering board. Multiple lanes for ordering may be used to serve one window.
  - e. Pharmacy pick-up service window. Four (4) total vehicles.
  - f. Financial institution pick-up service window. Three (3) total vehicles.
  - g. Coin-operated, enclosed self-service or other manual vehicle wash. Four (4) vehicles and two (2) vehicles beyond the wash area for drying.
  - h. Tunnel car wash. Twenty (20) vehicles prior to the tunnel (may be in multiple lanes) and two (2) vehicles beyond tunnel.

- i. All car wash uses shall be designed and operated to prevent undue amounts of water from collecting on a public street and creating a traffic hazard.
- j. Other uses not described above: based on determination by Planning Commission.
- 3. Walk-up window and operation standards.
  - a. Walk-up windows may be permitted as an accessory use for any use that otherwise permits a drive-through or drive-up window.
  - b. A walk-up window for ordering and/or pickup of small merchandise, food, beverage and similar operations may be permitted may be located on any building façade subject to the standards in this ordinance. If located on a street-facing façade or façade facing a residential district, the use of internally illuminated and /or electronic ordering boards and similar devices visible from any property line shall be prohibited.
  - c. A walk-up window shall have a designated area for pedestrians to stack (queue) that does not impede the flow of pedestrian traffic on the site.
  - d. The uses of speakers or other amplified sound at a window shall not be discernable at any property line.
  - e. In the event that the demand for a walk-up window exceeds the designated stacking area capacity, the facility shall make adjustments to operations reduce the stacking area so that it no longer exceeds capacity.
  - f. The consumption of food obtained from a walk-up window shall be permitted only in designated indoor or outdoor dining areas that have an approved site plan.
  - g. Walk-up windows may be approved by the Planning and Zoning Administrator or his/her designee when proposed as an improvement to an existing building.

## 5.40 Accessory Structures

- A. In Agricultural and Residential Districts:
  - 1. Accessory structures, except as otherwise permitted in this chapter, shall be subject to the following regulations:
    - a. Where the accessory structure is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to the main building, except as specifically cited herein.
    - b. Accessory structures shall be consistent with the character and materials of the principal structure.
    - c. Pole barns shall only be permitted on residential parcels of one acre or more.
  - 2. Location Requirements.
    - a. Detached accessory structures shall not 5.4be located in any required yard except for the rear yard, unless specifically cited herein.

Section 5.40.A.2.b - 5.40.A.4

- b. A detached accessory structure shall not be located closer than six feet to any main building.
  - c. Accessory structures on parcels up to one acre shall not be located closer than three feet to any side lot line, or seven feet to any rear lot line.
  - d. On parcels over one acre, all accessory structures shall be a minimum of 10 feet from any side or rear lot line.
  - e. Accessory structures greater than 16 feet in height shall be a minimum of 20 feet from any side or rear lot line.
  - f. In no instance shall an accessory structure be located within a utility easement or any dedicated easement right-of-way.
3. Accessory structures on corner lots shall maintain the specified front setback from both streets, as required for main buildings in the same zoning district.
  4. In AG, R1-A, R1-B, and R1-C Districts, the following regulations shall apply:

TABLE 5.40.A.4			
ACCESSORY BUILDING REGULATIONS PER PARCEL			
PARCEL SIZE	NUMBER OF STRUCTURES PERMITTED	TOTAL ALLOWABLE AREA OF ACCESSORY STRUCTURES	MAX HEIGHT OF DETACHED ACCESSORY BUILDINGS
20,000 square feet or less	1 garage	920 square feet maximum	Same as principal structure
	1 accessory building	200 square feet (other than garage)	14 ft.
20,001 square feet to 1 acre	1 attached garage	920 square feet	Same as principal structure
	1 accessory building	1,200 square feet	14 ft.
1.01 to 2.0 acres	1 attached garage	920 square feet	Same as principal structure
	2 accessory buildings	1,400 square feet	16 ft.

TABLE 5.40.A.4			
ACCESSORY BUILDING REGULATIONS PER PARCEL			
PARCEL SIZE	NUMBER OF STRUCTURES PERMITTED	TOTAL ALLOWABLE AREA OF ACCESSORY STRUCTURES	MAX HEIGHT OF DETACHED ACCESSORY BUILDINGS
2.01 to 3.0 acres	1 attached garage	920 square feet	Same as principal structure
	2 accessory buildings	1,800 square feet	16 ft.
3.01 to 4.99 acres	1 attached garage	920 square feet	Same as principal structure
	2 accessory buildings	2,400 square feet	16 ft.
5.00 acres and greater	1 attached garage	920 square feet	Same as principal structure
	2 accessory buildings	3,000 square feet	22 ft.

- a. Excess floor area for existing garages that exceed 920 square feet shall be included in the calculations used to determine maximum allowable size of accessory buildings.
- b. Existing accessory structures may limit future lot splits if the accessory structures exceed the maximum allowable area for accessory structures on the proposed lot. The Zoning Board of Appeals shall not grant variances for existing accessory buildings which exceed the maximum allowable area in order to facilitate a proposed lot split.
- c. Maximum height is measured as the vertical distance to the highest point of the roof for flat roofs; to the deckline of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the curb level if the building is not more than 10 feet from the front lot line or from the grade in all other cases.
- d. Second story floor area shall not count toward the allowable square footage of the structure.
- e. No more than the equivalent of three standard single-car garage doors or openings designed to facilitate the entry and exit of three vehicles simultaneously shall be facing a road frontage on the same plane. A standard single-car garage door shall be nine feet in width by eight feet in height.

## Section 5.40.A.5 - 5.40.B.1

5. No accessory building shall occupy a lot or parcel unless and until a principal building occupies the site. Should the principal structure be removed or rendered unusable for a period exceeding two years, the accessory structure shall be removed from the site. The accessory structure shall not be utilized during the period the principal structure is removed or unusable. A principal structure shall be determined unusable if a certificate of occupancy is not secured for the building.
  6. Vehicles and containers shall be prohibited for use as accessory buildings.
  7. Over-the-road truck trailers, shipping containers, other enclosed trailers, and similar vehicles and containers shall not be permitted to be used as accessory buildings/structures in any zoning district.
  8. Accessory buildings shall be incidental to the principal permitted use and shall not involve any business, profession, trade or occupation, unless specifically approved by the Planning Commission.
  9. Accessory buildings shall be compatible with the character and materials of the principal building. All exposed walls shall have a finished appearance by the application of face brick, decorative block, wood, aluminum, vinyl or composition siding, and shall have a proper foundation and/or rat wall as required by the Building Department.
  10. Accessory buildings with under 24 square feet of floor area and with a height no greater than 10 feet shall not be regulated by the Township. Any such structure shall meet the location requirements of subsection A.2 With respect to this section, accessory buildings for those premises abutting Anchor Bay and the Salt River south of Callen's Road shall not be located in the front yard (waterfront).
  11. One accessory structure per parcel may be permitted one overhang, awning, lean-to, or similar structure, in the same character as the attached structure, which does not extend beyond 12 feet from the attached-to structure, nor exceed 25% of the allowable floor area of the attached-to structure.
  12. Each parcel may be permitted one gazebo or similar structure (as determined by the Building Official) not to exceed 200 square feet or 12 feet in height. This shall not count towards the total allowable area of accessory buildings.
  13. Accessory buildings in the mobile home park district shall be limited and regulated as provided in [section 3.8](#). Multiple-family residential accessory buildings are regulated as provided in [section 3.8](#)
- B. In Non-Single Family Residential Districts:
1. In multiple-family, commercial or industrial districts, and any other such district, accessory buildings shall only occupy any of the ground area which the principal building is permitted to cover. Accessory buildings, such as buildings for parking attendants, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in nonresidential districts, upon planning commission approval. All such buildings or structures shall be architecturally and aesthetically compatible with the principal building and be located and landscaped to reduce the visual impact from surrounding properties and from public streets.

2. When an accessory building is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the planning commission.
- C. In the O-1 District. Accessory buildings shall not be permitted. The accessory use within the building shall not have an outside entrance for customers (users) separate from the entrances that serve the principal use.

## 5.41 Central Air-Conditioning Unit and Permanent Standby Generators

- A. Permit required. An electrical and mechanical permit are required prior to the commencement of any construction or installation of a central air-conditioning unit or standby generator.
- B. Final inspection. As soon as the construction or installation of a standby generator or central air-conditioning unit has been completed, the permit holder or property owner, if authorized by contract, must obtain a final inspection by the Township to ensure compliance with all terms and conditions of this Code of Ordinances. The central air-conditioning unit or standby generator shall not be used prior to obtaining final inspection approval.\
- C. Location.
  1. The central air-conditioning unit and/or standby generator must be permanently located on a concrete slab or prefabricated equivalent.
  2. A central air-conditioning unit and/or standby generator must be located in the rear yard. A central air-conditioning unit and/or standby generator must be immediately adjacent to the principal residence.
  3. A central air-conditioner unit and/or standby generator may be permitted in the side yard if all of the following conditions are met:
    - a. If the Building Official determines that it is not possible or practical for the central air- conditioning unit and/or standby generator to be located in the rear yard, the Building Official may grant written approval that the air conditioner unit and/or standby generator may be located in the side yard; and
    - b. The air conditioner and/or standby generator installed maintains a minimum side yard setback requirement of five feet from the outer edge of the air conditioner and/or standby generator to the adjacent property line.
  4. Placement of a central air-conditioning unit and/or a standby generator in existing nonconforming side yards shall be prohibited.
  5. Central air-conditioning units and/or standby generators are prohibited in the front yard, unless the property is lakefront property.
- D. Enclosure; production of sounds; service doors; exhaust gases.
  1. The generating unit and muffler of a standby generator shall be enclosed within a sound-attenuated cabinet or enclosure, unless the unit itself is designed with sound-attenuated elements. The enclosure service doors on the cabinet must be locked to prevent access by unauthorized persons.
  2. Sound produced at full load by the central air-conditioning unit or standby generator shall not exceed 80 decibels measured at any property line and at a point 15 feet directly above the property line.

- 3. Any and all exhaust gases must be in compliance with all state emissions regulations.
- E. Fuels.
  - 1. Natural gas, propane, gasoline or diesel are the only fuels permitted for use in the standby generator.
  - 2. Connections made to a natural gas line of a residence must be in accordance with all applicable building codes.
  - 3. Fuel sources must meet all state and local requirements.
  - 4. Portable fuel sources are prohibited.
- F. Electrical regulations for standby generator.
  - 1. Only a generator with a fully automatic transfer switch (ATS) gear (double throw disconnect gear) may be installed.
  - 2. Transfer panels on the standby generator must be locked to prevent unauthorized access to the switch gear.
  - 3. Panels on the standby generator must be approved by a recognized certification agency, such as UL (Underwriter’s Laboratory) or CSA (Canadian Standards Association), and must comply with all applicable electrical codes adopted by the Township.
- G. Maintenance.
  - 1. Property owners are responsible for installing and maintaining the standby generator and central air-conditioner unit in accordance with all Township codes and ordinances.
  - 2. Automatic maintenance exercise testing for standby generators is limited to not more than 10 minutes per week, and may only occur on Monday through Friday, between the hours of 12:00 p.m. and 5:00 p.m.
- H. Use of standby generators. Generators, as set forth in this section, shall only be used in emergencies, where the normal power source to the residence has been disrupted. As soon as normal power has been restored, the operation or use of the standby generator must be ceased.

## 5.42 Fences, Walls, Hedges, and Protective Barriers

All fences of any nature, type or description located in the township shall conform to the following regulations:

- A. The erection, construction or alteration of any fence, wall, hedge or other type of protective barrier shall be approved by the building administrator as to conformance to the requirements of the zoning district in which such barriers are proposed, the requirements of this section, and the township fence ordinance.
- B. Fences in other than A-1 districts shall conform to the following requirements:
  - 1. No fences shall be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six feet or less than three feet in height above the mean grade.



## Section 5.42.B.2 - 5.42.C

2. Only decorative, non-obscuring split-rail fences, 24 inches to 42 inches high, shall be permitted in a front yard. Similar fences which are utilized and designed for the sole purpose of being an architectural/landscape feature may be reviewed and approved by the planning commission. All other fences shall not encroach into the front yard, except that portion of a lot abutting Anchor Bay and the Salt River, south of Callens Road. Only non-obscuring, decorative aluminum or wrought iron fences (not exceeding 48 inches in height) shall be permitted in a waterside front yard of Anchor Bay or the Salt River. Walls, hedges, chain link or obscuring fences shall not be permitted in the water side front yard of lots on Anchor Bay or the Salt River. No privacy fences shall be permitted outside of the building envelope on any waterfront or canal lot or parcel.
  3. All fences erected after the effective date of the ordinance from which this section is derived shall be constructed of materials customarily used for residential fences and be properly maintained at all times. Barbed wire, or any other sharp or pointed object of any kind, or electric current applied to such fences is prohibited.
  4. Street side yard fences, other than those permitted in subsection B.2 of this section, shall be set back a minimum of five feet from the side street right-of-way and may not intrude into the building front yard. No fence shall encroach into a clear vision corner triangle of 15 feet measured along the abutting road right-of-way and driveway to the site.
- C. Fences in other than one-family residential districts:
1. All fences erected in multiple-family, office, commercial, industrial and waterfront districts shall require approval by the planning commission as part of site plan review. Such fences shall not be located in the required front yard or enclose any required parking area.
  2. All fences hereafter erected shall be of a decorative enclosure type, constructed of either wrought iron or simulated wrought iron (pre-finished aluminum), or similarly decorative and durable materials as determined appropriate by the planning commission. Such fences shall be black, brown or other earthen color. Barbed wire, spikes, razor wire, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences, are prohibited.

## 5.43 Yards and Special Rules for Certain Locations

Any lot of record in Anchor Bay Gardens, Anchor Bay Harbor and Anchor Bay Shores which borders a canal or lake and extends from the canal or lake to a public or private street shall meet the following requirements with reference to setbacks:

- A. Buildings, to include accessory structures, shall be set back from a right-of-way line of a road and/or property line that is abutting a lake or river. The distance of the setback shall be a distance equal to the average of the first six like structures to the left and the first six like structures to the right of the proposed building. Setbacks for principal structures shall be determined by and referenced to the aforementioned, prescribed number of adjacent principal structures. Setbacks for accessory structures shall be determined by and referenced to the aforementioned, prescribed number of adjacent accessory structures. Where the existing number of structures to be referenced are less than that required, then the setback shall be calculated by the average of those like structures that are present.
- B. The side setbacks shall not be less than three feet on the left side and at least five feet on the right side as viewed from the road.
- C. In no event shall a permit be issued for a structure which exceeds 60% of the lot area.

## 5.44 Standards for Floodplains and Floodways

- A. All uses. No structure (temporary or permanent), (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use may be allowed as a special land use which, acting alone or in combination with existing or future uses, unduly affects the capacity of any floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition, all floodway special land uses shall be subject to the following standards.
- B. Fill.
  1. Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land shall be put and the final dimensions of the proposed fill and other materials.
  2. Such fill or other materials shall be protected against erosion by appropriate rip-rap, vegetative cover or bulkheading.
- C. Structures (temporary or permanent).
  1. Structures shall not be designed for human habitation, except as provided in article VIII.

## Section 5.44.C.2 - 5.44.D.

2. Structures shall have a low flood damage potential.
  3. The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
    - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of floodflow; and
    - b. So far as practicable, structures shall be placed approximately on the same floodflow lines as those of adjoining structures.
  4. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge opening, and other narrow sections of the stream or river; and
  5. Service facilities, such as electrical and heating equipment shall be constructed at or above the regulatory flood protection elevation for the particular area or be floodproofed.
- D. Storage of material and equipment.
1. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or tend to be injurious to human, animal or plant life is prohibited.
  2. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

### 5.45 Uses of a temporary nature.

For the purposes of this section, a temporary use shall be defined as any event taking place, which may or may not include the erection of a temporary structure, for the purposes of commencing activities that are customarily incidental to permitted uses in the underlying district, not to exceed 30 days in a single calendar year.

- A. The Building official may permit, upon proper application, temporary uses and/or structures, such as but not limited to, seasonal sales, tent sales, holiday sales, on-site events of a house of worship, school, or nonprofit group, and the like. The Building official in granting permits for temporary uses and/or structures shall do so under the following conditions:
1. An application form, available from the building department, shall be submitted along with the fee as established by resolution of the Township Board.
  2. A sketch plan shall be submitted, drawn to scale, which illustrates the location of the proposed temporary use on the applicant's property, including location and size of temporary and permanent structures proposed to be used as part of the temporary use.
  3. Seasonal outdoor sales may include up to one primary temporary tent plus one additional temporary tent or temporary storage container or trailer. Sales and storage shall be limited to the approved tent(s) and, when provided, storage container. No tent shall exceed 2,400 square feet in area nor shall it be greater than 20 feet in height.

4. If a seasonal outdoor sales use has a temporary storage container or trailer for the purpose of temporary storage of related merchandise, sales or a combination of storage and sales, the exterior design, appearance and color scheme of the container / trailer shall be in keeping with the general color scheme of the surrounding development or a neutral color. For example, a bright yellow or orange container / trailer located in a shopping center with a brick façade shall not be permitted. When both a container / trailer and tent are proposed, the container / trailer shall not be placed closer to public street than the tent.
5. If the property in question is not owned by the applicant, a letter signed by the owner shall be submitted giving the applicant authorization to use the property for the specific period of time requested in the temporary use permit application.
6. The application package shall clearly describe the nature of the temporary use and/or structure and the proposed time period to be covered by the permit, not to exceed 30 days.
7. The application shall indicate that the temporary use will be removed immediately upon expiration of the temporary use permit.
8. The application shall clearly demonstrate no potential adverse impact on adjoining properties or residences from the proposed temporary minor structure or use.
9. The application shall clearly demonstrate that impacts such as noise and traffic will not be any more significant than what is ordinarily acceptable in the underlying zoning district.
10. Parking for a temporary use shall be on an improved paved surface.
11. Each temporary use may have up to one temporary sign attached to a tent or other structure on the site. The sign area shall not exceed 64 square feet. For corner lots, one additional sign of up to 64 square feet may be permitted. In addition, signs required by law designating fire routes, tent entrances and exits shall be permitted. Also, temporary signs up to 3 square feet in area and not greater than 42 inches in height may be permitted at driveways serving the site and up to 4 additional internal temporary signs of the same size and height as the driveway signs may be placed at locations within the site if necessary for wayfinding and / or traffic safety. No balloons, festoons, inflatables or other similar devices designed to attract attention to the site or use shall be permitted.
12. A temporary use permit shall be issued by the Building Official if the above conditions are satisfied and recommendations for approval have been received from the Planning, Building, and Public Safety Departments.
  - B. If the Building Official determines that the above conditions have not been satisfied; that traffic expected for the use/structure is in excess of that anticipated in the district; that there may be negative impacts on adjacent properties or receives a recommendation of denial from the Planning, Public Safety or other Township Department, he may refer the application to the Planning Commission for their review, approval, approval with conditions or denial.
  - C. Commercial sidewalk sales may be permitted as referenced in [Section 4.34\(b\)](#).
  - D. This ordinance does not exempt temporary uses from the provisions of Article III Section 18-137, Vending Activities, and License Requirements.

# Chapter 76 | Article 6

## Development Procedures



# Article 6 - Development Procedures

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1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

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## 6.1 Site Plan Review

- A. Intent. Site plan review provides the township with an opportunity to review the proposed use of a site in relation to all applicable provisions of this chapter and township planning. Site plan review also provides the township with an opportunity to review the relationship of the plan to surrounding uses, accessibility, pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare.
- B. Planning Standards. In reviewing all applications for site plan approval, the planning commission shall consider the plan in relation to the following standards:
  - 1. Vehicular access and circulation. The location and design of driveways providing vehicular access to the site shall be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal circulation. The planning commission shall require public streets adjacent or through a proposed development, when it is necessary for the public health, safety and welfare, and/or provide continuity to the public road system. In those instances where the planning commission determines that there are an excessive number of curb-cuts in relation to abutting public roads, thereby diminishing the capacity of the road or creating excessive points of conflict, a reduction in the number of driveways shall be required.
  - 2. Relationship to surrounding property. All site development features shall be arranged to minimize the potential for negatively impacting surrounding property. The planning commission shall review the plan for negative conditions such as, but not limited to:
    - a. Channeling excessive traffic onto local residential streets.
    - b. The lack of adequate screening of parking or service areas.
    - c. The impediments to the access of emergency vehicles.
  - 3. Relationship to natural features. All buildings, driveways, parking lots and site improvements shall be designed to be compatible with the physical characteristics of the site, including, but not limited to, woodlands, wetlands, slopes, floodplains and soil suitability. The proposed development shall not needlessly have an adverse impact on the natural environment of the site or the surrounding area.
  - 4. Infrastructure. The planning commission shall consider the township engineer's evaluation of the adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers and stormwater retention.

- C. Submission Requirements. A site plan shall be submitted for review and approval by the planning commission whenever one or more of the following conditions apply:
  - 1. Whenever a building permit is required for the erection or structural alteration of a building (other than one-family homes, one two-family structure, farm buildings or accessory structures to these uses).
  - 2. For the construction, use or establishment of a new or additional parking or storage area that is not to the standards of this chapter and the township engineering design standards regulations in chapter 30.
  - 3. For all special land uses.
  - 4. For any substantial change in use or class of use when referred by the building administrator.
  - 5. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities.
  - 6. The planning commission may delegate authority to the building administrator, township engineer and township planner to waive, upon unanimous consent, the site plan submission requirement when the proposed building or site change is obviously minimal.
  - 7. The Township Supervisor may delegate authority to a committee comprised of at least three of the following department representatives, depending on the nature of the project: the Supervisor’s Office, Building Department, Engineering Department, Planning Department, DPW, Fire Department and Planning Commission Chairperson. The Planning Commission Chairperson shall be a mandatory member of the committee. The committee may waive the site plan submission requirements and approve a proposal when the proposed building or site change is minimal. A majority shall be required to receive administrative approval.
  - 8. A site plan shall include the entire site under the control or ownership of the applicant, all areas proposed for improvement and all unplanned areas. All site plans shall include the following information:
    - a. General site data.
      - I. The site plan shall be prepared by and carry the seal and signature of the registered architect, landscape architect, community planner, land surveyor or professional engineer who prepared the site plan, and shall consist of one or more sheets necessary to adequately provide the required data.
      - II. The dimensions of all improvements and yards shall be labeled in a manner that clearly indicates the plan’s compliance with this chapter’s standards and requirements.
      - III. Northpoint and scale should customarily be provided at one inch equals 20 feet or one inch equals 30 feet. For large-scale development, one inch equals 50 feet or one inch equals 100 feet may be acceptable, provided all important typical areas and this chapter’s requirements are thoroughly detailed in clearly recognizable form and presented at the customary scale.





## Section 6.1.C.8.a.IV - 6.1.C.8.d.II

- IV. Complete legal description.
  - V. Size of the site expressed in acres.
  - VI. Location map (four inches equals one mile) showing major roads, nearby cross-streets and property lines, where necessary.
  - VII. Zoning of site and all surrounding property. If the site has split zoning, show the line between the districts.
  - VIII. Proposed address, if available.
  - IX. Location of existing structures and improvements. Indicate if such structure or improvement is to be removed.
  - X. Location of proposed structures and improvements.
  - XI. Yards/setbacks and critical dimensions between buildings and other site improvements.
  - XII. Existing improvements (buildings, parking, driveways, sidewalks, signs, fences, walks, etc.), within 200 feet of all property lines.
  - XIII. Topography at two-foot contours (existing and proposed).
  - XIV. Benchmarks.
- b. Building plans.
    - I. All architectural building elevations (front, sides and rear).
    - II. Type of surface material and design of all exterior surfaces.
    - III. Dimensioned floor plans (principal and accessory buildings).
    - IV. Decks and/or patios (dimensions, location, height and materials).
    - V. All exterior appliances, such as cooling towers, dust collectors, condensers, evaporators, etc.
  - c. Access, parking and circulation.
    - I. Existing and proposed rights-of-way for all abutting roads.
    - II. Location and dimensions of all driveways and street approaches.
    - III. Indication of type of surface (paving).
    - IV. Parking spaces (location, number, dimensions, aisle dimensions and surface material).
    - V. Site circulation pattern. Direction of pedestrian and vehicular traffic flow if one-way or not obvious from the arrangement.
    - VI. Identification of all fire lanes.
    - VII. Sidewalks, interior walks and their connection.
    - VIII. Carport locations and details, including architectural elevations.
  - d. Environmental features.
    - I. a. Complete landscaping plan, including ground cover and the location, number, type and size of all proposed plantings.
    - II. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist, or where such vegetation will be planted prior to occupancy. All such trees and shrubs shall be labeled as to size, type and whether existing or proposed.

- III. Whenever a tree or group of trees of three-inch caliper or greater is to be removed as part of the planned improvements, its or their location shall be shown on the site plan in dotted outline and noted “to be removed.”
- IV. Greenbelts, walls and/or berm details. Provide at least one cross-section for each type used.
- V. Site irrigation (sprinklers). All areas to be irrigated shall be indicated.
- VI. Treatment of all undeveloped areas (such as seeded, sodded, plantings, maintenance or other).
- VII. Trash receptacles and method of screening.
- VIII. Site lighting details (location, height, type, intensity and shielding).
- IX. Freestanding sign location. Dimension setback from the centerline of the road or highway. Simultaneous sign approval shall be accompanied by a separate application for a sign permit meeting the requirements of Chapter 52.
- e. Other Information.
  - I. Location of all site utilities.
  - II. Site drainage characteristics and improvements.
  - III. Park or recreation areas (show boundary and size in square feet).
  - IV. Fences (location and details).
  - V. Statistical data shall include the number of dwelling units; size of dwelling units (i.e., 1 bedroom, 2 bedrooms and 3 bedrooms), if any; and the total gross acreage involved. In the case of mobile home parks, the size and location of each mobile home site shall be shown.
  - VI. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions and other data of all such equipment and/or machinery shall be indicated.
  - VII. If phasing is proposed or intended, it shall be clearly shown on the site plan.
- f. Waiver. If the planning commission determines that certain requirements of this section are not necessary to the review and understanding of the site, the planning commission may waive the requirements. All waivers shall be recorded in the commission’s minutes, together with the unique circumstances and reasons for such waiver.
- D. Review Procedures.
  - 1. Submission. The proposed site plan shall be submitted to the planning and zoning administrator, or other designated representative, who shall check the submission data and transmit it to the following departments, agencies and consultants:
    - a. County department of transportation.
    - b. County public works commissioner.
    - c. County health department.
    - d. Fire department.

## Section 6.1.D.1.e - 6.1.D.6

- e. Building department.
  - f. Assessor's office (check legal description).
  - g. Township engineer.
  - h. Township planner.
  - i. Planning commissioners (one copy for each commissioner).
  - j. Planning commission file.
  - k. Appropriate school district (residential plans).
  - l. Selfridge Air National Guard Base.
2. Each department, agency or professional shall acknowledge the date of its receipt of the site plan for its inspection and comments. The township clerk shall next submit the site plan with the available written comments from the various agencies and departments to the planning commission for review at the meeting at which the site plan is placed on the agenda.
  3. Planning commission review. The site plan shall be reviewed by the planning commission with reference to the specific requirements of this article and other factors to be considered by the township in planning and establishing zoning districts as authorized under this chapter. The planning commission shall require, where appropriate, review and comment from the township planner, township engineer and township attorney. Approval of the site plan (as submitted, or with additions, corrections, or alterations) by the planning commission shall satisfy the requirements of this chapter for the issuance of a zoning compliance permit. It shall not, however, exempt the petitioner from compliance with other township ordinances.
  4. Approval period. A site plan approval shall be valid for 18 months from the date of approval. If physical improvement of the site is not in actual progress at the expiration of the approval and diligently pursued to completion, the approval shall be null and void unless renewed or extended by specific planning commission action. Any request for an extension shall be made in writing. If approval is not extended before expiration of the eighteen-month period, a new application and a new approval shall be required before a building permit may be issued.
  5. Performance bonds. The planning commission may require a cash deposit or irrevocable bank letter of credit acceptable to the township. This cash deposit or irrevocable bank letter of credit should cover the estimated cost of improvements associated with a project for which the site plan approval is sought and shall be deposited with the township clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project.
  6. Appeals. An applicant for a site plan approval may appeal the decision or absence of a decision of the planning commission to the township zoning board of appeals under [section 7.2](#).

## 6.2 Special Land Use

- A. In all cases, the power to grant special land use approval is vested in the planning commission. All applications for special land use approval shall first be forwarded by the clerk to the planning commission for review and processing. The application shall be submitted in the number of copies required and accompanied by the same number of site plans, all prepared and filed to meet the requirements of [section 6.1](#).

The planning commission shall review the application after proper notice has been given as required by state law and approve or deny the application. Approval may require conditions the commission may find necessary; disapproval of the application will be accompanied by reasons in writing. If a public hearing is to be held as provided by state law, then the planning commission, after proper notice, shall hear any person wishing to express an opinion on the application.

As provided in the planning commission bylaws, at its next regular meeting after the public hearing, the planning commission shall consider the application for special land use approval or disapproval in accordance with the provisions of this section.

The planning commission shall review each special land use and planned unit development application individually as to its applicability and must find affirmatively to each of the following standards of the proposed land use if it is to be approved. An applicant for a special land use (or PUD) shall outline in writing how a subject project complies with the standards outlined below.

- B. Standards.
  1. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
  2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district 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, with particular attention to minimizing pedestrian-vehicle conflicts.
  3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby uses permitted, whether by reason of dust, noise, fumes, vibration, smoke or lights.
  4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

## Section 6.2.B.5 - 6.2.B.9.b

5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the township.
6. The proposed use is necessary for the public convenience at the proposed location.
7. The proposed use is so designated, located, planned and to be operated that the public health, safety and welfare will be protected.
8. The proposed use shall not cause substantial injury to the value of other property in the vicinity in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
9. Applications within floodplain or floodway.
  - a. In reviewing special land use applications, the commission shall consider all relevant factors specified in other applicable sections of this article and the following:
    - I. The danger to life and property due to increased flood heights or velocities caused by encroachments.
    - II. The danger that materials may be swept on to other lands or downstream to the injury of others.
    - III. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
    - IV. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
    - V. The importance of the services provided by the proposed facility to the community.
    - VI. The requirements of the facility for a waterfront location.
    - VII. The availability of alternative locations not subject to flooding for the proposed use.
    - VIII. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
    - IX. The relationship of the proposed use to the master plan and floodplain management program for the area.
  - b. Approval. If the planning commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which shall be allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use(s) so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the township not later than 270 days thereafter, or such approval shall automatically be revoked. The planning commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding another 270 days as it shall determine to be necessary and appropriate.

- c. Denial. If the planning commission shall determine that the particular special land use(s) requested does not meet the standards of this section, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
  - d. Record. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.
  - e. Hearings. The planning commission shall investigate the circumstances of each such case and give notice of the time and place of any hearing, meeting or review which may be held relative thereto as required by state law and/or its rules or procedure.
  - f. Conditions. The planning commission may impose such conditions or limitations in granting approval as may be permitted by state law and this section which it deems necessary to fulfill the spirit and purpose of this section. The conditions may include 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 do all of the following:
    - I. Be designed to protect natural resources, the health, safety and welfare, as well as 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.
    - II. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this section for the land use or activity under consideration; and be necessary to insure compliance with those standards.
  - g. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The planning commission shall maintain a record of changes granted in conditions.
  - h. Once a special land use or planned unit development has been approved, no zoning board of appeals requests shall be permitted. Any changes in the development plans must be made in accordance with revision procedures contained herein.
- C. Appeals. Any person aggrieved by a decision of the township planning commission or township board concerning the disapproval or partial disapproval of a special land use or planned unit development may appeal the decision of said body to the zoning board of appeals. The zoning board of appeals shall review such decision de novo with reference to the standards for special land uses and/or planned unit developments established in this chapter. It is the intent of the township board to grant the zoning board of appeals the power of appellate review consistent with Act 110, Public Acts of 2006, as amended.

## 6.3 Site Condominium Subdivision

- A. Intent. The intent of these requirements is to ensure that all site condominium subdivisions are developed in compliance with accepted planning and engineering standards applicable to similar forms of development, as reflected in this chapter and requirements of the township. One-family detached condominiums may be allowed as a permitted use in any one-family zoning district, subject to site plan review by the planning commission. Commercial and industrial condominiums that result in condominium units that exceed the building envelopes shall also be regulated by this section.
- B. Submission requirements. All site condominium subdivision plans shall be submitted for review, as required by article VII of this chapter and section 66 of the Condominium Act. These plans include the following additional information:
  - 1. A boundary survey of the site condominium subdivision site.
  - 2. A plan delineating all natural and man-made features on the site, including, but not limited to, drains, ponds, lakes, streams, floodplains, wetlands and woodland areas.
  - 3. The location, size, shape, area and width of all condominium units and common areas and the location of all proposed streets.
  - 4. A copy of the master deed and a copy of all restrictive covenants to be applied to the project. Such deeds shall include an acceptable means of converting the project to a platted subdivision, under the provisions of Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), at some future date.
- C. Review procedures. Pursuant to authority conferred by section 141 of the Condominium Act, all site condominium subdivision plans shall require approval by the planning commission before units may be sold or site improvement initiated. The planning commission shall consult with the township attorney, planner and engineer regarding the adequacy of the submission as it relates to this chapter and requirements of the Condominium Act. The review process shall consist of the following two steps:
  - 1. Preliminary plan review. In the preliminary review phase, the planning commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans, with all applicable provisions of this chapter. Plans submitted for preliminary review shall include information specified in subsection B above.
  - 2. Final plan review. Upon receipt of preliminary plan approval, the applicant shall prepare the appropriate engineering plans and apply for final review by the planning commission. Final plans shall include information as required by subsection B of this section. Such plans and information shall be reviewed by the township attorney, engineer and planner. Such plans shall be submitted for review and comment to all applicable local, county and state agencies. Final approval shall not be granted until all applicable review agencies have had an opportunity to comment on such plans.

## Section 6.3.D - 6.3.G

- D. District requirements. The development of all site condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements of the zoning district within which the project is located. The density of development of the project shall be no greater and spacing no less than would be permitted if the property were a platted subdivision.
- E. Design standards. All development in a site condominium subdivision shall conform to the design and improvement standards of chapter 58, and/or section 58-153, pertaining to the assessor's plat; section 58-216, pertaining to minimum standards; chapter 30, pertaining to engineering design standards; section 76-71, pertaining to excavations or holes and article IV of chapter 34, pertaining to soil removal; article V of chapter 34, pertaining to landfills; and chapter 72, pertaining to waterways. All streets and roads shall be dedicated to the public, unless otherwise permitted by the planning commission as essential to the preservation of the overall character of the proposal. Street and road connections and/or stubs shall be required, where necessary, to provide continuity to the public road system. In any of these referenced sections, the term "plat" shall be substituted with the term "site condominium subdivision plan"; the term "tentative preliminary plat approval" shall be substituted with the term "preliminary plan review"; the term "final preliminary plat approval" shall be substituted with the term "final plan review"; and the term "proprietor" shall be deemed to refer to the applicant pursuant to this chapter. Any applications, fees, procedures for review or hearing, as set forth in this chapter and other provisions, shall be fully complied with, except as provided in this chapter.
- F. Utility easements. The site condominium subdivision plan shall include all necessary easements granted to appropriate authority for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including, but not limited to, the conveyance of sewage, water and stormwater runoff across, through and under the property, subject to such easement.
- G. Final acceptance. The township shall also require all the appropriate inspections. After construction of the site condominium subdivision, an as-built reproducible mylar of the completed site improvements (excluding dwelling units) shall be submitted to the township for review by the township engineer. A final certificate of occupancy and any construction bonds or letter of credit will not be released to the developer/owner until such as-built mylar has been reviewed and accepted by the township.



## 6.4 Residential Open Space Developments

- A. Intent. The intent of this section of the zoning ordinance is to provide a preferable alternative to conventional single-family development regulations. All residential open space developments shall promote the following objectives:
  - 1. Maintain the township’s remaining open space and rural setting;
  - 2. Preserve the township’s natural resources, including woodlands, wetlands topography, floodplains and similar natural assets;
  - 3. Preserve open space and productive agricultural land;
  - 4. Achieve a balance between open space and growth and agriculture;
  - 5. Encourage a creative approach to the development of parcels exhibiting unusual characteristics and/or land use relationships;
  - 6. Provide alternatives to conventional residential developments.
- B. Submission and preservation requirements.
  - 1. All natural assets and cultural/historic features on the site must be identified on the plan. Such assets shall include natural stands of trees, wetlands, floodplains, topography, bodies of water (i.e. streams, rivers), land which serves as a natural habitat for wildlife, or other natural assets which should be preserved. Regulated natural features such as, but not limited to, wetlands and floodplains must be identified through documentation from the appropriate federal, state and/or local authorities. Cultural and historic features may include farmhouses, stone fence lines and buildings of historic value. Residential open space developments shall preserve all of the above amenities to the extent feasible and desirable to the township.
  - 2. A detailed map of the parcel identifying soil conditions shall be provided. Soil borings may also be required by the planning commission.
  - 3. All open space developments, shall include an improved trail way system throughout the residential open space development and common open space areas.
- C. Density.
  - 1. The maximum number of units allowed shall be determined by the submission of a “yield plan”. The yield plan shall be provided by the developer and shall be a feasible development under the requirement standards of the specified zoning district with regard to lot width, lot area, width-to-depth ratios, setbacks, frontage, and other applicable provisions of such district. The yield plan shall meet all applicable requirements of the state Land Division Act and all applicable township ordinances. The yield plan shall also meet all requirements of the Charter Township of Chesterfield Land Division Regulations Ordinance and Zoning Ordinance, as applicable to the type of development.

2. The planning commission may require soil and ground water perk tests for lots of a suspect nature. They may also require test wells if adequate well water is questionable. If it is determined through these tests that the number of housing lots proposed is unfeasible, the site plan will be revised and resubmitted, minus the number of house lots that failed the perk and/or water test. Detailed engineering is not required at this stage.
  3. The planning commission shall award the applicant a development bonus with regard to the number of residential units permitted within an open space development. Such bonus shall be a 5% increase in the number of residential units permitted in the development. Where a resultant fraction occurs with the 5% calculation, an additional lot shall be granted.
- D. Open Space Requirements.
1. A minimum of 50% of the development shall be set aside for common open space, as defined below. The open space shall be irrevocably reserved for common open space as required in this section.
  2. The developer may, at his election, choose to deed such land to Chesterfield Township for public playgrounds, parks or recreation areas subject to township acceptance of such property. For the purposes of this section, the township shall only consider acceptance of a minimum of five acres of contiguous common open space. The failure of the township to accept such property shall not relieve the developer from the requirements of the open space requirements.
  3. Common open space shall be defined as follows: all areas within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve open land resources for the common use and enjoyment of the resident of the entire development for any of the following uses: recreation, forest land and/or open space conservation, prairies, and meadows. The common open space requirements shall not be met by land uses such as rights-of-way or easements designated for road or utility purposes, areas within lots, detention/retention ponds (and associated land surrounding the ponds) golf courses or other commercial recreational uses, or land area dedicated as limited commons.
  4. A minimum of 50% of all dwelling units within the development shall abut the dedicated common open space.
  5. Trail ways shall be located throughout the common open space and shall link the internal sidewalk/walking path system of the housing development with the open space areas. Such trail ways shall be a minimum of five feet in width and constructed of asphalt in upland areas and pressure treated wood plank decking (or similar durable material) in wetland areas.
  6. A minimum of one access point to the common open space, being a minimum of 50 feet in width, shall be provided for each 12 households. These access points shall link the common open space to the sidewalks and the remainder of the development.

### Section 6.4.D.7 - 6.4.I.3

7. All dwelling units shall have side, rear, or alley entry garages, or other configurations not opening directly to the street; except that the planning commission may approve dwelling units with garages that face the road if such garage is set back a minimum of five feet from the front plane of the living quarters of the dwelling.
  8. The development shall include a minimum of a two-hundred-ten-foot roadway setback-buffer measured from the road centerline along any regional, major, or secondary road with a right-of-way of 120 feet or less. For those roads with a right-of-way greater than 120 feet the roadway buffer shall be increased one-half foot for each one foot over 120 feet.
  9. A minimum buffer width of 30 feet shall be provided between any subdivision or condominium lot and streams, lakes, ponds or wetlands and similar man-made features such as detention/retention basins.
  10. Non-agricultural open fields shall be planted with native prairie grass or similar types of ground cover. In addition, 10 trees shall be planted for each one acre of open field. Deciduous trees shall be a minimum size of two-and-one-half caliper and evergreen trees shall be a minimum of six feet in height. Such trees shall be planted and maintained within the open field area and be native to Michigan.
- E. Utilities. All utilities shall be placed underground when feasible. The applicant shall provide adequate sanitary sewage treatment, water supply and storm water drainage systems to serve the development. Evidence shall be submitted indicating that all such systems have received preliminary approval from appropriate county or state authorities. The township shall have sole authority for final approval of any utility system. In the absence of a township utility system, all utilities to serve the site shall be constructed and maintained by the township, shall be required.
- F. Roads. Roadways shall conform to the Macomb County Department of Roads standards.
- G. Street trees. The entrance and roadways shall be landscaped and planted with street trees, to create an attractive vista. Such trees shall be planted no more than 30 feet on center and shall be located outside of the road right-of-way and utility easements. The trees shall meet the size and species requirements of this section.
- H. Pedestrian circulation. Sufficient right-of-way width shall be provided so that sidewalks may be installed on both sides of all streets. A five-foot-wide concrete sidewalk shall be located one foot from the property line (within the street right-of-way). This requirement may be waived by the planning commission when an acceptable and more imaginative solution to pedestrian circulation is proposed by the applicant.
- I. Setbacks. The following building setbacks shall be required:
1. All structures shall meet the setback requirements for the zoning district in which they are located.
  2. Rear yard setbacks may be reduced to 20 feet for lots with rear yards which abut common open space or alleys. All other lots shall meet the rear yard setback of the zoning district for the site.
  3. No lot, property line or building site shall be located within an exterior roadway setback-buffer.

- J. Fencing. The use of perimeter fencing around building sites is prohibited except as permitted herein. Rear yards and side yards may be enclosed with picket type, wrought iron, or other similar decorative fencing. Such fences shall not exceed 48 inches in height. In no case shall view obscuring fences, privacy fences, chain-link fences or other similar wire fences be permitted on a site. Fences are prohibited in the front yard or street-side (front) yard. Fence restrictions shall be included in the master deed or deed restrictions, as applicable.
- K. Dedication of common open space and/or development rights. The dedicated common open space shall be set aside in an irrevocable conveyance that is acceptable to the township attorney and approved by the township board, such as the following:
  - 1. A conservation easement as established by the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
  - 2. Master deed as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.
  - 3. The above conveyance shall indicate all proposed uses of the dedicated common open space, which shall also be shown on the approved open space community. The township attorney shall review the conveyance and assure the township that such lands shall remain as common open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurance for all common areas, facilities, projects and programs of the open space community, and shall include methods of payments and collection. The homeowner or condominium association shall be responsible for maintenance of all common open space areas. At the time the property is turned over to the association it shall be clean and free of debris.
- L. In no circumstance shall multiple-family residential development (attached units) of any type be permitted in a residential open space development.
- M. Unless otherwise provided for in this section, all other applicable zoning ordinance provisions shall apply.

## 6.5 Planned Unit Developments

- A. Intent. The planned unit development (PUD) concept is intended to provide a greater degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take advantage of the special characteristics of the land than would otherwise be possible through the strict enforcement of the ordinance. The specific objectives of this article are to:
  - 1. Encourage innovation in land use and variety in design, layout and type of structures constructed; while preserving the intent and integrity of the township master plan.
  - 2. Preserve significant natural resources.
  - 3. Achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
  - 4. Encourage the provision of useful open space.

## Section 6.5.B - 6.5.B.4

- B. General Requirements. The planned unit development (PUD) regulations that follow shall be applied to the initiation and regulation of all planned unit development projects. Where there are conflicts between the PUD regulations herein and general zoning, subdivision, or other regulations or requirements, these regulations shall apply for the PUD project. Where the township board shall find, in the particular case and upon recommendation of the planning commission, that provisions herein do not serve the public purpose to a degree at least equivalent to such general zoning, subdivision or other regulation or requirements the township may apply such standard requirements of the zoning ordinance, land division ordinance or other standard regulations.
1. Ownership and minimum site area. Any person or persons having a beneficial interest or right to obtain a beneficial interest in at least five acres of land may apply for development as a PUD under the procedures for, and in compliance with, the standards of this article.
  2. Access. The PUD must have direct access to a regional, major or secondary roads as defined in the township master plan. Local roads adjacent to the PUD shall not be used except for uses and traffic intensity compatible with the adjacent zoning.
  3. PUD uses.
    - a. All uses permitted on a site under the existing zoning districts for the site shall be permitted in the PUD project. All such uses shall be subject to site plan approval.
    - b. All special land uses which may be considered for a site under the existing zoning district may be considered in the PUD project. All special land uses shall only be approved as part of a PUD upon a finding that the use or uses are consistent with all applicable special land use requirements and standards of [section 6.2](#) of the Zoning Ordinance.
    - c. The PUD shall include residential densities consistent with or less than what could be obtained through a conventional development on the residentially zoned property. The applicant shall submit a plan meeting all Zoning Ordinance, Land Division Ordinance and other applicable ordinances to determine the permitted number of residential units within a PUD.
    - d. Non-residential uses shall not contain more floor area or impervious surfaces than what could be developed under conventional development standards. The applicant shall submit a plan meeting all zoning ordinances and other applicable ordinances to determine the permitted building size and impervious surface areas within a PUD.
    - e. The planning commission may accept a site land use plan which is consistent with the uses proposed in the township master plan. Such site land use plan will then govern the PUD development.
  4. Open space. At least 15% of the PUD shall be upland open space or upland parkland, exclusive of wetlands, rivers, lakes, ponds, floodplains retention/detention ponds or commercial recreation, such as, but not limited to golf courses. Such open space shall be arranged and located consistent with sound planning principles (i.e., central locations of parks for accessibility, use of open space and natural features as buffers).

## Section 6.5.B.5 - 6.5.B.9.b

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5. Compatibility. Architectural feature of all structures shall be designed to be compatibly integrated within the overall PUD. The plan shall demonstrate such common colors and architectural amenities.
6. Site plans. The site plan shall provide; for safe, efficient, convenient and harmonious grouping of structures, uses and facilities; for appropriate relation of space inside and outside buildings to intended uses and structural features; and for preservation of desirable natural or historic features and minimum disturbance of natural topography, in particular, streets, drives and parking and service areas shall provide safe and convenient access to dwelling units and general facilities and for service and emergency vehicles. Streets shall be laid out so as to discourage outside traffic to traverse the development of minor streets, nor occupy more land than is required to provide access as indicated nor create unnecessary fragmentation of the development into small blocks. In general, block size shall be related to the convenience and safety of occupants.
7. Suitability. The site shall be suitable for development in the manner proposed, without hazards to persons or property, on or off the tract, from probability of flooding, erosion or other dangers, annoyances, or inconvenience. Condition of soil, ground water level, drainage and topography shall all be appropriate to both kind and pattern of use intended.
8. Layout. If appropriate to the form of planned development, lands to be included in the PUD may be divided by streets, right-of-way or easements, waterways, or other separation; but shall be so located, dimensioned and arranged as to permit unified planning and development and to meet all requirements in connection therewith, as well as to provide necessary protection against adverse relationships between uses in the PUD and uses in surrounding areas.
9. Perimeter setbacks. Setbacks for buildings, parking areas, or pavement (other than the primary access drive connected to the perimeter road) from the perimeter of a site shall be the same as governed by the most restrictive zoning district in which the particular use is permitted as a matter of right or as a special land use. In cases where a use can not be clearly classified within a particular zoning district or where the setback is not clearly established; the planning commission shall determine the appropriate setback based on the compatibility of surrounding uses and the intensity of the use or uses proposed.
  - a. In no case shall any non-residential or multiple family building or use be located within 50 feet of the perimeter of a PUD development.
  - b. No building, parking area or pavement (other than the access drive) shall be located within 30 feet of an external road right-of-way.

10. Internal setbacks and building spacing requirements.
  - a. Required front yard open space. All minimum requirements pertaining to residential, commercial, marina, industrial or other uses shall be subject to the requirements of each classification use; except as may be specifically varied by the planning commission and township board, where applicable in granting and establishing a PUD.
  - b. Where setback criteria is not clearly provided within this subsection, the setbacks from the zoning district governing the subject use shall apply. In all cases, the planning commission may modify the required perimeter and interior setbacks upon a finding of one of the following.
    - I. Adequate buffering exists between uses.
    - II. Other open space offered on the site will serve the intent of the setback.
    - III. A mixed use has been provided and no setbacks are established.
    - IV. Layout, scale and architectural design are integrated into a compatible development scheme.
11. Bonus. The planning commission may grant a bonus upon a finding that the applicant is preserving the natural features of the site or creating an environmental asset on the site. The planning commission may award an applicant a development bonus with regard to the number of residential units permitted or the amount of square feet of non-residential building or impervious surface. Such bonus is not to exceed a 5% increase in the number of residential units and is not to exceed a 5% increase in the square foot allowance for non-residential structures or impervious areas.
12. Submission and review requirements.
  - a. Pre-application. Prior to filing an application for a planned unit development, a pre-application conference shall be held with the planning commission at which time consideration of basic site information and sketch plans will be discussed. Such pre-application conference shall be conducted as a public hearing. Following the pre-application conference with the planning commission, a planned unit development application shall be prepared and submitted by the applicant. If a master plan is required to accommodate the PUD based on this section, the applicant shall simultaneously submit application to amend the master plan. The application for a master plan amendment shall include all evidence necessary to substantiate the proposed revision to the master plan.

## Section 6.5.B.12.b

- b. Application. The applicant shall submit the required number of prints of the preliminary development plan to the planning commission. The preliminary development plan shall contain, in addition to the requirements of [section 6.1](#) the following:
  - I. A boundary survey by a registered civil engineer or land surveyor of the exact acreage being requested for development.
  - II. A topography map of the entire area at contour intervals of at least two feet. This map shall indicate all major stands of trees, bodies of water, and unbuildable areas due to soil conditions, wetlands and so forth.
  - III. A preliminary site plan for the entire parcel carried out in such detail as to indicate the functional uses being requested (residential, commercial, resort, golf, research, office, etc.); the densities and dwelling types being proposed; the traffic circulation plan; pedestrian circulation; and sites being reserved for parks, open space, public or semipublic land uses; type, location, height, bulk and capacity of structures; and automobile parking and loading.
  - IV. A written document detailing the community impact statement, suitability of the site, population densities, parking ratios, traffic generation, traffic impact analysis, and development schedule of buildings, units and uses supporting the proposed development.
  - V. The preliminary plans for public water, sanitary sewer and water facilities.
  - VI. A report identifying all property owners within the area of the proposed district and giving evidence of unified control of its entire area. The report shall state agreement of all present property owners and/or their successors in title:
    - i. To proceed with the proposed development according to the regulations in effect when the amendment creating the PUD district is passed, with all modifications as are set by the township board in such action;
    - ii. To provide bonds, dedications, guarantees, agreements, contracts and deed restrictions acceptable to the township board for completion of the approved plan; and for continuing operation and maintenance of such areas, facilities and services as are not to be provided, operated or maintained at general public expense; and such dedications, contributions or guarantees as are required for provisions of needed public facilities and services; and
    - iii. To bind further successors in title to any commitments made above.



## Section 6.5.C - 6.5.D

- C. Planning commission review. Establishment of a PUD shall be considered a zoning ordinance amendment creating a PUD District overlaying the existing zoning district. If, for any reason, the PUD development is not started, the underlying or original zoning district prevails. Once a PUD is started all land approved as part of the PUD shall be utilized only as approved in the PUD; applications for PUD amendments shall be submitted as for other amendments to the Zoning Ordinance, and the ordinance amendment procedures shall be followed, except that the public hearing requirements of this article shall apply. Material submitted with the application or on subsequent requests shall include all plans, maps, studies and reports that may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records.
1. Upon receipt of an application by the township, such request shall be referred to the planning commission for its review and recommendation. In its review, the planning commission shall find;
    - a. That all applicable provisions of this article and this section have been met. Insofar as any provision of this article shall be in conflict with the provisions of any other section of this article, the provisions of this article shall apply to the lands embraced within a PUD.
    - b. That adequate areas have been provided for all common areas, utilities, walkways, playgrounds, recreation areas, parking areas and other spaces.
    - c. There is, or shall be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and storm water drainage system are adequate.
    - d. The plan provides for an efficient, aesthetic and desirable use of the open areas, and the plan is in keeping with the physical character of the township and the area surrounding the development.
  2. Upon finding that the conditions outlined above have been satisfactorily met, the planning commission shall hold a public hearing to hear and consider documents relating to the PUD proposal and rezoning. Notice and procedures for public hearings for PUD's shall be required under state law.
- D. Following said public hearing, the planning commission shall, within a reasonable time, forward their report and recommendation to the township board.

## Section 6.5.E - 6.5.F.3.e

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- E. Planned unit development district rezoning. Upon receipt of the report and recommendation from the planning commission, the township board may approve said rezoning and the accompanying plan as a single unit.
1. If the township board shall determine to grant the application and approve the PUD zoning district with plan, it shall do so by adopting an ordinance amending the zoning ordinance and establishing the “P overlay” zoning district.
  2. If the application is denied, the township board shall specify, in writing, the reason for the denial.
  3. Once an area has been rezoned as a planned unit development and a plan has been approved by the township board, no development may take place in such area, nor may any use thereof be made, except in accordance with the plan approved or in accordance with a township board approved amendment thereto.
- F. Submission of site plans and engineering.
1. The phase plan shall indicate necessary utilities, roads, environmental features (including landscape common areas and streetscape amenities) and conceptual building and parking layouts. All PUD site improvements necessary to service the entire phase shall be developed prior to, or in conjunction with, any initial individual site development.
  2. A conceptual building and parking layout shall be provided for all PUD areas within the phase which are not ready for final site plan submission at this time.
  3. For those improvements to be constructed at this time, final site plans or plats may be submitted simultaneously with the phase plan. All such final plans shall include the following:
    - a. A detailed site plan, fully dimensioned, showing a fully scaled plan view of all buildings, all public road right-of-way and private streets, densities, parking areas, utilities, parks, playgrounds, and areas to be set aside for the use of the public or by residents within the development.
    - b. Floor plans and elevations typical of all buildings, except detached single family, shall be submitted.
    - c. Each plat or site plan submitted within the planned unit development shall, either individually or in combination with previously approved project as meet the standards of this section as to density and open space requirements. Open space shall be computed as a proportionate amount of the total open space requirement.
    - d. All open space/common areas for use by the public or the residents shall be designated on the plan and shall be irrevocably committed to such uses by dedication, restrictive covenants, or in some manner satisfactory to the township board.
    - e. The final site plan shall be in conformity with the preliminary original plan previously approved.

- f. Provisions satisfactory to the township board shall be made to provide for the financing of any improvements shown on the plan for open spaces and common area (if such open space and common areas are not to be improved prior to occupancy within the phase). The applicant shall provide for the maintenance of such improvements in a form satisfactory to the township board.
- g. The cost of installing all streets and the necessary utilities shall be assured by a bond or escrow or other means satisfactory to the township.
- h. Approval of the site plan shall be effective for a period of three years. Failure to start development in that period shall void the site plan and the planned unit development and the subject site shall revert to its underlying zoning district.
- i. Final site plan/subdivision/condominium or other final development plans, may be applied for simultaneously with the PUD application.
- j. PUD approval is subject to the provisions of [6.2.B Special Land Use Standards](#) and [6.2.C Appeals](#).

## 6.6 Multiuse Development Project Process and Requirements

- A. Processing requirements. The process for obtaining review and approval of a multiuse development project is as follows:
  - 1. Review conference. Prior to committing to any project development plan or site design, the developer and its professional consultants shall meet with the planning commission, township planner and township engineer and the other appropriate township departments to review the proposal. The applicant is expected to outline to the township the project in terms of land use and land parcelization, anticipated building arrangement and site design, and proposed construction timetable. The planning commission will review the information and consider the following:
    - a. Whether the proposal has the following characteristics and furthers the objectives of the multiuse district:
      - I. Has three or more significant revenue-producing uses (such as, but not limited to, retail, office, residential, hotel/motel, restaurant, entertainment/cultural/recreation) that are well-planned and mutually supporting.
      - II. Contains significant physical and functional integration of project components (and thus a relatively intensive use of land) including uninterrupted pedestrian connections.
      - III. Will be developed to produce a coherent project development plan which identifies the type and scale of uses, permitted densities, and related items.
      - IV. Possesses a catalytic use or arrangement that will drive the interrelationship of the multiuse mix.

## Section 6.6.A.1.b - 6.6.A.2.b.IV.iv

- b. The relationship of the proposal to the purposes listed in the intent of the district and other planning considerations for the area and the township as a whole, including specific plans, programs and policies of the township.
  - c. Adequacy of public and private services/infrastructure.
  - d. The impact of the proposal on neighboring properties.
  - e. The proposal's relationship of different uses on the site.
2. Project development plan review. A project development plan for the total acreage embraced by the proposal shall be submitted to the planning commission for its review and approval before any site plan may be submitted within the multi-use district or any development may be undertaken. This review shall occur in the following sequence:
    - a. An application shall be submitted by the applicant and shall be accompanied by statements, plans, evidence, material and documentation necessary to enable the planning commission to make the findings required by this section and [section 6.2](#). Applications shall be processed according to the procedural requirements of [section 6.2](#). All materials required to be submitted as part of each application shall be submitted in required number of copies for distribution to the planning commission and appropriate reviewing agencies.
    - b. The planning commission shall review the application materials and reviewing agencies' comments. In the process of review, the planning commission shall consider:
      - I. Specific development requirements set forth in this chapter.
      - II. The location and design of service roads or drives and driveways providing vehicular ingress to and egress from each building site, in relation to streets giving access to the site and in relation to pedestrian traffic.
      - III. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will ensure:
        - i. Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
        - ii. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent parcels and districts.
        - iii. Accessibility afforded to emergency vehicles.
      - IV. The arrangement of use areas on the site in relation to functional, efficient, and compatible arrangements within the site and also to adjacent uses.
        - i. The treatment of public space.
        - ii. The availability of sewer and water capacity and the capacity of other utilities.
        - iii. The impact on air quality.
        - iv. The potential noise from commercial and traffic sources.

## Section 6.6.A.2.b.V - 6.6.A.3.d

- V. The proposal's conformity with, and compatibility to, the character of the surrounding property and that it will not substantially interfere with the safety, light, air and convenience of the surrounding private and public property.
  - VI. Any other matters that are within the township departments' or the commission's jurisdiction.
3. Project development plan action.
- a. Upon review of the project development plan, the planning commission shall approve, approve with conditions, or deny. If the facts regarding the proposal being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this chapter will be met by the proposal, the planning commission shall deny, incorporating into a statement containing the conclusions relative to the request under consideration, the specific basis for the decision.
  - b. Upon approval of the project development plan, the development shall be pursued to be built substantially in accordance with the approved project development plan as reflected in subsequent individual site plans submitted for each lot, lease parcel or unit of the project. Subsequent amendments to an approved project development plan may be made at the discretion of the township. Amendments that significantly impact factors considered by the planning commission in approving the plan, such as changes to the circulation system, densities, and building arrangements, that are deemed substantial changes or deviations from the approved project development plan, shall require the resubmission of all information required in subsection (k)(2) of this section. The revised plan shall show by reference where changes are proposed and all supporting information to the township planning commission for approval of an amended plan.
  - c. Development of the site shall begin within two years following the approval of the project development plan and pursued diligently to completion. If development of the site has lapsed for a period exceeding one year, the owner/applicant or his successors shall be required to return to the township for reconsideration of the plan following the procedure outlined for original approval in this section.
  - d. Once a project development plan or site plan has been approved, no zoning board of appeals requests shall be permitted. Any changes in the development plans must be made in conformance with revision procedures contained in this [section 6.6.A.3](#)

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# Chapter 76 | Article 7

## Administrative & Enforcement



# Article 7 - Administrative & Enforcement

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## 7.1 Enforcement

The provisions of this chapter shall be administered and enforced by the township board through the building administrator or any other employees, inspectors and officials as the township board may delegate to enforce the provisions of this chapter.

## 7.2 Zoning Board of Appeals

- A. Creation and membership. There is hereby established a zoning board of appeals, which shall perform its duties and exercise its powers as provided by Act 110, Public Acts of 2006, as amended, in such a manner that the objectives of this chapter shall be observed, public safety, morals and general welfare assured, and substantial justice done. The zoning board of appeals shall consist of seven members as follows:
1. The first member shall be a member of the township planning commission.
  2. The second member shall be a member of the township board, appointed by the township board.
  3. The remaining members shall be selected and appointed by the township board from the electors of the township residing outside of incorporated cities and villages, which members shall be representative of the population distribution and of the various interests present in the township. An elected officer of the township shall not serve as chairman of the zoning board of appeals. Further, an employee or contractor of the township board may not serve as a member or an employee of the zoning board of appeals.
  4. The terms of each member shall be for three years, except that of the members first appointed, two shall serve for one year; the next appointed two shall serve for two years; and the remaining members for three years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
  5. The township board may appoint up to two alternate members for the same term as regular members of the zoning board of appeals. An alternate member may be called to sit as a regular member of the zoning board of appeals in the absence of a regular member if a regular member is absent from or unable to attend one or more consecutive meetings of the zoning board of appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the zoning board of appeals.

6. Members of the zoning board of appeals shall be removable by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute malfeasance in office.
  7. A township board of appeals shall not conduct business unless a majority of the members of the board are present.
  8. The members of the board of appeals shall be selected by the township board at a regular scheduled meeting. The board of appeals may elect one of its members as chairman, vice chairman and secretary.
- B. Jurisdiction. The board of appeals shall have the following powers and it shall be its duty:
1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the building administrator or planning commission in the administration or enforcement of this chapter.
  2. To grant variances from the provisions of this chapter as may be in harmony with its general purpose and intent so that the function of this chapter be observed, public safety and welfare secured, and substantial justice done, including the following:
    - a. Interpret the provisions of the chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on said map.
    - b. Permit the erection and use of a building or land for public utility purposes and make exceptions, therefore, to the height and bulk district requirements herein established which said board considers necessary for the public convenience or welfare.
    - c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
    - d. Permit such modification of the height and area regulations as may be necessary to secure and appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
    - e. Permit modification to setback, location, site or building requirements when sponsored by the planning commission for a specific proposal that benefits the township by providing better design or efficient use of the site or results in a more creative development. (All fees are to be paid by the applicant.)

## Section 7.2.B.2.f - 7.2.D.3

- f. Permit phasing of site plan improvements where the required improvement costs are relatively high in relation to the total cost of the development or addition. Planning commission recommendations shall be required, together with a bond in the amount of the deferred improvements.
  - g. Permit temporary buildings and uses in conformance with [section 5.26](#).
  - h. Permit a carnival, outdoor circus or migratory amusement enterprise in an area in the “C-2” and “C-3” or “M-1” district, provided that attached to the application for a permit shall be a letter of consent from the owner of the property to be used for such purpose; also an affidavit that such location is a minimum distance of 500 feet from any existing concentration of residential buildings and a distance of 50 feet from any street or road right-of-way. The use shall be for a period not to exceed three weeks.
- C. Meetings. Meetings of the zoning board of appeals shall be held at the call of the chairman and at such other times as such board may determine or specify in its rules of procedure. All hearings conducted by said board shall be open to the public. The zoning board of appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the township clerk, and shall be a public record. The concurring vote of a majority of the members of the zoning board of appeals shall be necessary to reverse any order, requirement, decision or determination of the building administrator or planning commission, or to decide in favor of an applicant any matter upon which they are required to pass under this chapter or to effect any variation in this chapter.
- D. Appeals. These procedures are instituted to hear and decide appeals from and review an order, requirement, decision or determination made by an administrative official or commission charged with the administration or enforcement of the township zoning ordinance. Procedures for the issuance of a variance are cited in [section 7.2.E](#).
1. An appeal shall be filed with the officer or commission from whom the appeal is taken and with the zoning board of appeals specifying the ground for the appeal. The applicant shall file with the zoning board of appeals, in writing or on forms furnished by the planning administrator or planning commission, giving notice of appeal and specifying the grounds thereof.
  2. The officer or commission from whom the appeal is taken shall forthwith transmit to the zoning board of appeals all papers constituting the record upon which the appeal is taken.
  3. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or commission from whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with him, that by reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order which may be granted by the board, or by the circuit court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

## Section 7.2.D.4 - 7.2.E.3

4. Such appeal may be taken by any person aggrieved by any officer, department, commission, board or agency of the township charged with the administration or enforcement of this chapter.
  5. The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premises, and, to that end, shall have all the power of the officer from whom the appeal was taken and may issue or direct issuance of a permit. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, the board shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this chapter shall be observed, public safety secured and substantial justice done. The decision of such zoning board of appeals shall be final. However, a person having an interest affected by the zoning ordinance may appeal to the circuit court in a manner consistent with the provisions of Act 110, Public Acts of 2006, as amended.
  6. The concurring vote of a majority of the members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or commission.
  7. All actions of the board shall be stated in the minutes or otherwise in writing.
- E. Variance review procedures.
1. Purpose of variance. These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the zoning ordinance through a variance, where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant or his predecessors in title, a literal enforcement of this chapter would result in practical difficulties or unnecessary hardship. As used in this chapter, a variance is authorized only for height, area and size of structure, or size of yards, open spaces and those listed in section 76-612. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in adjoining zoning districts. Variances shall also not be granted for any special land use or PUD once it has been approved by the planning commission.
  2. Application for variance approval. An application for the approval of a variance shall be made by an owner of an interest in the site to the township planning administrator, accompanied by the necessary fees and documents, as provided in this chapter.
  3. Site plan. The application shall be accompanied by any information to clearly demonstrate the necessity for the variance. The ZBA may table or deny the application due the absence of such information. The ZBA may require any reasonable information, documentation or plans which are necessary to make a determination on the requested variance.

## Section 7.2.E.4 - 7.2.E.7

4. Required documentation. The application shall be accompanied by documentation from the applicant explaining:
  - a. How the strict enforcement of the provisions of this chapter would cause practical difficulty and/or unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
  - b. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
  - c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
  - d. Why the requested variance will not confer special privileges that are denied other properties similarly situated in the same zoning district.
  - e. Why the requested variance will not be contrary to the spirit and intent of this chapter.
  - f. Subsections 7.2B.2.e,f. or h are being invoked.
5. Notification. The township planning administrator shall notify the owners of the property that is subject to the request and all owners of an interest in lots and all occupants of structures, within 300 feet of the subject lot upon which a variance is requested, of the time and place of the zoning board of appeals meeting at which such application will be considered, provided, however, such notice shall be given not less than 15 days before such meeting.
6. Approval; disapproval. The zoning board of appeals shall approve, with or without conditions, or disapprove the application and shall communicate its action to the applicant, the township board, the building administrator, and the township planning commission. The zoning board of appeals shall not approve an application for a variance unless it has been found positively that:
  - a. The strict enforcement of the zoning ordinance would cause a practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
  - b. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district.
  - c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
  - d. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
  - e. The requested variance will not be contrary to the spirit and intent of this chapter.
  - f. Subsections 7.2B.2.e,f. or h have been properly requested.
7. Issuance. The building administrator shall, upon receipt of the notice of approval and upon application by the applicant, collect all required fees and issue a building permit or such other approval permitting the variance, subject to all conditions imposed by such approval.

- F. Approvals.
  - 1. Building erection or alteration. No order of the zoning board of appeals permitting the erection or alteration of a building shall be valid for a period longer than six months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
  - 2. Building or land use. No order of the zoning board of appeals permitting a use of a building or land shall be valid for a period longer than six months, unless such use is established within such period; provided, however, that where such order shall continue in force and effect if a building permit for said erection or alteration is started and proceeds to completion in accordance with such permit.

### 7.3 Duties of Building Administrator

- A. Powers. The building administrator shall have the power to grant zoning compliance and occupancy permits and to make inspections of buildings or premises in order to carry out his duties in the enforcement of this chapter. It shall be unlawful for the building administrator to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this chapter. To achieve compliance with this adoption, the building administrator shall require that every application for a zoning compliance permit for excavation; construction, moving, alteration, or change in type of use or the type of occupancy be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following in sufficient detail to enable the building administrator to ascertain whether the proposed work or use is in conformance with this chapter:
  - 1. The actual shape, location and dimensions of the lot.
  - 2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
  - 3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
  - 4. The signature of the fee holder owner of the premises concerned.
  - 5. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
- B. Permit approval; disapproval. If the proposed excavation, construction, moving, alteration or use of land as set forth in the application are in conformity with the provisions of this chapter, the building administrator shall issue a zoning compliance permit. If any application for such permit is not approved, the building administrator shall state, in writing on the application, the cause for such disapproval. Issuance of a permit shall not be construed as waiving any provisions of this chapter.

## Section 7.3.C - 7.4.A.3

- C. Necessary facilities. Whenever an application for a building permit and/or zoning compliance permit indicates the necessity for construction of an on-site sewage disposal system and/or water well system on the premises, the building administrator shall not issue such permit unless the county health department has approved the site for the construction of such facilities.
- D. Exceptions denied. The building administrator is not permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in this chapter to any person making application to excavate, construct, remove, alter or use either buildings, structures or land within the township.
- E. Changes to this chapter. The building administrator shall not make changes to this chapter and shall not vary the terms of this chapter in carrying out his duties as building administrator.
- F. Violations of contracts. The building administrator shall not refuse to issue a permit when the conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may result upon the granting of such permit.

### 7.4 Nonconforming Lots, Uses and Structures

- A. Intent.
  - 1. Elaboration of nonconformities. Within the districts established by this chapter, or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the ordinance from which this chapter is derived is passed or is amended, but which would be prohibited, regulated or restricted under the terms of the ordinance from which this chapter is derived, or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival excepted as provided in this article. Any nonconforming use which cannot be proved conclusively to have been existing prior to the enactment or amendment of the ordinance from which this chapter is derived shall be declared an illegal use and shall be discontinued.
  - 2. Extension or enlargement prohibited. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.
  - 3. Change not required. To avoid undue hardship, nothing in this chapter shall require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of adoption or amendment of the ordinance from which this chapter is derived. Such construction or improvements shall be further regulated as specified in [section 1.2](#).

## Section 7.4.A.4 - 7.4.C.2

4. Nonconforming uses distinctions. Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the district involved. Since some nonconforming uses will not disappear, it is necessary and desirable in pursuit of the public interest to distinguish between nonconforming uses which should be eliminated as rapidly as possible and nonconforming uses which ought to be given separate treatment.
5. Two classes of nonconforming uses. There are established two classes of nonconforming uses:
  - a. Class A. Nonconforming uses that could be restored, reconstructed or have substituted nonconforming uses; and
  - b. Class B. Nonconforming uses that are not desirable and useful and will only be allowed to be continued until they are removed or voluntarily discontinued.
- B. Classification of nonconforming uses.
  1. All nonconforming uses shall be classified as class B nonconforming uses. The planning commission, township board, building department or any person with a property interest may submit an application for designation as a class A nonconforming use. The planning commission shall have the sole authority to designate a nonconforming use as a class A nonconforming use upon finding that:
    - a. Continuance of the nonconforming use would not be contrary to the public health, safety or welfare, or the spirit and intent of this chapter;
    - b. The use does not, and is not likely to, significantly depress the value of nearby properties;
    - c. The use was lawful at the time of its inception; and
    - d. No useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use does not conform.
- C. Procedure for obtaining class A designation.
  1. Written application. A written application shall be filed with the building department or the planning commission setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the planning commission to make a decision. The planning commission may require the furnishing of such additional information as it considers necessary. Upon receipt of an application for class A nonconforming status, the township shall:
    - a. Publish a notice of public hearing in the local newspaper;
    - b. Submit a notice of public hearing to owners of the property in question;
    - c. Send notices to persons with assessed property within 300 feet, and
    - d. Send notices to occupants within 300 feet.
  2. Published notice. The notice shall be published not less than five nor more than 15 days prior to the planning commission meeting at which the application will be considered.



## Section 7.4.C.3 - 7.4.D.6

3. Attached conditions. The planning commission may attach conditions, including any time limit where necessary, to ensure that the use and its buildings or structures do not become contrary to the public health, safety or welfare, or the spirit and purpose of its classification. Any class A designation shall be revoked, following the same procedure required for designation, upon a finding that, as a result of any change of conditions or circumstances as to the land or structure, the use no longer qualifies for class A designation.
- D. Regulations pertaining to class A nonconforming use.
1. Resumption. No class A nonconforming use of land shall be resumed if for any reason it has been discontinued for a continuous period of at least 12 months, or if it has been changed to another nonconforming or conforming use for any period.
  2. Use, alteration or enlargement. A class A use may be used, altered or enlarged, provided that it does not violate any condition imposed by the planning commission established at the time of its designation.
  3. Restoration. Nothing in this section shall prevent the restoration of a class A nonconforming use eliminated by fire, explosion, act of God, or act of the public enemy subsequent to the effective date of its class designation. Nothing shall prevent the continuance of the use as such use existed at the time of its impairment, provided that such use restoration is completed within 18 months from the time of destruction and that the same use is made of the premises. The building administrator may, for reasonable cause, grant one extension of time for an additional period not exceeding 90 days.
  4. Removal. Where a class A nonconforming use occupies a building and/or structure and land in combination, removal of such building and/or structure shall eliminate the nonconforming status of the land.
  5. Change. Any class A nonconforming use may be changed to another nonconforming use upon written findings of the zoning board of appeals that:
    - a. The proposed use is similar in operational characteristics as the former nonconforming use;
    - b. There is no increase in the intensity of the use of the land, building or structure involved;
    - c. Such change in use will have a less detrimental effect or negative impact on neighboring property than the existing nonconforming use it is replacing; and
    - d. The proposed use, although inappropriate to a uniform zoning pattern, is desirable and useful in pursuit of the public interest or is more appropriate to the zoning district than the existing nonconforming use.
  6. Conditions and safeguards. In permitting such a change in use, the zoning board of appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter, inclusive of upgrading the premises to comply as nearly as is practicable with requirements of this chapter.

## Section 7.4.E - 7.4.F.1.b

- E. Regulations pertaining to class B nonconforming uses. The purpose of this section is to establish restrictions designed to eliminate class B nonconforming uses as rapidly as is permitted by law without payment of compensation.
  1. No class B nonconforming use of a structure, or structure and premises in combination, that is discontinued or ceases to exist for one year or for 12 months during any three-year period or be otherwise sooner abandoned, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures and/or land established for seasonal uses shall be excepted from this provision.
  2. No class B nonconforming use shall be:
    - a. Resumed if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repairs exceeds 50% of the replacement cost of such structure.
    - b. Enlarged or extended, nor shall the structure it occupies be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50% of the replacement cost of such structure.
    - c. Changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.
    - d. Permitted to continue in existence if it was unlawful at the time of its inception.
    - e. Moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of adoption or subsequent amendment to the ordinance from which this chapter is derived.
  3. In the case of soil or gravel removal operations, existing holes or pits may be worked on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or pits shall be established, nor shall any water area be expanded.
- F. Nonconforming structures and buildings.
  1. Continuation of structure. Where a lawful structure or building exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, type of structure, or other restrictions of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
    - a. (No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
    - b. Should such structure or nonconforming portion of the structure be destroyed by any means to an extent of more than 50% of its replacement cost at a time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

## Section 7.4.F.1.c - 7.4.H.2

- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
          - d. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition any nonconforming building or structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
  2. Repairs and maintenance. Nothing in this chapter shall be deemed to prevent routine repairs and maintenance of a nonconforming building or structure so long as such repairs and maintenance do not add to its nonconformity.
- G. Nonconforming uses of structures and land. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that would not be allowed in the district under the terms of this chapter, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  1. No existing structure and/or use of land devoted to a class B use not permitted by this chapter in the district in which it is located shall be intensified, enlarged, extended, constructed, reconstructed, moved or altered, except in changing the use of the structure and/or land to a use permitted in the district in which it is located.
  2. Any nonconforming class A use may be extended throughout any parts of the building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of the ordinance from which this chapter is derived, but no such use shall be extended to occupy any land outside such building.
  3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded, in whole or in part, by a permitted use shall thereafter conform to all regulations for the district in which such structure is located, and the nonconforming use may not be resumed thereafter.
- H. Records of nonconforming uses.
  1. Preparation. After the adoption of the ordinance or any amendments to the ordinance from which this chapter is derived, the building administrator shall prepare a record of all known nonconforming uses, including uses of buildings and of land, existing at the time of the ordinance or amendment to the ordinance from which this chapter is derived.
  2. Content. Such record shall contain the names and addresses of the owners of record of such nonconforming uses and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Each owner and occupant shall be notified by certified mail, return-receipt requested, of the nonconforming character of the structures and uses of the structure. Such list shall be available during regular business hours in the office of the building administrator for examination and shall constitute permanent records of the township. Uses not observed at the time of the initial listing of nonconforming uses shall not be exempt from the regulations of this article.

## Section 7.4.I - 7.4.M

- I. Change of tenancy or ownership. There may be a change in tenancy, ownership or management of an existing nonconforming use, provided there is not change in the nature or character of such nonconforming use.
- J. Uses subject to special land use approval not deemed nonconforming uses. Any use for which a special land use approval is required in a specific zoning district as provided in this chapter shall not be deemed a nonconforming use, but shall be deemed a conforming use in such district.
- K. Nonconforming lots. Any lot which was of record at the time of the adoption of the ordinance from which this chapter is derived that does not meet the requirements of this chapter for lot width and depth and available space for yards, may be utilized, provided the width and area and available open space for yards is not less than 66 2/3% of that required by the terms of this chapter. Vacant lots having in the aggregate a continuous frontage of 100 feet or more shall not be subject to this exception if equal to one or more conforming lots for the district in which they are located. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.
- L. Acquisition of private property by township. The township may acquire, by purchase, condemnation or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the township. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The township board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act No. 149 of the Public Acts of Michigan of 1911 (MCL 213.21 et seq., MSA 8.11 et seq.), as amended, or other applicable statute.
- M. Appeals. Appeals from decisions made under this section may be taken by the zoning board of appeals, as provided by Act No. 637 of the Public Acts of Michigan of 1978 (MCL 125.271 et seq., MSA 5.2963(1) et seq.).

## 7.5 Permits

- A. Required. It shall be unlawful for any person to commence excavation for, or construction of, any building, fence or structure (except concrete work not requiring a foundation or ratwall), structural changes, repairs in any existing building or structure, or moving of an existing building without first obtaining a zoning compliance permit and a building permit from the building administrator.
  - 1. No permit shall be issued for construction, alteration or remodeling of any building, fence or structure until an application has been submitted in accordance with the provisions of this chapter, showing that the construction proposed is in compliance with the provisions of this chapter and the building code in article II of chapter 14.
  - 2. No plumbing, electrical, drainage or other permit shall be issued until the building administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this chapter.
  - 3. Alteration or repair of an existing building or structure shall not include any changes in structural members, stairways, basic construction type, kind of class occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the building code in article II of chapter 14, the state housing law or this chapter, except for minor repairs or changes not involving any of the provisions in this subsection A.3.
- B. New use of land. A zoning compliance permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.
- C. New use of buildings or structures. A zoning compliance permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
- D. Mobile homes as temporary use. The owner of any premises may move not more than one mobile home upon such premises and utilize the mobile home for residence purposes during the actual construction of a permanent dwelling on the premises, but not to exceed six months beginning with the issuance of a permit for the construction of the dwelling. Application may be made for one six-month extension. The township board shall require the owner to furnish a financial guarantee in a sum equal to the cost of removing such mobile home from the premises and completion of the permanent structure. Such financial guarantee may be in the form of a corporate surety bond, irrevocable bank letter of credit or cash.

## 7.6 Certificates of Occupancy

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

- A. Validity. The certificate of occupancy required for new construction of or renovations to existing building and structures in the building code in article II of chapter 14 shall also constitute certificates of occupancy as required by this chapter.
- B. Existing buildings. Certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure. Such certificate of temporary occupancy shall not remain in force more than 30 days, nor more than five days after the building or structure is fully completed and ready for occupancy. Such portions of the building or structure must be in conformity with the provisions of this chapter.
- C. Temporary. Certificates of temporary occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such certificate of temporary occupancy shall not remain in force more than 30 days (180 days for landscape and screening), nor more than five days after the building or structure is fully completed and ready for occupancy. Such portions of the building or structure must be in conformity with the provisions of this chapter. Prior to the issuance of a temporary permit, the township building administrator shall require that a cash deposit or irrevocable letter of credit be deposited with the township in the amount equal to the cost of completing the site improvements, plus 10%.
- D. Records. A record of all certificates of occupancy shall be kept in the office of the building administrator. Copies of such certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the involved property.
- E. Accessory buildings to dwellings. Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot, when such accessory buildings or structures are completed at the same time as the principal use.
- F. Application. Certificates of occupancy shall be applied for in writing to the building administrator coincidentally with application for building permits. The certificate of occupancy shall be issued within five days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five-day period.

## 7.7 Final Inspection

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

## 7.8 Planning Commission

- A. Performance of duties. The township planning commission, as established under Act No. 168 of the Public Acts of Michigan of 1959 (MCL 125.321 et seq., MSA 5.2963(101) et seq.), as amended, shall perform all of the duties of such commission in accordance with the law in such case made and provided, relating to amendments of the ordinance from which this chapter is derived, and such other duties as are established in this chapter.
- B. Surveys, plans. In cases where the planning commission is required to recommend or approve certain use of premises under the provisions of this chapter, the applicant shall furnish such surveys, plans or other information as may be reasonably required by the planning commission for the proper consideration of the matter.
- C. Review or hearing. The planning commission shall investigate the circumstances of each case and shall notify affected parties of the time and place of any review or hearing which may be held relative to such case, as required under its rules of procedure.

## 7.9 Amendments and Changes

Amendments to the ordinance from which this chapter is derived may be made in the manner provided in Act No. 184 of the Public Acts of Michigan of 1943 (MCL 125.271 et seq., MSA 5.2963(1) et seq.), as amended, and in accordance with the initiatory procedure set forth in this section. Amendments may be initiated by the township board upon written request to the planning commission, or the planning commission may initiate amendments upon its own motion. Any person affected by the provisions of this chapter may initiate an amendment to the ordinance from which this chapter is derived by submitting the necessary forms, obtainable from the township, to the township clerk. The petition shall be processed according to the procedures adopted by the township.

## 7.10 Fees

The township board shall establish, by resolution, fees for each of the following:

- A. Inspection and certification. Fees for inspections and the issuance of permits or certificates, or copies thereof, required or issued under the provisions of this chapter shall be collected by the township treasurer in advance of the issuance of such permits or certificates.
- B. Appeals. Any person appealing under Article 7 of this chapter shall pay the established fixed fee, plus additional fees as may be deemed reasonable by the township board for expert services necessary to render a proper decision.
- C. Reviews. Fees for the review of site plans, special approval uses or other matters requiring township board, planning commission or the zoning board of appeals review, under the terms of this chapter, shall be paid to cover the cost of such reviews, including notice, publication, delivery, administration and professional services.
- D. Rezoning. Any petition for the rezoning of land requiring an amendment of the ordinance from which this chapter is derived shall be accompanied by a fee payable by the petitioner. Such fee shall be utilized to defray all costs, including necessary expert opinions in conjunction with the legislative review of the petition.
- E. Other. Fees for special resolutions pertaining to any matter relevant to this chapter or for the cost of special meetings of the township board, planning commission or the zoning board of appeals shall be paid by the recipient or applicant prior to such resolution or meeting.
- F. Waivers. The township board may waive payment of any fees established by resolution when it finds that the necessity for an appeal, variance and/or rezoning is the result of an error or omission by the township board in enactment of the ordinance from which this chapter is derived.

## 7.11 Approval of Plats

No proposed plat of a new or redesigned subdivision shall be approved by either the township board or the planning commission, unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this chapter (See [section 5.3](#)), except as provided in the township's subdivision regulations. Such plat shall fully conform with the statutes, as amended, of this state and the subdivision regulations of this township.

## 7.12 Voting Place

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



## 7.13 Minimum Requirements

The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. This chapter will not interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, which are not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this chapter. This chapter shall not interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided that where this chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provision of this chapter shall control.

## 7.14 Buildings To Be Moved

- A. Permit required. Any building or structure which has been wholly or partially erected on any premises, located either within or outside of this township, shall not be moved to and placed upon any other premises in this township until a permit for such removal shall have been secured under article XVI of this chapter. Any such building or structure shall fully conform to all the provisions of this chapter in the same manner as a new building or structure.
- B. Inspection. Before a permit may be issued for moving a building or structure, the building administrator shall inspect the building or structure and shall determine if it is in a safe condition for moving, whether it may be reconditioned to comply with the current building code and other township requirements for the use and occupancy for which it is to be used. Provided these conditions can be complied with, a permit shall be issued for the moving of the building or structure.

## 7.15 Flood Hazard District Variances

- A. Purpose. Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing factors in subsection C of this section have been fully considered. As the lot size increases beyond the half acre, the technical justification required for issuing the variance increases.
- B. Grant of variance. Upon consideration of the factors in subsection C of this section and the purposes of this chapter, the zoning board of appeals may grant such variances and impose conditions and requirements as it deems necessary to further the purposes of this chapter.

## Section 7.15.C - 7.15.G

- C. Other considerations. In passing upon such applications, the zoning board of appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
  1. The danger that materials may be swept into other lands to the injury of others.
  2. The danger to life and property due to flooding or erosion damage.
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  4. The importance of the services provided by the proposed facility to the community.
  5. The necessity to the facility of a waterfront location, where applicable.
  6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage.
  7. The compatibility of the proposed use with existing and anticipated development.
  8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  11. The costs of providing governmental services during the after-flood conditions, including maintenance and repair of public utilities and facilities, such as a sewer, gas, electrical, water systems, and streets and bridges.
- D. Records. The building administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- E. Procedure exemption. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
- F. Flood level increases. A variance shall not be granted within a regulatory floodway where the result would be an increase in flood levels during a base flood discharge, except upon certification by a registered professional engineer or the department of natural resources that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with Act No. 245 of the Public Acts of Michigan of 1929 (MCL 323.1 et seq., MSA 3.521 et seq.), as amended by Act No. 167 of the Public Acts of Michigan of 1968, shall be required, provided that the allowable increase, including the increase used as the design standard for delineating the floodway, shall not exceed one foot.
- G. Necessary minimum variance. Variances shall only be issued upon a determination that the variances are the minimum necessary, considering the flood hazard, to afford relief.

## Section 3.15.H - 7.17.B

- H. Issuance. Variances shall only be issued upon.
  - 1. A showing of good and sufficient cause.
  - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
  - 3. A determination that the granting of a variance will not result in harmful increased flood heights as determined by the township engineer or the state department of natural resources, additional threats to public safety, extraordinary public expense, will not create nuisances, cause fraud on or victimization of the public as identified in subsection (c) of this section or conflict with existing local laws or ordinances.
- I. Written notice. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

### 7.16 Restoring Unsafe Buildings

Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building administrator, or required to comply with his lawful order, provided that the restoration is not contrary to [section 7.4](#) of this chapter.

### 7.17 Violations and Penalties

- A. Fine. Any person or anyone acting in behalf of such person who shall violate any of the provisions of this chapter, or who shall fail to comply with any of the regulatory measures or conditions of the zoning board of appeals or the township board shall, upon conviction thereof, be subject to a fine of not more than \$500 and the costs of prosecution at the discretion of the court. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.
- B. Nuisance. Uses of land and dwellings, buildings or structures, including tents, trailer coaches and mobile homes, used, erected, altered, razed or converted in violation of any provision of this chapter, are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer, coach, mobile home or land shall be adjudged guilty of maintaining a nuisance per se.

# Appendix A - Amendments

2020

Ordinance 188, Effective November 30, 2020

Section 2.2	<a href="#">Definitions</a>
Section 4.9	<a href="#">Businesses of a Drive-in Nature, Outdoor (Excluding Outdoor Theaters)</a>
Section 4.18	<a href="#">Fast Food Restaurants</a>
Section 5.39	<a href="#">Off-Street Parking, Vehicle Stacking and Loading Requirements</a>

2021

Ordinance 191, Effective August 2, 2021

Section 4.34.B	<a href="#">Commercial Sidewalk Sales</a> (revised)
Section 5.45	<a href="#">Uses of a Temporary Nature</a> (added)

Ordinance 193, Effective October 13, 2021

Section 2.2	<a href="#">Definitions</a> (enclosed locked facility, marijuana, medical use, MMMA, registered primary care giver, registered qualifying patient, transfer added)
Section 4.29	<a href="#">Medical Marijuana Uses</a> (A.6, A.7, and D added; C revised)



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