

ZONING ORDINANCE

TOWNSHIP OF

MACOMB, MICHIGAN

Published in 2000 by Order of the Township Board



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PREFACE

This volume contains the Zoning Ordinance of the Township of Macomb and constitutes a professional codification and printing of the zoning regulations of the township.

Source materials used in the preparation of this volume were the original zoning ordinance, Ordinance No. 10, adopted November 10, 1973, and all amendments through March 20, 1999.

The zoning ordinance has been printed as submitted by the Township and the original numbering system has been retained. Obvious misspellings and punctuation errors have been corrected without notation. Words or phrases added by the editor for purposes of clarification are enclosed in brackets.

Page Numbering System

The page numbering system used in this publication is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of an article of the Zoning Ordinance, the number to the left of the colon indicates the number of the article. The following are typical parts of publications, which may or may not appear in this Code at this time, and their corresponding prefixes:

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Comparative Table

Macomb Township, (Macomb Co.), Michigan, Zoning
ZONING ORDINANCE

A feature of this publication that is particularly useful is the comparative table of amendments. Any amendatory ordinance will be listed by ordinance number in this table, and the individual sections or subsections that were amended will be indicated.

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by municipal officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he/she is interested.

Looseleaf Supplements

As future supplements to this volume are published, each supplement will contain an instruction sheet advising the user of the manner of inserting the new pages and removing the obsolete pages. The table of amendments, as well as the index, will also be updated with each supplement to reflect the new legislation.

Acknowledgments

The publication of this volume was under direct supervision of Tassy W. Spinks, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher wishes to thank the township, particularly Norman J. Snay, Township Clerk, for their assistance in the publication process. It is hoped that their efforts and those of the publisher have resulted in a publication which will make the zoning ordinance of the township readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the township's zoning regulations.

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/Omit	Supp. No.
10-43	7-27-11	Include	17
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Macomb Township, (Macomb Co.), Michigan, Zoning
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10-56	5-13-15	Include	22
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10-58	5-13-15	Include	22
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10-60	4-13-16	Include	23
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10-63	9-13-17	Include	24
10-64	7-11-18	Include	25
10-65	7-11-18	Include	25
10-66	6-12-19	Include	26
10-67	7-22-20	Include	27
10-68	4-14-21	Include	28
10-69	9-22-21	Include	29
10-70	12- 8-21	Include	29

ARTICLE I PURPOSE AND INTERPRETATION

Sec. 10.0101. Purpose.

The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to encourage the use of lands in accordance with their character and adaptability; and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion of the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development as studied and recommended within a comprehensive development plan by the Macomb Township Planning Commission, and regulations adopted, therefore, by the Macomb Township Board.

Sec. 10.0102. Interpretation.

The Provisions of this Ordinance shall be considered as minimum standards and requirements within each respective zoning district and shall not preclude the establishment of higher, or more restrictive standards, or requirements for the authorization of any Special Land uses permit, where such higher or more restrictive standards or requirements are found necessary by the Township Planning Commission to attain the intent of this Ordinance.

Sec. 10.0103. Conflicting Laws, Ordinances, Regulations, or Restrictions.

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum, and such conflicting laws of a more restrictive nature shall supersede any provisions of this Ordinance. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

ARTICLE II DEFINITIONS

Sec. 10.0201. Captions, Headings and Titles.

The key words used in sections and articles as headings are inserted herein for convenience and to facilitate the use of this Ordinance and they shall not be construed to limit or affect the meaning of any of the provisions.

Sec. 10.0202. Meaning of Words and Phrases.

The words and phrases defined in this Article, when used in this Ordinance, shall, for the purpose of this Ordinance, have the meanings ascribed to them in this Article, except in those cases where the content clearly indicates a different meaning. Words used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; the word "shall" is mandatory and not merely directory.

Abutting. Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Accessory Building. A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use. An accessory use, building or structure shall not be allowed without the initial construction of a principle building or use. An accessory use or building shall not be allowed as the only use on the property.

Accessory use. A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.

Adult arcade. An establishment where, for any form of consideration, one (1) or more motion picture projectors, slide projectors or similar machines for viewing by five (5) or fewer persons. Each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult book store or video store. An establishment that has a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

Adult cabaret. A nightclub, bar, restaurant or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult merchandise store. A commercial establishment having a substantial or significant portion of its stock in magazines, periodicals, books, photographs, videotapes, films, objects or other visual representations which depict, describe or portray "specified sexual activities" or "specified anatomical areas" as defined herein.

Adult motion picture theater. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown. And in which a substantial portion of the total presentation time devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult peep show. A means of entertainment provided within an adult business that is characterized by one of the following: A coin or token operated machine where someone may view a motion picture film which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas" as defined herein. A booth or other such constructed area where an individual may, for the payment of a fee, view a motion picture film, videotape recording or live entertainment which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas" as defined herein.

Agriculture. The art of science or cultivating the ground: the production of crops or livestock on a farm; but excluding agricultural business or industry such as public riding or boarding stables, farms used for disposal of garbage, sewage, rubbish, or offal and the slaughtering of animals except animals raised on the premises for use and consumption by persons residing on the premises.

Agricultural land. Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Airport. An airport licensed by Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.86.

Airport approach plan and airport layout plan. A plan, or an amendment to a plan, filed with the zoning commission under Section 151 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.151.

Airport manager. That term as defined in Section 10 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.10.

Airport zoning regulations. Airport zoning regulations under the Airport Zoning Act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.

Alley. Any dedicated public way providing a secondary means of ingress and egress to land or structure thereon.

Alteration. Any change, addition or modification in construction or occupancy of an existing structure.

Amusement machine or device. A coin or currency-operated amusement machine or device shall mean a ski-ball machine, air-hockey machine, pinball machine, video game or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or currency or under normal use is designed to have a coin or currency. The term "amusement machine or device" shall include devices for which a flat rate is charged in lieu of said coin or currency.

Amusement machine center. Amusement machine center means the commercial establishment where five (5) or more amusement machines, not including music vending machines or juke boxes, are available on the premises for operation by the public.

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

Apartment building. A building containing two (2) or more dwelling units whose entrances are from a common hallway or series of hallways.

Area, floor. Floor area shall constitute the total floor area occupied by a use and measure to include all space used primarily or incidentally for such use.

Area, sales. Sales area shall only include that area customarily open and accessible to the public.

Atrium. An open area within an office or commercial building used as a formal entry or courtyard within the footprint of the primary structure. An atrium occupies the space from the first floor to the top of the building and is designed to serve the entire building and not subject to division into separate tenants spaces for sales, dining or office use. The ceiling enclosure for the atrium shall also serve as the roof for that part of the primary structure. Further, to receive credit under subsection 10.0323 A. 9. b. of this Code, the atrium area may not contain any permanent or temporary work stations except for a reception desk. There shall be no sales or dining areas or individual tables, kiosks, booths, stalls or similar installations or any type of defined area for the sale of merchandise or services.

Automobile repair garage. A building or premises where the following services may be carried out in a completely enclosed building: major repairs, including, but not limited to, engine rebuilding and the rebuilding of motor vehicles; application of paint preservation materials; radiator repair and replacement; transmission repair and replacement; automobile and van customizing; collision service, such as body, frame or fender straightening and repair; and the painting and rustproofing of automobiles. Automobile repair garages may also include facilities and/or equipment allowing for the repair of other motor vehicles including trucks, recreational vehicles, vans and buses, among others.

Automobile service center. A building or premises used primarily for the sale and installation of major automobile accessories including but not limited to tires, batteries, radios, electronic devices, air conditioners, windows and mufflers, plus such services as brake repair and adjustment, shock absorber installation and repair wheel alignment and balancing, oil changes and lubrication, tune-ups, exterior reconditioning (excluding paint or painting and major mechanical work) and vehicle inspection pollution compliance facilities, but excluding any major mechanical repairs, collision work, undercoating or painting, sale of gasoline and other fuels for the propulsion of motor vehicles (stored only in underground tanks) and the retail sale of oil and other automotive products shall not be the primary use of the premises. The primary use of the premises shall be devoted to one or more of the listed service activities.

Automobile wrecking yard. 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 of any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (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 any automobile wrecking yard.

Awning. A metal, wooden, fiberglass, canvas or other fire retardant fabric cover which extends over a porch, patio, deck, balcony, window, door or open space.

Bakery. A facility where baked goods are manufactured and/or displayed primarily for retail sales on premises. This establishment may include an area for consumption within the building, provided that it is not the primary use of the premises and does not exceed twenty-five (25) per cent of the public area.

Bar and/or cocktail lounge. Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty-five (25) percent of the gross receipts.

Barn. A detached accessory building to be used for the storage and keeping of farm and agricultural equipment and garden supplies and equipment, used in conjunction with an agricultural use located on the premises.

Basement. That portion of a building which is wholly or partly below the average grade of the ground level adjoining the building is a basement when the height from the grade up to the first floor tier of floor beams or joists is less than the height from the grade level down to the floor; provided, however, that if the height from the grade level to the first tier of floor beams or joists is five (5) feet or more, such basement shall be considered a story.

Berm. A mound of soil or earth that has been graded, shaped and improved with sod or landscaping in such a fashion as to be utilized for screening purposes.

Billboard. A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Block face. A block face is defined as and consists of those properties fronting along an existing right-of-way and located between the intersections of existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or man-made features.

Board of Zoning Appeals. The Board of Zoning Appeals, consisting of five (5) members, as provide under provisions of the Township Rural Zoning Act, being Act No. 184, Public Acts of 1943, as amended, and as modified by the Township Planning Commission Act, being Act No. 168, Public Acts of 1959, as amended, with powers and duties as defined in these statutes, except as modified herein, and referred to alternatively as the Board.

Boarding house. A building other than a hotel, where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons.

Borrow pit. Any area where earth excavation, deeper than two (2) feet from existing grade is "borrowed" for use as fill material at another location within, or outside of the subject land development.

Building. A structure having a roof supported by columns or walls, either permanent or temporary, located on a parcel of property, either above or below grade, which is designed primarily for the shelter or enclosure of persons, animals or property of any kind and includes those erected or constructed on site, mobile homes, pre-built modular units and pre-manufactured or pre-cut structures to be assembled on site.

Building height. The vertical distance measured from the ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to mean height level between eaves and ridge of gable, hip and gambrel roofs. (See appendix for Building Height and Structural Terms.)

Building, Main or principal. The main structure devoted to the principal site use.

Building, Multi-family. A building containing two (2) or more dwelling units, the term includes apartments, townhouses, multiplexes and the like, for the purpose of these regulations. Regardless of how units are equipped, any structure in which dwelling units are available for rental periods of less than one (1) week shall be considered a hotel or motel, not a multi-family dwelling.

Building, Multiplex. A building designed exclusively for occupancy by two (2) or more families, living independently of each other with at least one (1) main entrance directly from the outside for each living unit.

Building, one-family detached. A one-family dwelling entirely separated from structures on adjacent lots.

Building, temporary. A structure without permanent foundation erected or devoted to the development of or in connection with the principal site use for a limited period of time.

Building, townhouse. A building occupied by two (2) 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.

Building line. The front line of the building or legally established line which determines the location of the building with respect to yard requirements.

Building Official. Director of the Macomb Township Building Department.

Building or zoning permit. An authorization issued by the Township Building Official to move, erect, alter or locate a structure within the Township.

Cabaret. An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male and female impersonators or similar entertainers.

Campground. An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

Canopy. A roof-like structure providing shelter to a public access area, which is either freestanding or projected from a building and is supported by structural members. A canopy may be constructed of metal, wood or any approved fire retardant material such as cloth, canvas, fabric, plastic or any light flexible material which is attached to or constructed on a canopy.

Carport. An accessory structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed.

Car wash, automatic drive-through. An automatic drive-through is defined as an auto wash where the person drives the auto through the wash and machines clean the auto.

Car wash, automatic mechanical. An automatic mechanical is defined as an auto wash where the auto is attached to a conveyor and proceeds through the line and is washed by machines and people.

Car wash, self-service. A coin-operated self-service auto wash is defined as an auto wash where a person washes the auto himself after depositing a coin in a machine for the use of water.

Cemetery. 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.

Certificate of Zoning Compliance. An authorization issued by the Building Official based upon the submittal to, and review and recommendation of the Planning Commission allowing the use or reuse of a parcel or building. In considering the authorization, the Planning Commission shall review the site plan for compliance with the Zoning Ordinance including parking requirements, setbacks, driveways and signs.

Child care center. Child care center shall mean a facility other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. The facility is generally described as a day care center, day nursery, nursery school, parent cooperative, preschool or play group. Child care center does not include Sunday School, a class that is conducted by a religious organization, provided further that such establishment is licensed by the State of Michigan in accordance with Act 116 of the Public Acts of 1973, as amended.

Church or place of religious worship. 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.

Clear-cutting. The indiscriminate removal of trees, shrubs or undergrowth with the intention of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.

Clinic, medical. A clinic, for the purpose of this Ordinance, is a public or proprietary institution providing diagnostic, therapeutic, or preventative treatment for ambulatory patients by a group of doctors acting conjointly and in the same building for the purpose aforesaid.

Clinic, veterinary. A place for the care, diagnosis and treatment of animals. A clinic may incorporate customary laboratories, pharmacies, and other facilities and services incidentally necessary to the operation of the clinic.

Club. An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics or the like but not operated for profit, excluding churches, synagogues or other houses of worship.

Collocate means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.

Commercial vehicle or trailer. Any wheeled vehicle that is either available for hire or used as part of or in connection with a non-agricultural business or industry. (The distinction between motor vehicle and trailer shall be that motor vehicles are self-propelled while trailers are dependent upon a separate and independent power source for their movement.)

Commercial use. An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Community development plan or general plan. The Comprehensive Community Plan for the Township of Macomb dated July 17, 1973, and as updated and revised on August 30, 1988, October of 1994 as amended.

Compost. An organic soil conditioner that has been stabilized to a humus-like product, that is free of viable human and plant pathogens and plant seeds that does not attract insects or vectors, that can be handled and stored without nuisance, and that is beneficial to the growth of plants.

Composting. A method of changing organic matter such as leaves, grass clippings, vegetables, fruits, egg shells, coffee grounds, wood ashes, etc., but not including cooked food or animal fats by a natural process of decaying into humus.

Composting, private. Composting of organic matter generated within the limits of the property in question for reuse within the property.

Composting, public or commercial. The process of composting for a fee or profit and/or where organic matter is received from outside the limits of the property for purposes of composting.

Condominium Act. Act 59 of 1978, as amended.

Condominium unit. That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or a parcel as those terms are used in this ordinance.

Congregate housing. A structure containing two (2) or more dwelling units and rooming units limited in occupancy and occupied by persons sixty-two (62) years and older, their spouses or surviving spouses, except for rooms or units occupied by resident staff personnel, providing indoor, conveniently located, shared food preparation service and major dining areas and common recreation, social and service facilities for the exclusive use of all residents.

Conservation easement. That term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.2140.

Consumer fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

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- a. *Consumer fireworks retail sales (CFRS) area.* The portion of a consumer firework retail sales facility or store, including the immediately adjacent aisles, where consumer fireworks are located for the purpose of retail display and sale to the public.
 - b. *Consumer fireworks retail sales facility (CFRS facility).* A permanent or temporary building or structure, CFRS stand, tent or canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public.
 - c. *Retailer* means a person who sells consumer fireworks or low-impact fireworks for resale to an individual for ultimate use.
 - d. *Retail location* means a facility listed under NFPA 1124, 7.1.2.
 - e. *Warehouse* means a permanent building or structure used primarily for the storage of consumer fireworks or low-impact fireworks.

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

Convenience store. Any retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

Corral or barnyard. A pen or enclosure for confining animals or livestock, not an area for grazing of such.

Crop acre. The net area of farm land used for the growing of farm products may also be referred to as "crop land".

Crop year. The crop grown on a farm within one growing season.

Cul-de-sac. A street terminated at one end, with a turning radius.

Degradable material. Refuse that breaks down through a process that increasingly reduces particle size through action of ultraviolet light or living organisms.

Density. Number of dwelling units per gross acre excluding public road right-of-way as determined by the master thoroughfare plan.

Development. The division of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining; excavation, landfill or land disturbance; and any use or extension of the use of land.

Development rights. The rights to develop land to the maximum intensity of development authorized by law.

District. Any section of the unincorporated part of the Township of Macomb for which the regulation governing the use of buildings and land or the height and area of building are uniform.

Dormitory. A building used as group living quarters for a student body, religious order or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.

Driveway. A driveway is a paved area designed to connect a street, either public or private, to a parking facility. The parking facility may be for one (1) or more cars or for one (1) or more cars in a garage. A driveway that provides access to an adjoining parcel may not be utilized as a maneuvering lane except as provided herein.

Drive-in facility. An establishment that, by design of physical facilities or by service or packaging procedures, encourage or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

Drive-through service. The sale of any item or the processing of a financial transaction or any other service regulated by this article at a specially designated window on the outside of a building. The window enables the customer to receive the product or service from a driveway or lane dedicated exclusively for vehicles receiving the product or service. The customer is expected to remain in the vehicle and immediately drive away from the window upon completing the transaction.

Dwelling. A dwelling is a building or portion thereof which is occupied wholly as the home, residence or sleeping place of one or more human beings, either permanently or transiently and in compliance with all provisions of Section 10.0332 of this Ordinance. In case of mixed occupancy where a building is occupied in part as a dwelling the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling. In no case shall a travel trailer, automobile, truck chassis or tent be considered a dwelling.

Dwelling, multiple family. A building designed and arranged as a dwelling pursuant to this Ordinance containing two (2) or more dwelling units and conforming in all other respects to the standards set forth in Section 10.0332.

Dwelling, one-family. A building designed and arranged as a dwelling pursuant to this Ordinance and containing one dwelling unit for one (1) family only and in compliance with all provisions of Section 10.0332 of this Ordinance.

Dwelling, seasonal. A dwelling not used for permanent residence and not occupied for more than six (6) months in each year.

Dwelling unit. Rooms within a dwelling connected together, constituting separate, independent living quarters for one (1) household, physically separated from any other rooms or dwelling units that may be in the same building and containing permanent provisions for its own independent bathroom, sleeping and kitchen facilities.

Easement. The right of a person, government or public utility company to use public or private land owned by another for a specific purpose.

Emergency shelter/mission. A nonprofit, charitable or religious organization providing boarding and/or lodging and ancillary services on its premises to primarily indigent, needy, homeless or transient persons.

Employee load factor. Employee load factor is that number equal to the maximum number of employees that can be employed at any one time in a particular structure or parcel of land and refers to the number of parking spaces required.

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

Equipment shelter. A fixed in place enclosure on a parcel used exclusively to house wireless communications equipment to service a wireless communications support structure regulated under the Federal Telecommunication Act of 1996. Said enclosure is within the equipment compound containing the wireless communications support structure to be regulated under the provisions of this Zoning Ordinance.

Erected. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operation, on the premises required for the building, excavation, fill, drainage and the like, shall be considered a part of erection.

Escort services. An establishment which provides the services of escorting persons for payment of a fee.

Essential services. The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems, including poles, wires, mains,

drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings and structures) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commission for the public health, safety or general welfare.

Family. One (1) or more persons living together and using the same housekeeping facilities.

Family day-care home and group day-care home. Those terms as defined in Section 1 of 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group day-care home.

Farm. The land, buildings, and machinery used in the commercial production of farm products.

Farm produce sales. Farm produce sales refers to the sale of goods and/or products to be sold on a farm as defined in this Ordinance and subject to the regulations as outlined in Section 10.0333 of this Ordinance.

Farm products. Those plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

Feedlot. Feedlots shall be construed to be any facility or enclosed area where farm animals are fed and maintained for more than four (4) hours out of twenty-four (24) hours at a density greater than four (4) heads per acre for cattle, ten (10) heads per acre for small animals, or more than thirty (30) fowls per acre.

Fence. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen area of land.

First floor area. The area included within the outside lines of the exterior walls of the main structure at the ground floor level, not including garages, carports, breezeways, enclosed or unenclosed porches, and not including attached utility or accessory rooms having three or more exterior sides.

Flea market. An occasion or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used for sale to the public, not to include private garage sales.

Flood Insurance Study. Means the official report provided by the federal insurance administration that includes flood profiles, the flood boundary-floodway map and the water surface elevation of the base flood.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation of the base flood.

Flood plain. Lands which are subject to periodic flooding and have been defined by the U.S. Department of Army, Corps of Engineers, or as defined by any technically qualified engineer and accepted by the Township Board as such a flood plain.

Floor area, gross. The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

Floor area, livable. Livable floor area shall be the enclosed space arranged for living, eating or sleeping purposes, (not including partitions, closet space, storage space, bath or toilet room, pantries, laundries, foyers or communication corridors or cellar recreation rooms) which is provided with approved means of light and ventilation, with an unobstructed height of not less than seven and one-half (7½) feet, and no room with a minimum dimension of less than seven (7) feet and a minimum area of not less than eighty (80) square feet between enclosing walls or partitions; and further, that an attic room need be but seven and one-half (7½) feet in

height in but one-half of its area, provided that such rooms shall have a floor area of not less than one hundred (100) square feet and is at no point less than five (5) feet in height.

Frontage. The total dimension of any portion of a parcel which abuts an existing public road right-of-way. For purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided, as indicated, under yards in this section.

Funeral home. A building or part thereof used for human funeral services. Such building may contain space and facilities for: A) embalming and the performance of other services used in preparation of the dead for burial; B) the performance of autopsies and other surgical procedures; C) the storage of caskets, funeral urns and other related funeral supplies; and, D) 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.

Garage, private. An accessory building, attached or detached, designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.

Garage, public. Any premises used for the storage or care of motor driven vehicles, or place where any such vehicles are equipped for operation, repair or kept for remuneration, hire or sale.

Grade, finish.

- A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of all walls adjoining the street, in the absence of a sidewalk, the finished grade around a building shall be at such elevation which will provide a slope away from the building of at least one (1) foot and not more than 1.67 feet within the first twenty-five (25) feet.
- B. For buildings having walls adjoining more than one (1) street, the average of the elevations of the sidewalk at the center of the walls adjoining the streets.
- C. For buildings having no walls adjoining the street the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

Greenway. A contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Greenbelt.

An eight-foot greenbelt shall be a solid planting strip, eight (8) feet wide, composed of evergreen trees, spaced not more than twenty (20) feet apart and not more than one (1) row of evergreen shrub spaced not more than five (5) feet apart and which are at least five (5) feet more in height after one (1) full growth season after planting.

A twenty-foot greenbelt shall be a planting strip, twenty (20) feet wide, composed of two (2) rows of evergreen trees, spaced alternately at not more than twenty (20) feet apart and not less than three (3) rows of evergreen shrubs, spaced at not more than eight (8) feet apart and which are at least five (5) feet or more in height after one (1) full growing season after planting, and which shrubs will eventually grow to a height of not less than twelve (12) feet at maturity. (See appendix for Greenbelt Specifications.)

Hazardous uses. All uses which involve the storage, sale, manufacture or processing of materials which are risky and combustible and are likely to burn with moderate rapidity and with a considerable volume of smoke, but from which neither poisonous fumes nor explosions are to be anticipated in the event of fire, and as listed by the Basic Building Code 1954 amended edition prepared by the Building Official Conference of America, Inc.

Health club. Health club means, but is not limited to, gymnasiums (except public), private clubs (athletic, health or recreational), reducing salons and weight control establishments.

Health/recreation facility. An indoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna and pro shop.

Height. The vertical distance to the highest point of the roof for flat roofs: to the deck line 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 ten (10) feet from the front lot line or from the grade in all other cases. (See appendix for Building Heights and Structural Terms.)

Heliport. Any landing area used by helicopter which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie-down areas, hangers and other necessary buildings and open spaces.

Home occupation. An activity carried on by an occupant of the dwelling unit provided that it is incidental and secondary to the use of the dwelling unit for residential purposes, including use of a single-family residence by an occupant of that residence to give instructions in craft or fine arts within the residence.

Housing for Older Persons means housing: (a) provided under any state or federal program specifically designed and operated to assist elderly persons; (b) intended for and solely occupied by persons sixty-two (62) years of age or older; or (c) intended and operated for occupancy by persons fifty-five (55) years of age or older and at least eighty (80) percent of the occupied units are occupied by at least one (1) person who is fifty-five (55) years of age or older and otherwise complies with the provisions of the Fair Housing Act; and which intent to restrict leasing to those age fifty-five (55) or older, and that provides services specifically designed to meet the needs of older persons, undertake regular social events, have a congregate dining facility, provide health facilities, and which buildings are designed for ease of access for the elderly or handicapped, including emergency notification systems. Housing for older persons may include any of the following: independent elderly housing, assisted elderly housing, continuing care retirement communities or congregate elderly housing, but shall not include nursing homes outside of a continuing care retirement community, hospitals, hotels, motels, tourist homes or rooming homes.

- (a) *Independent Housing.* Attached or detached dwellings (apartment, townhouse or single-family structures) occupied by elderly persons in good health who desire and are capable of maintaining self-sufficient households as part of a planned development and provided with qualified management services, such as security, housekeeping, and recreational and social activities, to maintain the premises.
- (b) *Assisted Living.* Residences for the frail elderly that provide 24-hour supervision and are designed and operated for elderly people who require some level of support for daily living. Such support shall include meals, security, and housekeeping, and may include daily personal care, nursing services and limited medical care, transportation and other support services, where needed. Dementia units shall not comprise more than twenty-five (25) percent of the total living units within an 'assisted living' development.
- (c) *Continuing Care Retirement Community.* A "Continuing Care Retirement Community" is a "Housing For Older Persons" development that provides a combination of care levels including a minimum of any two (2) of the following: "Independent Living", "Assisted Living", or "Skilled Nursing Facility". However, the total number of "Skilled Nursing" and dementia beds shall not exceed fifty (50) percent of the total number of "living" units within a Continuing Care Retirement Community.
- (d) *Skilled Nursing Facility.* A special level of care provided as part of a "Continuing Care Retirement Community" that offers care to older persons who required constant, 24-hour, supervisory nursing care in a controlled institutional setting. Living spaces include wide halls to accommodate beds, handrails, and nursing stations. Assistance with activities of daily living are provided including bathing, dressing, grooming, toilet assistance, housekeeping, medication management, meal preparation and transportation. Skilled care encompasses nursing care and related services for those who need medical or nursing care or rehabilitative therapy services for the injured, disabled or for severe medical needs.

Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities, such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel. A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms, with single rooms occupied for hire, in which provision is not made for cooking or any individual plan and in which there are more than ten (10) sleeping rooms, a public dining room for the accommodation of at least twenty (20) guests and general kitchen.

Improvements. Those features and actions associated with a project that are considered necessary to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of the zoning approval.

Inorganic matter. Rock, metal, mineral, or other material not containing carbon, living or organic matter.

Intensity of development. The height, bulk, area, density, setback, use, and other similar characteristics of development.

Junk. Used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic cordage, building materials or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

Junkyard. An open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed or handled. Material shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. An automobile wrecking yard is also considered a junkyard.

Kennel. Any building or buildings or land designed or arranged as a separate structure on a residentially zoned or occupied property for the housing of privately owned pets, for the care of dogs and cats belonging to the owner of the principal use, kept for purposes of show, hunting or as pets.

Kennel, commercial. An establishment licensed to operate a facility housing dogs, cats or other household pets and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

Kennel, private. Any building or buildings or land designed or arranged as a separate structure on a residentially zoned or occupied property for the housing of privately owned pets, for the care of dogs and cats belonging to the owner of the principal use, kept for purposes of show, hunting or as pets.

Land Division Act. Public Act 288 of 1967, as amended, formally known as the Subdivision Control Act.

Landfill. An orderly deposit of approved materials for the purpose of elevating the grade to develop the site for use.

Laundry, self-service. A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

Legislative body. Refers to the board of trustees of the township.

Loading space, off-street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

Local unit of government. The township.

Lodging house. A building where lodging is provided for three (3) or more persons, in addition to those rooms used by members of the family.

Lot. A parcel of land occupied or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, together with such open spaces as are required. Having at least the minimum area required for a lot in the zone in which such lot is located and having its principal frontage on a public street or public way. (See appendix for Description of lots and yards.)

Lot, corner. A lot of which at least two adjacent sides abut upon a street or proposed road as defined by the Master Thoroughfare Plan. (See appendix for Description of lots and yards.)

Lot coverage. The part or percentage of the lot occupied by buildings or structures, including accessory building or structures. (See appendix for Description of lots and yards.)

Lot, Double Frontage. An interior lot having frontage on two (2) parallel or approximately parallel streets. (See appendix for Description of lots and yards.)

Lot, interior. An interior lot is a lot other than a corner lot. (See appendix for Description of lots and yards.)

Lot area. The total horizontal area within the lot lines of a lot, excluding existing public road right-of-way or future right-of-way as defined by the Township's Master Thoroughfare Plan.

Lot line, front. In the case of a lot abutting upon one (1) street, the front lot line is the line separating such lot from such street. In the case of a corner lot, the shortest line shall be considered to be the front lot line. The front lot line is defined as the lot line fronting on the street or road. In the case of a corner or parcels with more than one (1) street frontage the front lot line is the lot line with the shortest dimension on a street. (See appendix for Description of lots and yards.)

Lot line, rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front line, not less than ten (10) feet long, lying most distant from the front lot line and wholly within the lot. (See appendix for Description of lots and yards.)

Lot line, side. A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line. (See appendix for Description of lots and yards.)

Lot of record. A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Macomb County, or a lot described by a metes and bounds, the deeds to which have been recorded in the office of the Register of Deeds of Macomb County.

Maneuvering lane. A paved area or aisle located in an off-street parking area that provides direct access into a parking space and further serves as access from a driveway or to other driveways on-site or off-site from the required off-street parking.

Massage. Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in the practice.

Massage parlor. An establishment where, for any form of consideration, massage, alcohol rub, fermentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state, this definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Master land use plan. The long range land use plan adopted by Macomb Township on July 17, 1972, and amended on November 1, 1988, and further updated in October of 1994.

Master thoroughfare plan. A master road plan adopted by the Township as a part of its master land use plan.

Mobile home. A mobile home or trailer coach refers to any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and shall include self-propelled and non-self-propelled vehicles so designed, constructed and reconstructed in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one (1) or more persons having no foundation other than wheels and jacks.

Mobile home, occupied. An occupied mobile home or trailer coach refers to any mobile home or trailer coach located on site within the mobile home park when such mobile home is connected to any park facility such as a sewage collection system, water or electrical distribution system.

Mobile home park. A mobile home or trailer coach park refers to any site, lot, field or tract of land upon which two (2) or more occupied mobile homes or trailer coaches are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home or trailer coach park.

Motel or motor court. A motel or motor court is a business comprising of a living unit or a group of living units so arranged as to furnish overnight accommodations and catering primarily to transient guests.

Nightclub. A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted and includes the term "cabaret".

Non-conforming building. Any building that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being put.

Non-conforming lot. A lot with dimensions which conflict with the provisions of this Ordinance.

Non-conforming structure. A structure conflicting with the regulations of the district in which it is located.

Non-conforming use. A use of land or a structure for purposes which conflict with the provisions of this Ordinance.

Nude body painting or modeling studio. An establishment which provides the services of body painting or nude photography of the human body or (as defined below) are offered for observation of the patrons therein.

Nuisance. Any act or acts or omission to act on part of any person which creates or permits the existence of a situation which annoys, injures or endangers the peace, welfare, order, health or safety of the public in their person or property. A nuisance includes but is not limited to conditions which render persons insecure in life or in the use and enjoyment of their property, such as, effects and emanations from noise, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, decaying matter, whether such effects and emanations are natural or result from human or mechanical alteration or manipulation of materials. A nuisance also includes residues or leaching from deposits of matter which seep into water on the surface or in the ground thereby making it unfit or unpalatable for human consumption, or for use by domestic animals. A nuisance includes a condition which is indecent, obnoxious or offensive to the senses.

Nursing home. A home for the care of the aged, infirm or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care.

Office. A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

Open air business uses. Open air business uses shall include the following uses when the area set aside for outdoor display and or sales is equal to or greater than one-half the gross floor area of the principal building on the site. Greenhouses shall not be considered as principal buildings.

1. Retail sales of fruit, vegetables, and perishable foods not including farm produce sales as regulated pursuant to section 10.0333.

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2. Retail sale of trees, shrubbery, flowers and seed not including farm produce sales as regulated pursuant to section 10.0333; topsoil, humus, fertilizer, trellises, lawn furniture, and other garden supplies and equipment.
 3. Mobile home, motor home vehicle, farm implements, boats, trailers or home equipment sale or rental services.
 4. Outdoor display and sale of garages, swimming pools, playground equipment and similar uses.

Open space. An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes, open space may include, but is not limited to: lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, woods areas and water courses, open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

Open space, common. 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.

Organic matter. Pertaining to or deriving from living organisms; containing carbon compounds.

Other eligible land means land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.

Outdoor storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

Parcel. A continuous quantity of land in the possession of or owned by, or recorded as the property of the same person or persons.

Parcel area (acreage). The total horizontal area within the acreage area of the parcels excluding existing public right-of-way or future public right-of-way as defined in the master thoroughfare plan.

Park. Any public or private land available for recreational, educational, cultural or aesthetic use.

Parking space, off-street. For the purposes of this Code an off-street parking space shall consist of a space adequate for parking an automobile, with room for opening doors on both sides, together with properly related access directly from a maneuvering lane, and located on a lot with the land use to which it is related.

Pedestrian pathway. An eight-foot wide asphalt paved, non-motorized pathway for pedestrian use which shall be required along all major roads.

Planned unit development. An integrated and coordinated development of various residential land uses, with or without retail stores, service stations, drug stores, personal service offices, and restaurants, but excluding any manufacturing or wholesale activity, and developed in accordance with the conditions as prescribed under provisions of this Ordinance. The plan must be developed in accordance with the conditions as prescribed under provisions of this ordinance.

Population. The population according to the most recent federal decennial census or according to a special census conducted under Section 7 of the Glenn Steil State Revenue Sharing Act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

Premanufactured unit. An assembly of materials or products intended to comprise all, or part of, a building or structure, and which is assembled at other than the final location of the unit by a repetitive process under circumstances intended to insure uniformity of quality and material content.

Principal use. The main use of land of structures, as distinguished from a secondary or accessory use.

Public utility. A public utility is a person, firm, corporation, municipal development or board duly authorized to furnish, and furnishing to the public, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, transportation or water.

Public utility buildings. Telephone exchange buildings, transformer stations and substations and gas regulator stations and similar public utility structures.

Recreational vehicle. A recreational vehicle is a vehicle designed and constructed for recreational purposes and which may permit occupancy within it as a dwelling or sleeping place, such as, but not limited to motor homes, campers, camper trailer, off-road vehicles and boats.

Recycling center. 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, essentially by hand within a completely enclosed building.

Research laboratory. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

Restaurant. A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

- *Bar/lounge:* A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.
- *Restaurant, carry-out:* A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen deserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- *Restaurant, drive-in:* A drive-in restaurant is any restaurant whose method of operation involves delivery of prepared food by a restaurant employee so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- *Restaurant, drive-through service:* A drive-through service restaurant is a restaurant whose method of operation involves delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window.
- *Restaurant, fast food:* A fast food restaurant is a restaurant whose primary method of operation involves delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- *Restaurant, standard:* A standard restaurant is a restaurant whose method of operation involves either:
 1. The deliver of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
 2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

Right-of-way. Land reserved, used or to be used, for a street, alley, walkway or public purpose.

Roadside stands. Retail outlets with all related structures for the same of farm produce pursuant to Section 10.0333 of this Ordinance.

Roadway. "Roadway" shall mean that part of a street on which vehicles travel.

Rooming house. A building that is the primary residence of the owner and in which rooms are provided by the owner, for compensation, to three (3) or more adult persons not related by blood, marriage or adoption to the owner.

Sanitary landfills. A disposal area as defined by Act 641, Michigan Public Acts of 1978, as amended.

Satellite dish antenna. A round, parabolic antenna intended to receive signals from orbiting satellites and other sources, non-commercial dish antennas are defined as being less than twelve (12) feet in diameter, while commercial dish antennas are usually those larger than twelve (12) feet and typically used by broadcasting stations. Approval of such antennas is subject to the provisions of the Federal Communications Commission (FCC) and other provisions of this ordinance with respect to yards setbacks, heights and distance from other structures.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed, or hidden, screening techniques including fences, walls, hedges, berms or other features.

Seating capacity. An actual seating capacity of an area based on the number of seats or one seat per twenty (20) inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined by the Macomb Township Fire Official.

Self-service storage facility (mini-warehouse). 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.

Senior Citizen. An individual person who is sixty-two (62) years of age or older.

Service station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, and no other:

- A. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
- B. Tire servicing and repair, but not recapping or regrooving;
- C. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearing, mirrors, and the like;
- D. Radiator cleaning and flushing;
- E. Washing and polishing, and sale of automotive washing and polishing materials;
- F. Greasing and lubrication;
- G. Replacing or repairing of carburetors, fuel pumps, oil pumps, and lines;
- H. Emergency wiring repairs;
- I. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- J. Adjusting and repairing brakes;
- K. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation;
- L. Provision of road maps and other information material to customers; provision of restroom facilities. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage or a body shop.

Service Station with or without Convenience Store. An establishment where liquids used as motor fuels are stored and disbursed into the fuel tanks of motor vehicles by persons, either the station attendant or by other persons, and may include facilities available for the sale of other retail products.

Setback. The distance required to obtain the front, side or rear yard open space provisions of this Ordinance.

Setback for irregular shaped lots. In the case of lots that are wider at the front or rear, the front and rear yard setbacks shall be measured along a line that is a projection of the side building lines. The distance between the building and the point where the projection of either side of the building line meets another property line shall be equal to, or greater, than the distance required by the Zoning Ordinance for the lot in question (see Appendix for illustration).

Sexual encounter establishment. An establishment other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two (2) or more persons may congregate, associate or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

Sheet composting. Organic matter spread on-site and spread to a depth not to exceed two (2) feet in height. The application of organic matter spread with a front-end loader or similar equipment to a depth of approximately two (2) feet, and incorporated in the soil in the spring with a deep plow or similar farm equipment.

Shopping center. A group of architecturally unified commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit related in location, size and type of shops to a trade area that the unit serves. The unit provides offstreet parking in definite relationship to the types and total size of the stores. A shopping center shall be a minimum of fifty thousand (50,000) square feet of floor area and not less than three (3) separate businesses.

Site plan. Includes the documents and drawings required by the zoning ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

Site plan approved. A site plan which has met the provisions of Section 10.2402. of this Ordinance, has been approved by the Planning Commission and signed by the Township Planner.

Site plan revision. Any changes in the approved site plan would require a resubmittal to the Planning Commission.

Sound level. Sound level, in decibels, is defined as the reading of a sound-level meter which conforms to the latest standards of the American Standards Association for Sound-level Meters.

Special event: An outdoor occurrence or noteworthy happening of seasonal or corporate importance, which is organized and sponsored by a Township community group, corporation, or institution on private property. The special events are intended to be activities including but not limited to, grand openings, seasonal sales including sidewalk sales, corporate, institutional, or community celebrations such as church or school festivals.

Special land use. A parcel of land, or an activity which, under usual circumstances, would be detrimental to other permitted land uses, and thus, which could not be permitted within the same district, but which can be permitted under certain circumstances unique to the proposed location. Such use may be subject to conditions to provide protection to adjacent land uses.

Special land use permit. Permission to engage in a special land use granted by the Planning Commission, subject to review, pursuant to the special land use permit review procedures at Section 10.2401 of this Ordinance.

Specified anatomical areas. As used herein, specified anatomical areas means and includes any of the following: 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or 2) human male genitals in a discernibly turgid state, even if completely or opaquely covered.

Specified sexual activities. As herein, specified sexual activities means and includes any of the following: 1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3 or this subsection.

Stable, private. An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

Stable, public. A building or land where animals are kept for remuneration, hire, sale, boarding, riding or show.

Standard sheet. A sheet which measures eight and one-half (8½) inches by eleven (11) inches or consists of multiples of such dimensions such that a larger sheet can be folded into such dimensions.

State licensed residential facility means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 622.111 to 722.128, and provides residential services for six (6) or fewer persons under twenty-four-hour supervision or care.

Storage yard. An open area, not enclosed by a building, primarily used to store goods, raw materials, equipment or vehicles when not in use, but excluding waste or scrap materials.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such floor and the ceiling next above it.

Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds ($\frac{2}{3}$) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be deemed a full story.

Street. "Street", whether public or private, shall mean any road, street, avenue, boulevard, thoroughfare, alley or other right-of-way that provides for vehicular access to land abutting either side of said street, and a street includes the land between the existing or assumed street right-of-way lines. A street may have several classifications defined as follows:

- A. A "public street" shall mean a street that is deeded or dedicated to the Macomb County Road Commission or to the Michigan Department of Transportation (MDOT).
- B. A "private street" shall mean a street that is not deeded nor dedicated to the Macomb County Road Commission or MDOT.
- C. A "local street" shall mean any street that is intended primarily for access to land abutting either side of said street. A local street shall have, or will be considered to occupy, a right-of-way of sixty (60) feet for residentially-zoned land or seventy (70) feet for commercially-zoned or industrially-zoned land, and seventy (70) feet for other nonresidentially-zoned land.
- D. A "collector street" shall mean a street intended to carry traffic from local street to major streets or major thoroughfares. A collector street will usually be located near the Township's quarter-section lines and/or will be designated as such on the Township Master Thoroughfare Plan. A collector street shall have, or will be considered to occupy, a right-of-way width of eighty-six (86) feet.
- E. A "major street" or "major thoroughfare" shall mean an arterial street or great continuity that is intended to serve as a large-volume traffic-way for both the immediate Township area, as well as for areas beyond the Township's Section lines and/or will be designated as such on the Township's Master Thoroughfare Plan. Romeo Plank is a major street throughout its entire length within the Township. A

"major street" shall have, or will be considered to occupy, a right-of-way width of at least one hundred twenty (120) feet.

Structural alteration. Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures including buildings, mobile homes, walls, fences, billboards and poster panels.

Structure, principal. A building or structure in which is conducted the main or principal use of the parcel of land on which it is located.

Subdivision Control Act. Refer to the definition of the Land Division Act.

Tourist home. A dwelling furnishing overnight sleeping quarters to transient guests and containing not more than three (3) guest bedrooms.

Townhouse. A residential structure, or group of structures, each of which contains more than two (2) attached one-family dwelling units with individual rear yards and/or front yards designed as an integral part of each one family dwelling unit.

Township. The Township of Macomb, Macomb County, Michigan.

Township Board. The Township Board of the Township of Macomb, Macomb County, Michigan.

Township Planning Commission. The Macomb Township Planning Commission as established by the Macomb Township Board under provisions of the Township Planning Commission Act, being Act 168, Public Acts of 1959, as amended, and referred to alternatively as the Commission.

Transitional use. A permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two (2) or more incompatible uses.

Travel trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and a length not to exceed thirty-five (35) feet.

Travel trailer park. A park licensed under the provisions of the Trailer Coach Park Act of 1959, being Act 171, Public Acts of 1970, as amended, and being designed specifically for the parking of travel trailers.

Truck terminal. Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Undeveloped state. A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

Use, accessory. A use normally incidental and subordinate to the principal use of the site.

Utility room. A room or space, located other than in the basement, specifically designed and constructed to house any home utilities or laundry facilities.

Variance. An authorization permitting change in the requirements of this Ordinance by the Board of Zoning Appeals in cases where the general requirements of this Ordinance and the literal enforcement of such would result in an unnecessary and undue hardship upon the variance applicant.

Wall, decorative masonry. A six-foot high decorative masonry wall constructed of brick, or brick embossed poured concrete in accordance with the specifications provided by the Township Building Official. The wall shall be a minimum of six (6) inches thick and the height shall be measured from the highest grade. Walls must be constructed on continuous foundations and be provided with a pointed cap.

Warehouse. A building used primarily for the storage of goods and materials.

Warehousing and distribution. A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

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

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

Wireless telecommunications facility. An area of land defined by a legal description that may be a stand-alone parcel or a part of a parcel that is used to service or operate wireless communications equipment as defined herein. Said wireless telecommunications facility will consist of the wireless communications support structure(s), equipment shelter as defined herein, and other infrastructure including service drives, any public utilities serving the wireless telecommunications equipment, parking and spaces, fencing and landscaping as required and regulated by the Zoning Ordinance.

Yard. An open space at grade line between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward, except for certain architectural features specified in Section 10.0311, Yard Measurements.

Yard front. A yard extending across the full width of the lot between the centerline of the existing roadway and the building line. However, in any plat recorded under the terms of the Land Division Act, as amended, the front yard shall be measured from the front lot line. (See Appendix for description of lots and yards.)

Yard, rear. An open space extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On corner lots and interior lots, the rear yard shall, in all cases, be at the opposite end of the lot from the front yard. (See Appendix for description of lots and yards.)

Yard, side. An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yards, or, in the absence of either of such yards, to the front or rear lot line, as the case may be, except that a corner lot the side yard adjacent to a street shall extend the full depth of the lot. (See Appendix for description of lots and yards.)

Zone. A portion of the territory of the Township, exclusive of streets, alleys and other public ways, within which certain uses of land, premises and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings.

Zoning board means a Township Zoning Board created under the Township Zoning Act, 1943 PA 184, MCL 125.271 to 125.310, that existed on the effective date of the Michigan Zoning Enabling Act, MCL 125.3101.

Zoning jurisdiction refers to the area encompassed by the legal boundaries of the Township outside the limits of incorporated cities and villages.

(Ord. No. 10-6, §§ 1.1, 1.2, 12-8-99; Ord. No. 10-8, § 1.1, 6-14-00; Ord. No. 10-9, § 1.1, 12-27-00; Ord. No. 10-17, § 1.1, 11-13-02; Ord. No. 10-20, § 1, 4-23-03; Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-33, § 1, 11-27-06; Ord. No. 10-37, § 1, 7-11-07; Ord. No. 10-38, § 1, 3-26-08; Ord. No. 10-39, § 1, 6-24-09; Ord. No. 10-40, § 1, 7-22-09; Ord. No. 10-47, § 1, 6-13-12; Ord. No. 10-48, § 1, 9-26-12; Ord. No. 10-60, § 1, 4-13-16; Ord. No. 10-63, § 4, 9-13-17)

ARTICLE III GENERAL PROVISIONS

Sec. 10.0301. Scope.

Except as elsewhere provided in this Ordinance, no structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered in any manner; and no structure, land, premises, or part thereof, shall be used for a purpose and, no open space surrounding any structure shall be reduced or encroached upon, other than as permitted by the provisions of the Ordinance, for the district in which such structure, land or premises is located.

Sec. 10.0302. District boundaries.

The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map", Macomb Township, Macomb County, Michigan, dated 10/10/73, as amended, which accompanies and is hereby made a part of this Ordinance. Except where specifically designated on said map, the district boundary lines are intended to follow lot lines, the center lines of creeks, streams or rivers, the center lines of streets or alleys, the center lines of streets or alley projected, railroad right-of-way lines, section lines, one-quarter section lines, one-eighth section lines, or the corporate limit line, all as they existed at the time of the enactment of this Ordinance; except as otherwise specifically described; but, where a district boundary line does not coincide with rear lot lines, said boundary lines shall be dimensioned on the Zoning Map.

Sec. 10.0303. Building regulations.

- A. No structure shall be erected, altered, or moved into this Township except in conforming with all of the regulations pertaining to such structure and pertaining to the district within which such structure is located, or to be located.
- B. Nor shall any structure be erected, altered, or moved into this Township without having been issued previously a building permit authorizing such erection, alteration, or movement.
- C. No building permit shall be issued unless a site plan showing compliance with all requirements of this Ordinance has been approved by the Building Official or, in the case of a use requiring approval of the Township Planning Commission, approval by such Commission, or, in the case of an existing structure a finding by the Building Official that the structure is in conformance with all existing ordinances and regulations, or the alteration or moving will permit compliance with all such ordinances and regulations; provided, however, nothing in this section shall prevent the issuance of a building permit for a variance duly granted by the Board of Zoning Appeals.
- D. No structure shall hereafter be erected or altered (1) to exceed the height or bulk; (2) to accommodate, or house a greater number of families; (3) to occupy a greater percentage of lot area; (4) to have narrower or smaller rear yards, front yards, side yards, or other open space than herein required; or in any other manner contrary to the provisions of this Ordinance.
- E. No part of yard, or other open space, or off-street parking or loading space, required for, or in connection with, any land use, or structure for the purpose of complying with this Ordinance, shall be included as part of

a yard, open space, or off-street parking, or loading space similarly required for any other land use or structure, except as otherwise specifically permitted under provision of this Ordinance.

- F. No yard, or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- G. Building to be moved. No permit shall be granted for the moving of buildings or structures from within or without the limits of the Township of Macomb to be placed on property within such limits unless the Building Official shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of the existing buildings in the neighborhood of the new location and will fully comply with the Building Code and other Codes regulating the health, safety and general welfare of the Township of Macomb after the approval of the Township of Macomb Planning Commission. A performance bond of sufficient amount to insure cost of completing building for occupancy within a period of not less than six (6) months from the date of permit shall be furnished before permit is issued. Provided, however, the moving of accessory buildings used for agricultural purposes, within the boundaries of the farm ownership shall be exempt from this Section.

All buildings moved within the Township of Macomb shall comply with the requirements of the Macomb Township Fire Department as follows:

- 1. The date the building is going to be moved.
 - 2. The time the building is going to be moved off of the original site and onto the new site.
 - 3. It must be known on each road the building is going to be traveled.
 - 4. It must be known if any road upon which the building is going to be traveled is going to be closed for any length of time.
- H. The moving or relocation of one- or two-story two-family dwellings. Notwithstanding the provisions of Section 10.0303G, no one- or two-family dwelling may be moved into or relocated within the Township unless the following conditions are complied with:
- 1. Type of structure to be regulated. Any residential one- or two-family dwelling, including those dwellings commonly referred to as modular homes, mobile homes, prefabricated homes, sectional homes, trailer homes, or any existing one- or two-family dwelling to be moving into or relocated within the Township, must receive a permit from the Building Official.
 - 2. All dwellings regulated under this Section shall meet the minimum standards as provided in Macomb Township Ordinance 22A, the Macomb Township One- and Two-family Dwelling Code.
 - 3. When a permit is applied for under this Section, the Building Official shall review the building plans submitted for the dwelling to be moved or relocated in order to determine the degree of conformance with Ordinance 22A.
 - 4. The Building Official shall prepare a report of his findings including a listing citing those sections of the Ordinance that are not being complied with in accordance with the plans submitted. The Building Official shall list what must be done in order to comply with Ordinance 22A.

If the dwelling to be moved or relocated is existing and plans do not exist, the Building Official shall make an on-site inspection of the structure and prepare his findings based upon the on-site inspection.

The Building Official further shall visit the site to which the dwelling is to be moved. The Building Official shall determine that all other zoning regulations can be complied with, including minimum lot size, yard spaces, parking and all other site requirements of the applicable zoning district.

In all instances, wheels, towing apparatus and exposed chassis shall be removed before occupancy can be permitted.

The provisions of this Section 10.0303H shall not apply to a mobile home unit to be moved into or relocated within a mobile home park, as herein defined.

Sec. 10.0304. Construction or contracts under permits issued prior to this Ordinance.

Any structure for which a building permit has been issued and construction of the whole, or a part of which has been started, or for which a contract or contractors have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications on which said building permit was granted, provided the construction permitted by such permit shall have been prosecuted and completed within one year from date of issue of such building permit.

Sec. 10.0305. Motor home, mobile home and camp trailers.

Motor homes, mobile homes or camp trailers shall not be used as dwellings, except when located in, and as part of, mobile home park or, camp trailer park business enterprise established and in operation at the time of the effective date of this Ordinance, or as specifically provided elsewhere in this Ordinance.

Sec. 10.0306. On-site sewage disposal systems.

Before any building permit shall be issued under the terms of this Ordinance, the applicant shall obtain the endorsement in writing from the Macomb County Health Department approving his plan for any on-site sewage disposal system in accordance with State law, County regulations, or Township Ordinance, whichever is the most restrictive.

Sec. 10.0307. Water Supply.

- A. Every building or structure hereafter erected or moved upon any premises and used in whole, or in part, for dwelling, recreational business, commercial or industrial purposes shall be provided with a safe, adequate and potable water supply. All plumbing work relating to the water supply system shall conform to the standards of material and installation set forth by the Michigan State Plumbing Code, a copy of which is on file in the Macomb Township Clerk's Office.
- B. Where a public water system is not available, each fixture from which water for human consumption may be obtained shall be supplied from a system which meets the minimum requirements of the Macomb County Health Department and the Michigan State Department of Health.

Sec. 10.0308. Excavations and removal of soil, etc.

- A. The excavation and removal of soils shall be permitted only under a renewable annual permit, subject to the approval of the Township Planning Commission based on a finding that the proposed excavation operation and the conditions in which the excavation site will be left shall not be detrimental to the surrounding land uses, nor to the public health, safety, morals, and general welfare; excepting, however, the provisions of this paragraph shall not apply to excavations for the construction of a structure for which a building permit has been issued.
- B. The Commission may require all documents necessary to make the foregoing finding including approval from the Michigan Department of Environmental Quality (MDEQ) and subject to the Townships Land Development Ordinance at Chapter 14 of Macomb Township Code of Ordinances, and impose such conditions as it deem necessary to safeguard the public health, safety, and the general welfare.

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- C. The findings of the Commission shall be made upon a review procedure outlined in Section 10.2401 of this Ordinance.
 - D. The Commission shall establish the amount of a bond and require a posting of such bond running to the Township holding the Township free of all liabilities incidental to such excavation, or sanitary landfill, and to assure performance in accordance with the general conditions required by the Commission.
 - E. General Condition. In addition to the above, the Planning Commission shall require the following:
 - 1. No top soil, earth, sand or gravel shall be removed and no commercial excavating shall be allowed below the grade of the center line of the nearest road, except along streams not less than five hundred (500) feet from any public road. No excavating shall be conducted adjacent to any property line that will produce a slope with a grade of more than twenty (20) percent.
 - 2. Water, snow or ice shall not be permitted to stand or accumulate in any excavation, unless such excavation is enclosed and barricaded with a five (5) foot fence.
 - 3. Each excavation, in excess of six (6) feet in depth, shall be barricaded with a fence five (5) feet in height, constructed of wire mesh or other suitable material to afford protection to persons and property.
 - 4. Within thirty (30) days after completion of the removal of top soil, earth, muck, or sand, or any excavating, pursuant to a permit, the applicant shall fill the land to an average grade of at least twelve (12) inches above the crown of the lowest road or highway adjacent to or abutting said land, and level same so as to provide drainage suitable for the growing of turf or for other land uses permitted under this Ordinance, except that no holder of a permit shall be required to fill the land to an average grade higher than that which existed prior to the removal of top soil, earth, muck or sand from said land. In the case of low-lying lands adjoining river or stream beds, where it clearly appears that the lowering of the level of such lands will not be injurious to adjacent land or property or to the property from which soil, earth, muck or sand is being removed, the Board of Appeals may waive the refilling of said land entirely.

Sec. 10.0309. Non-conforming use, structure and lot.

- A. *Non-Conforming Use.* Any use of land or structure, which use was lawful at the time of the effective date of this Ordinance, may be continued; provided, however, such use shall have continued in operation, does not constitute a nuisance, and shall not be enlarged, altered, or changed in area, activity or content during its continuance, except as provided otherwise by proper authority.
 - 1. Any non-conforming use which has ceased its usual conduct of such business for a period of one (1) year or more shall be considered to have terminated, and may not thereafter commence operation.
- B. *Non-Conforming Structure.* The use of or occupancy of a non-conforming structure, which was a lawful structure at the time of the effective date of this Ordinance, may be continued; provided however, no enlargement, change, or alteration shall be permitted upon such non-conforming structure, except upon a finding by the Building Official that such enlargement, change or alteration will bring such structure into conformance with this Ordinance, and that the use within such structure is in conformity with the requirements of this Ordinance; and further provided, that no enlargement, change, or alteration of a non-conforming structure housing a non-conforming use shall be permitted, except upon a finding by the Board of Zoning Appeals that such enlargement, change, or alteration will permit greater compliance with the provisions of this Ordinance and that adequate provisions, as required by the Board of Zoning Appeals, are installed or instituted to minimize the detrimental effects on the non-conforming use upon adjoining conforming use.

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1. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared to be unsafe by any official charged with providing for the public safety, and which strengthening or restoration is ordered by such official.
- C. *Non-Conforming Lot.* Any lot which was lawful at the time of the effective date of this Ordinance, but does not comply with all the provisions of this Ordinance may be continued in use; provided, however, the change in use of, or the location, modification, or construction of any structure on such lot shall not be permitted, except upon a variance approved by the Board of Zoning Appeals based upon a finding that such a variance is warranted, and subject to such conditions as the Board may find necessary to provide for the public health, safety, morals and general welfare.
- No building permit shall be issued for the construction of any structure upon any lot within any zoning district, which lot cannot meet the dimensional standards and requirements of such district and which lot was created after the enactment of this Zoning Ordinance, or after the enactment of any amendment which affects such standards or requirements, except as provided above.
- D. *Destruction of Structure.* Nothing in this Ordinance shall prevent the restoration, rebuilding, or repairing of any non-conforming structure, or a structure housing a non-conforming use, which structure has been damaged by fire, acts of God, or any act of a public enemy, subsequent to the effective date of this Ordinance, in an amount up to and including sixty (60) percent of the replacement value of the structure as determined by an assessment board consisting of a qualified appraiser appointed by the Township Board, another by the owner of the structure, and a third appointed by the first two appointees, with the cost of such appraisers shared equally by the Township and the owner, and provided that the restoration or repairing shall have commenced and is diligently prosecuted within one (1) year after the date of destruction.
- E. *Maintenance.* Nothing in this Ordinance shall prevent the renovation or repair of non-structural members, or the maintenance of a non-conforming structure made necessary by ordinary wear and tear, provided the cost of such repair or maintenance does not exceed fifty (50) percent of the value of the structure as determined by its state equalized valuation.

Sec. 10.0310. Non-conventional dwelling.

No cellar, garage, or any incompletely constructed structure in use as a dwelling at the effective date of this Ordinance shall be used as a dwelling for more than one (1) year following said date, unless such structure has been brought to a state of external completion in conformity with the regulations of this Ordinance relative to dwellings in the district in which said structure is located.

No such structure constructed after the effective date of this Ordinance shall be used as a dwelling unless such structure has been completed as a dwelling and an occupancy permit issued for such structure.

Sec. 10.0311. Yard and lot area requirements.

- A. *Lot Measurements.* No area shall be counted as accessory to more than one principal structure or use and no area necessary for compliance with the open space requirements for one principal structure or use shall be included or counted in the calculation of the open space accessory to any other principal structure or use. (See appendix for Description of lots and yards.)

In the determination of a land area where a structure is to be erected, altered, or used, no road right-of-way shall be included in the computation of the required minimum land area.

1. Depth of a lot shall be considered to be the distance between midpoints of straight lines connecting the foremost points to the side lot lines in front and the rearmost points of the side lot lines in the rear.

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2. Width of a lot shall be the distance along a straight line connecting side lot lines and measured across the lot between side lot lines and measured across the lot at the required building line; provided, however, that the width between side lot lines at their foremost points (where they intersect with the front lot line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirements shall not apply.

The width of a lot is determined by a measurement at both the front and rear building lines. A 25 measurement from the front property line determines the front building line and a 35 measurement from the rear property line determines the rear building line.

The creation of odd or L shaped parcels shall be prohibited unless the leg of the parcel created is of a dimension that would be equal to the width as required by the district involved plus a dimension equal to the rear yard setback required by the district involved. The maximum length of the length of the leg shall not exceed the 3:1 ratio of length to width.

For parcels over five (5) acres in size the leg dimension must equal a minimum of three hundred (300) feet.

The width of a lot whose frontage is on an angled street, shall be measured at right angles to the side lot lines.

3. The front of a lot shall be the portion nearest the street and for the purposes of determining yard requirements on corner lots and through lots, or adjacent to streets where property has access, all sides of a lot adjacent to streets shall be considered frontage, and front yard requirements shall be provided as required in this Ordinance.

B. Dimension Criteria (See appendix).

1. *Height Limitations.* The limitations affecting the height of structures shall not apply to the appurtenant appendages and structures such as parapet walls not exceeding three (3) feet in height, chimneys, smokestacks, church spires, flagpoles, radio or TV towers, masts and aerials, penthouse for mechanical equipment, and water tanks; provided, however, such appendages and structures shall comply with all other provisions of this or any other applicable Ordinance.
2. *Yards.* All front, side and rear yards shall be the minimum perpendicular distance measured from the principal structure to the respective front, side or rear lot lines.
 - a. *Lot width.* A single-family dwelling may be constructed on any officially platted and recorded lot which is less than the minimum width required by this Ordinance provided that the structure complies with all other requirements herein.
 - b. *Lot area.* A single-family dwelling may be constructed on any officially platted and recorded lot which has less than the minimum area required by this Ordinance, provided that the structure shall comply with all requirements of this Ordinance.

- C. Front yards (Exceptions).** In all residential districts, the front yard setback requirement shall not be less than the average depth of existing developed front yards on lots within one hundred (100) feet of said lot and within the same block face.

Provided, however, that when structures have been built upon a majority of the parcels in the block face with a lesser yard than permitted by this Ordinance, a structure may be built to the distance of the mean average of the structures in the block; provided further that the yard requirements on corner lots shall not reduce the buildable width on parcels of land to less than a 24-foot width building. (See Appendix.) This provision shall not apply to lots fronting on major roads.

D. Side yards (See appendix).

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1. The required width of side yards on lots with a width of less than seventy (70) feet and recorded as such prior to the date of the adoption of this Ordinance, and located in a residential district, may be reduced six (6) inches for each foot or major fraction thereof by which the width of such lot is less than seventy (70) feet, provided that the minimum side shall not be less than four (4) feet and the combined width of both side yards shall not be less than thirteen (13) feet.
 2. The least width of a required side yard may be measured to the centerline of an adjoining alley, but no structure shall be erected within ten (10) feet of the alley line.
 3. Private driveways and or walks. In the AG, R-1-S, R-1-E, R-1 zoning districts and in any residential condominium subdivision where the condominium unit as described on the condominium plan is vacant land or airspace alone; all private driveways, parking pads, and/or walks between the rear elevation of an existing or proposed structure and the front lot line or public sidewalk shall be set back a minimum of three and one-half (3.5) feet from any side lot line. The three and one-half (3.5) foot setback shall be maintained for any driveway, parking pad or private sidewalk. The driveway width shall be limited to the width of the garage opening up to a maximum thirty (30) feet. Ground covers permitted within said setback shall be limited to grass and/or plant materials that do not grow to a vertical height greater than two (2) feet, or wood chips, stones or suitable landscape material provided that any such materials or plantings are set in place to a height not to exceed two (2) feet above the established grade at the property line. A placement of the driveway, walk, parking pad, or ground cover must match the grade as established for the lot in the master grading plan as approved by the Township engineer.
- E. *Rear yards (See appendix)*. Any platted and recorded lot less than one hundred ten (110) feet deep and/or platted and recorded with the express requirement that it shall be provided with a thirty (30) foot front yard setback shall be allowed a reduction of the rear yard not to exceed five (5) feet. In no case shall the rear yard provided be less than thirty (30) feet.
- a. No fence or wall shall be permitted within any required front yard, which materially impedes vision across such yard above the height of two (2) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of two (2) and eight (8) feet; all of which shall be measured from the centerline elevation of abutting streets; provided, however, this provision shall not affect any yard area where the natural ground elevation is more than four (4) feet above the centerline elevation.
 - b. In any district where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line.
 - c. In the case of through lots, side yards shall extend from the building lines of required front yards. In the case of corner lots, yards remaining after full front yards have been established shall be considered side yards and comply with applicable requirements for side yards.
 - d. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations.
 - e. Depth of a required yard shall be measured in such a manner that the yard established is a strip of at least minimum width required by district regulations.
 - f. In the case of residentially zoned lots, construction may be permitted in the rear yard as follows:
 - 1) Freestanding buildings such as garages and sheds provided they are not located closer than ten (10) feet from other buildings and a minimum of seven and one-half (7.5) feet from the side or rear property lines.
 - 2) Patios and decks provided they are not located in any required side yard setback and maintain a minimum of seven and one-half (7.5) feet from the side property line and twenty (20) feet from

the rear property line. Further, that walls and railings do not exceed forty-two (42) inches in height from the finished floor of the patio or deck.

- 3) Unenclosed, swimming pools, either above or below ground, must maintain a minimum of seven and one-half (7.5) feet from a side property line and a minimum of six (6) feet from the rear property line and a minimum of ten (10) feet from other buildings not associated with the pool.
- 4) All freestanding or detached buildings located in the rear yard shall be built on a minimum of a four (4) inch wide and a twenty-four (24) inch deep rat wall, with a four (4) inch slab.
- 5) No structure of any sort shall be constructed in any recorded easement.
- 6) Any construction must otherwise meet the codes and ordinances of the Township and must consider any easement of record.
- 7) In the case of double frontage or through lots where lots front on both a local or collector street and a major road the yard area between the existing building line and the major road shall be considered a rear yard and regulated according to the rear yard provisions of the applicable Residential District.

(Ord. No. 10-12, § 1.1, 6-13-01; Ord. No. 10-17, § 1.2, 11-13-02; Ord. No. 10-21, § 1, 7-9-03; Ord. No. 10-31, § 1, 7-12-06; Ord. No. 10-52, 10-9-13; Ord. No. 10-63, § 3, 9-13-17)

Sec. 10.0312. Exception to yard and lot area requirement.

Lot area and yard requirements normally required within this Ordinance may be changed upon the approval of a variance by the Board of Zoning Appeals, in accordance with the provisions of Section 10.2403 and subject to the following provisions:

The required rear yard depth may be measured to the center line of any adjoining alley, but no building shall be erected within ten (10) feet of the alley line.

Projections into yards. In all zoning district, architectural features such as, but not limited to window sills, cornices, eaves, bay windows, may extend or project into a required side yard not more than two (2) feet, and may extend or project into a required front or rear yard not more than three (3) feet. The front, side and rear yard projections shall further be limited to two (2) such projections per side elevation with a maximum of ten (10) feet in length for each projection. However, a projection may be permitted into a side or rear yard, exceeding ten (10) feet in length, provided that any such projection shall be limited to sixteen (16) in length and would be further limited to one (1) projection per side or rear yard.

(Ord. No. 10-21, § 1, 7-9-03; Ord. No. 10-34, § 1, 11-27-06)

Sec. 10.0313. Clear vision zone.

There shall be a clear vision zone at all intersecting drives or maneuvering lanes within off-street parking areas consisting of a triangular area defined by the point of intersection of the driveways or maneuvering lanes and the two (2) points extended along such a distance of twenty (20) feet. The lines for the triangular area are created by utilizing the edge of the drives or maneuvering lanes closest to an existing or proposed building. The above described triangular area shall have no obstruction to vision permitted from a height of two (2) feet to eight (8) feet above the established grade as set by the township engineer.

(Ord. No. 10-18, 6-11-03)

Sec. 10.0314. Lot grades.

- A. All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.
- B. Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems, and shall be approved by the Building Official and such other authorities having jurisdiction over such system.
- C. In the R-1-E and R-1 zoning districts, the elevation of the structure's first floor shall be limited to a maximum of six (6) feet above the lowest top of curb elevation on the adjacent roadway along the parcel's frontage. In areas where the adjacent roadway does not have a curb the lowest road centerline elevation shall be used in lieu of the lowest top of curb elevation. The structure's first floor refers to the main living floor that is entered from the front or street side.

(Ord. No. 10-21, § 1, 7-9-03; Ord. No. 10-62, § 1, 2-8-17)

Sec. 10.0315. Curb cuts, culverts and driveways.

Curb cuts, driveways and culverts may be located upon approval by the Building Official, Township Engineer and such other county and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts, culverts and driveways shall cause an unreasonable increase in traffic hazards.

Sec. 10.0316. Essential services.

- A. Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate other applicable provision of this Ordinance.
- B. Nothing in this ordinance shall be construed to permit the erection, construction, or enlargement of any above ground structure except utility poles and wires, except as otherwise permitted in this Ordinance.

Sec. 10.0317. Temporary living quarters.

Nothing in this Ordinance shall prohibit the use of a mobile home upon a lot while construction is diligently pursued upon a residence meeting all requirements of this Ordinance; provided, however, all health requirements affecting the provisions of water and sanitary sewer services are complied with and approved by the Building Official; and provided further, that all such construction shall have been completed within six (6) months from the issuance of the building permit; and further provided, that nothing in this Section or this Ordinance shall permit the occupancy of a cellar without a complete residential structure thereon sufficient to permit the issuance of an occupancy permit.

Sec. 10.0318. Storage in front yard.

Nothing in the Ordinance shall permit the storage or parking of any vehicle or nonpermanent structure within the required front yard of any lot except that the parking of an operable passenger vehicle on a driveway of a residential use on private property shall not be prohibited.

Sec. 10.0319. Reserved.

Editor's note(s)—Ord. No. 10-40, adopted July 22, 2009, deleted § 10.319. Former § 10.319 pertained to signs and derived from Ord. No. 10-10, § 1.1, adopted Feb. 28, 2001.

Sec. 10.0320. Home Occupation.

A home occupation may be permitted within a single-family residential dwelling subject to the following conditions:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than two hundred (200) square feet of 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.
- C. 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.
- D. No home occupation shall be conducted in an accessory structure.
- E. There will be no sales of any goods manufactured elsewhere in connection with such home occupation.
- F. 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.
- G. 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.
- H. No indoor or outdoor advertising of the home occupation shall be permitted.
- I. The hours of operation for a home occupation shall be limited to the hours of 9:00 a.m. to 8:00 p.m. seven (7) days a week.
- J. No commodity may be sold upon the premises.
- K. No person may be employed other than a member of the immediate family residing in the premises.

(Ord. No. 10-37, § 1, 7-11-07)

Sec. 10.0321. Temporary uses.

- A. Nothing in this Ordinance shall prevent the use of a travel trailer, a mobile home, semi-truck trailer or other similar structure including a tool crib, in any district as a temporary construction field office for a period not to exceed the period of construction, provided, however, such structure is not used for overnight sleeping accommodations and adequate arrangements for sanitary facilities are made and provided further, that the temporary field office has been certified as such and conforming to this Ordinance by the Building Official. The placement and regulation of such temporary uses shall be further regulated as follows:

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1. The temporary use shall not be connected to public water or sewer without special approval by the Township Board. The temporary connection to electrical service may be permitted subject to approval by the utility company and the Building Official.
 2. The location of any such temporary use shall be prohibited in any of the following areas on the site: clear vision triangle of any intersecting public street or within seventy-five (75) feet of any residential structure or within twenty (20) feet of any fire hydrant or within fifteen (15) feet of any property line.
 3. The placement of the temporary structures shall be discussed at the preconstruction meeting with the Water and Sewer Department and Township Engineer.
 4. All temporary uses shall be removed from a site prior to the release of any bonds posted to ensure faithful completion of the improvements of the site plan approval pursuant to Section 10.2403 of this ordinance or the issuance of a Certificate of Occupancy for any building on the parcel in question.
- B. Circuses, carnivals, or other transient amusement enterprises may be permitted in any district, upon approval by the Township Planning Commission based upon review procedures as outlined in Section 10.2401 of this Ordinance and a finding that the location of such activity will not adversely affect public health, safety, morals and the general welfare; provided, however, the Commission may require the posting of a bond running to the township in an amount sufficient to hold the township free of all liabilities incident to the operation of such activity and to indemnify any adjoining land owner for any damages resulting from the operation of such activity.
- C. No recreational vehicles or boat shall be parked in the driveway of a residence for more than twenty-four (24) hours, nor in the side yard or within ten (10) feet of any principal building at any time.

(Ord. No. 10-23, § 1, 4-28-04)

Sec. 10.0322. Variance.

- A. A variance from the provisions of this Ordinance may be granted by the Board of Zoning Appeals, subject to the provision of section 10.2403 of this Ordinance.

Sec. 10.0323. Off-street parking and loading.

- A. *Intent.* The off-street parking and loading requirements of this ordinance are established to prevent congestion on public streets by providing clearly defined parking areas that are separated from roadways; to remove the hazard to pedestrians of emerging between parked vehicles onto a public street; to facilitate proper storm-water runoff; to prevent the generation of dust into the area; and to make clear the availability and arrangement of spaces to all users.
- B. *Requirements General Parking.* It shall be the obligation of both the owner and occupant of any site, or portion thereof, 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 site and maintained as required by this ordinance.
 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 is 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 this ordinance, in conjunction with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
4. Nothing in this section shall be construed to prevent the collective provisions of off-street parking facilities for two (2) or more buildings or uses on separate sites, provided that, collectively, such parking shall not be less than the sum of requirements for the various uses computed separately. The provision for collective parking shall not be construed to allow for a development without adequate parking being 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 shall be irrevocably dedicated to each use.
5. Where the owners of two (2) buildings or uses desire to utilize shared off-street parking facilities, the planning commission may permit such dual function provided that the following conditions have been met:
 - a. The peak business hours of the two (2) buildings or uses shall not generally overlap. In the event that there is a change of use(s) or other site alteration that causes the site(s) to no longer meet the criteria established for shared parking, the required number of spaces as provided below shall be installed per applicable Township requirements.
 - b. The common parking lot shall meet the off-street parking requirements of the larger building or more intensive use, whichever is greater, plus fifteen (15) percent.
 - c. The common parking lot meets all of the locational requirements of this ordinance with respect to each building or use.
 - d. The petitioners for shared parking shall provide proof, in the form of a site plan, that individual parking requirements for both uses can be accommodated on the site(s) if such need is ever required or deemed necessary by the Township for protecting the health, safety and/or welfare of residents and users of the parking. A banked parking agreement shall be provided to the Township in a form acceptable to the Township's Attorney. Such agreement shall stipulate that the Township may require the installation of all or some banked parking spaces at any time and at the discretion of the Township to protect the health, safety and welfare of Township residents and users of the parking.
6. Off-street parking facilities required herein shall be located within three hundred (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. Said off-street parking facility shall not be separated from the building to be served by any major or secondary thoroughfare so designated by the Macomb Township Master Plan, or by physical barriers such as a river, an unenclosed storm drain, a canal, an unpierced wall or similar physical barrier or public improvement. All parking located off-site shall be reviewed and approved by the planning commission.
 - a. Valet-only parking may be provided at any location within one thousand (1,000) feet of the site, subject to planning commission approval and the following conditions:
 - (1) The proposed parking area is not located in an area that maintains poor corner clearance visibility or any other type of roadway design that would result in a danger to valet workers utilizing the lot or motorists passing by;

- (2) The parking area is open for valet parking only and employees of the facility. Patrons utilizing the primary site shall not be permitted access or parking rights to the proposed parking area;
 - (3) There are reasonable pedestrian connections between the proposed parking area and the primary site to ensure that valet or facility employees walking between properties will not be required to walk within the roadway;
7. Required off-street parking shall not be enclosed with a gate that would permit it to be closed to employees, patrons, and/or public safety vehicles without Planning Commission approval.
 8. When units, measurements or calculations determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall require one (1) parking space.
 9. Unless otherwise specified herein, off-street parking requirements for all uses shall be calculated utilizing one hundred (100) percent 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 landscape areas, the floor area occupied by such areas may be deducted from the gross floor area used to calculate parking requirements.
 10. Uses which include a drive-thru window, similar service window and/or a washing bay shall provide a minimum of six (6) off-street waiting spaces for each service window or service bay. Such waiting spaces shall be provided in a designated lane directly in line with the window or bay. All such lanes shall be ten (10) foot wide with a ten (10) foot wide emergency by-pass lane.
- C. *Minimum Space Requirements.* The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following parking schedule. Other than multiple uses located in shopping centers, sites occupied by more than one (1) use shall provide the sum total of required parking spaces for each use. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord to the most similar use, as determined by the planning commission.

1.	Residential.		
	a.	One-family dwelling	Two (2) spaces per unit.
	b.	Mobile homes or multiple-family dwelling	Two and one-half (2.5) spaces per unit, plus one (1) additional space per unit in designated off-street visitor parking areas. Visitor parking areas shall be distributed evenly throughout the development to service all units.
	c.	Rooming houses, fraternity and sorority houses, dormitories, tourist homes or lodging homes	One (1) space per bedroom and/or unit, plus one space for each employee not living on the site.
	d.	Community buildings for residential developments	One (1) space per every four (4) people allowed within the maximum capacity load as established by the adopted Fire Code.
2.	Institutional.		
	a.	Convalescent homes, nursing homes	One (1) space per bed.
	b.	Congregate housing	One and one-half (1.5) spaces per room or housing unit.
	c.	Hospitals	Two and two tenths (2.2) spaces per bed.
	d.	Churches, temples, mosques, synagogues, religious buildings for worship, institutional and public assembly uses	One (1) space per three (3) seats or for each six (6) feet of pew or twenty-one (21) square feet of assembly space, whichever will require the largest number of parking spaces. Additional spaces for

			residential, classrooms, gymnasiums and similar accessory uses may be required by the Planning Commission based on the standards cited herein.
	e.	Nursery schools, day care centers	One (1) space per two hundred (200) square feet of gross area of principal building(s) but not less than ten (10) spaces.
	f.	Private clubs, lodge or halls	One (1) space for every three (3) people allowed within the maximum occupancy load as established by the fire marshal.
	g.	Museums, art galleries and similar uses	One (1) space per four hundred (400) square feet.
	h.	Colleges, universities, trade schools, senior high schools	One (1) space for each employee, plus one (1) space for each three (3) students; plus the requirements for an auditorium. Spaces for accessory facilities and uses may be required by the Planning Commission.
	i.	Elementary, junior, middle schools	One (1) space per classroom plus ten (10) spaces. Additional spaces for accessory facilities and uses may be required by the Planning Commission.
	j.	Exhibition Halls	One (1) space per three persons allowed at maximum occupancy load for the building or outside area intended for the proposed use/activity as stipulated in the approved Fire Code.
	k.	Libraries	One (1) space per three hundred (300) square feet of gross floor area.
	l.	Auditoriums, theaters and movie houses	One (1) space per three seats. If seating is not the predominate occupancy, exhibition hall standards shall apply.
3.	Recreational.		
	a.	Golf courses	Seven (7) spaces per hole and one (1) space per one hundred (100) square feet of floor area of the principal building.
	b.	Miniature golf, par 3 courses and driving ranges	Three (3) spaces for each miniature golf or par three hole, one (1) space per driving range tee, plus space for other ancillary uses as required by this Section and five (5) spaces for employees.
	c.	Outdoor swimming	One (1) space per forty (40) square feet of pool area plus spaces as required in this Section for ancillary uses and five (5) spaces for employees.
	d.	Outdoor tennis, shuffleboard and similar uses	Two (2) spaces per court and/or game, etc.
	e.	Stadiums and sports arenas	One (1) space per three (3) persons allowed at the occupant load for the building or outside area intended for the proposed use/activity as stipulated in the approved Fire Code.
	f.	Indoor racquetball, tennis or similar court games	One (1) space per two (2) persons allowed at the maximum occupant load for the building, as stipulated in the approved Fire Code.
	g.	Health and exercise clubs, sports training, outdoor	One (1) space per three (3) persons allowed at the maximum occupant load for the building or outside

			area intended for the proposed use/activity as recreation stipulated in the approved Fire Code.
	h.	Riding stables	One (1) space per stable, plus additional spaces for arena uses, if applicable.
	i.	Bowling alleys	Five (5) spaces per bowling lane (includes parking for any accessory use within the building such as a bar/lounge integrated within the bowling alley).
	j.	Poolrooms, billiard halls	One (1) space per seventy-five (75) square feet of gross floor area.
	k.	Amusement machine center/arcades	One (1) space shall be provided for each amusement machine, plus spaces for the use in which the amusement machine(s) is located.
	l.	Dance halls, roller rink, indoor shooting range, ice skating rink	One (1) space per three (3) persons allowed at the maximum occupant load for the building or outside area intended for the proposed use/activity as stipulated in the approved Fire Code.
	m.	Private parks, outdoor recreation uses	One (1) space per three (3) persons allowed at the maximum occupant load for the building or outside area intended for the proposed use/activity as stipulated in the approved Fire Code.
	n.	Travel trailer parks	One (1) space per camp site plus five (5) spaces.
	o.	Indoor swimming pools	One (1) space per three (3) seats or forty (40) square feet of pool surface whichever will require the largest number of spaces.
4.	Office.		
	a.	Banks, credit union, savings and loans and similar financial institutions	One (1) space per one hundred fifty (150) square feet of gross floor area of building, plus: Six (6) stacking spaces for the first drive-thru window; Three (3) stacking spaces per additional window; Two (2) per drive-thru ATM.
	b.	Business offices, professional offices of architects, attorneys, accountants, engineers, real estate brokers, etc.	One (1) space per two hundred (200) square feet of gross floor area of the building.
	c.	Offices of doctors and dentists, medical, dental and veterinary clinics	One (1) space per one hundred fifty (150) square feet of gross floor area of building, with a minimum of five (5) spaces.
5.	Commercial.		
	a.	Automobile:	
		Self-service open car wash	Two (2) exterior waiting spaces at entry plus one (1) exterior drying space per bay.
		Self-service enclosed car wash	Four (4) waiting spaces per bay. A properly drained fifty (50) foot long drying lane shall also be provided at the exit of each bay.
		High speed automatic commercial car wash	One space for each employee, plus twenty (20) stacking spaces at each bay. A properly drained fifty (50) foot long drying lane shall also be provided at the exit of each bay.
		All auto washes, where cars are lined up for service, shall provide for an escape lane of at least ten (10) feet in width or greater if determined necessary by the Fire Department.	

		Gas Stations with accessory retail and/or accessory auto repair	One (1) space per pump, plus three (3) spaces for each service bay, plus one (1) space per employee, plus one (1) space per two hundred (200) square feet of retail floor area.
		Auto repair and major repair including collision shops	One (1) space for each one hundred (100) square feet of gross building area.
		Quick oil change	Three (3) spaces per bay plus one (1) space per two hundred (200) square feet of retail space.
		Vehicle sales establishments	One (1) space per three hundred (300) square feet of indoor vehicle display area, plus one (1) space for each two hundred (200) square feet of office area, plus three (3) spaces for each service bay.
		Motels and Hotels	One (1) space per room plus one (1) space for each employee. In addition, spaces must be provided for bars/lounges, dining rooms and meeting rooms at the rate on one (1) space per seventy-five (75) square feet.
	b.	Food service:	
		Fast-food restaurants	One (1) space per seventy-five (75) square feet of gross floor area.
		Carry-out restaurants	One (1) space per each employee, plus one (1) space for each twenty (20) square feet of gross floor area of available in the order-waiting area.
		Bar/lounge or bar/restaurant	One (1) space per seventy-five (75) square feet of gross area of building.
		Dining room restaurant	One (1) space per seventy-five (75) square feet of gross floor area but not less than ten (10) spaces.
		Banquet and/or catering halls and nightclubs	One (1) space per three persons allowed at the maximum occupant load for the building or outside area intended for the proposed use/activity as stipulated in the approved Fire Code.
	c.	Retail, other:	
		Beauty parlors, barber shops	Three spaces for the first two (2) chairs, plus one and one-half (1.5) spaces for each additional chair; or one (1) space per seventy-five (75) square feet of floor area, whichever is less.
		Service shops	One (1) space per two hundred (200) square feet.
		Retail stores exclusively for any of the following uses or combination thereof, appliance, furniture, carpet sales	One (1) space per eight hundred (800) square feet of gross floor area and one (1) additional space for each two (2) employees working in processing areas.
		Showroom for plumbers, cabinet makers, electricians	One (1) space per three hundred (300) square feet of showroom area plus one (1) space per one thousand (1,000) square feet for processing and storage.
		Laundromats, coin operated dry cleaners	One (1) space per two (2) machines.
		Open air sales	One (1) space per thousand (1,000) square feet of lot area used for retail sales, services, and merchandising.

		Retail stores except as otherwise specified	One (1) space per two hundred (200) square feet with a minimum of five (5) spaces.
		Mortuaries	One (1) space per fifty (50) square feet of assembly room floor space, parlors, chapels, and slumber rooms.
		Open air business uses as described in section 10.0202	One (1) space per two hundred (200) square feet of gross area of retail building plus one (1) space per thousand (1,000) square feet of open air sales with a minimum of twenty (20) spaces.
		Shopping Center	One space per one hundred (150) square feet of gross floor area. Such spaces shall be located proximal to and allocated on the site in a manner proportional to the store unit usage requirement if such use were provided individually on a site. Spaces shall not be located in the rear of such buildings unless the Commission determines that a unique design warrants such location.
6.	Industrial/Technical.		
		Manufacturing	One (1) space per five hundred (500) square feet, with no less than five (5) spaces per tenant.
		Office research	One (1) space per two hundred (200) square feet of gross floor area.
7.	Wholesale, Warehouse and Storage.		
		Mini-warehouse or self-storage unit	Five (5) spaces plus one (1) space per one hundred (100) square feet of office space.
		Recreational vehicular storage	Five (5) spaces per acre of storage area with a minimum of ten (10) spaces.
		Truck storage and terminal	Five (5) spaces per acre of truck storage area and one (1) space per one thousand (1,000) square feet of terminal plus one (1) space per one hundred (100) square feet of office space with a minimum of ten (10) spaces.
		Junk yard and storage yard other than vehicular	One (1) space per acre of land designated as yard or one (1) space for every one hundred (100) square feet of office space, whichever is greater, but not less than ten (10) spaces.
		Wholesale or warehouse establishments	One (1) space per one thousand five hundred (1,500) square feet of gross building area, provided said building is located within a Warehouse (WH) District, plus one (1) space per five hundred (500) square feet of office space.
8.	Special Uses.		
		Airports	One (1) space per three (3) airplanes permitted to be stored on the site plus one (1) space for every two hundred (200) square feet of principle building area with a minimum of ten (10) spaces.
		Heliports	Ten (10) spaces for the first landing area plus five (5) spaces for each additional one.

		Trash recycling centers, public composting areas	One (1) space for every five (5) acres with a minimum of twenty (20) spaces.
		Transportation terminals	One (1) space for every two hundred (200) square feet with a minimum of ten (10) spaces.
		Agricultural sales	Shall be regulated by the Right to Farm Act and GAAMPS

9. Exception.

1. Use of basements in office buildings. If the basement of an office building is used exclusively as a service area, then the basement qualifies for special exception. To be considered as a service area, the uses of the basement shall be limited to the following or similar uses as determined by the Planning Commission: storage area, filing rooms, meeting rooms, library, restrooms, employee lounge/break room, and utility rooms. Under no circumstances shall any rooms or areas be set aside in the basement for permanent work stations or private offices for employees or tenants or to provide direct service to the general public, such as waiting rooms, treatment rooms or similar activities. To qualify for this special exception the owner shall submit a floor plan for the basement area together with the site plan that describes in detail the proposed uses for the basement area together with the site plan that describes in detail the proposed uses for the basement. The Building Official shall review the floor plan and make a report to the Planning Commission as to the proposed use of said basement. The basement must be kept as a service area for the life of the building and further a document to this effect shall be recorded with the County Register of Deeds.

D. *Off-street loading requirements.* Off-street loading space for specified land uses shall be provided in accordance with the following requirements.

1. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, supplies, materials or merchandise, there shall be provided and maintained on the lot adequate space for loading and unloading services in order to avoid undue interference with parking, maneuvering or site circulation, as well as public use of the streets and alleys.
2. Loading and unloading spaces, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) feet height clearance.
3. All loading spaces shall be located and designed to avoid creating traffic hazards and circulation conflicts. Loading and unloading shall be located at the rear of a building unless the Planning Commission determines that a side location will be adequately screened and will not interrupt circulation patterns or cause traffic conflicts.
4. A site plan showing the loading area layout and dimensional requirements shall be submitted as part of Site Plan Review before the building permit for the structure for which the loading facility is required is issued.

E. *Parking Space Layout Standards And Construction.*

1. Wherever the off-street parking requirements 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:

- a. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Department. Applications for a permit shall be submitted as required by Township regulations and policies.
- b. Plans for the layout of an off-street parking lot shall have dimensions consistent with the following standards:
 - (1) Ninety (90) degree pattern: Parking spaces and maneuvering lanes shall be provided based on the following table:

Space Width	Space Length	Maneuvering Width	Two Tiered Parking and Maneuvering Width
10 Feet	20 Feet	24 Feet	64 Feet

- (2) Sixty (60) and forty-five (45) degree patterns with one-way lanes: Parking spaces and maneuvering lanes shall be provided based on the following table.

Space Width	Space Length	Maneuvering Width	Two Tiered Parking and Maneuvering Width
10 Feet	20 Feet	20 Feet	60 Feet

- (3) All other drives and maneuvering lanes not indicated above shall have a minimum width of twenty-four (24) feet.
 - (4) Parking spaces to accommodate vehicles with trailers, boats and recreational vehicles shall be at least ten (10) by forty (40) feet.
 - (5) All parking lot stalls shall be striped and maintained.
 - (6) Handicapped spaces shall be furnished as required by State and Federal law. It shall be the owner's responsibility to meet all such requirements.
 - (7) Parallel parking spaces shall be ten (10) feet by twenty-five (25) feet and be provided with a twenty-four (24) foot maneuvering lane for two-way traffic and a twenty (20) foot maneuvering lane for one-way traffic.
 - (8) Stacking spaces shall be ten (10) feet wide by twenty-five (25) feet long.
2. 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.
 3. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley and so that any automobile may be parked and un-parked without moving or damaging another.
 4. All parking areas must be curbed, drained and hard-surfaced pursuant to Chapter 14 of the Macomb Township Code of Ordinances. Bumper blocks are prohibited. Driveways and parking areas for Township Parks may be developed with an aggregate surface approved by the Township Engineer as it relates to materials, cross-sections, and drainage.
 5. In the area where a maneuvering lane, driveway or parking space that is part of a parking lot abuts a front yard or greenbelt, a six (6) inch raised concrete bumper slab of at least five (5) feet in width shall be provided.

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6. In any area where front-end parking abuts a curbed landscaped area at least five (5) feet in width or a raised sidewalk having a minimum width of at least seven (7) feet, the minimum parking stall depth of twenty (20) feet (as otherwise specified herein) may be decreased by up to two (2) 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. Parallel parking spaces which are parallel to the building or the driveway or maneuvering lane runs parallel to the building with no parking spaces between the driving/maneuvering lane and the building, the sidewalk shall be a minimum of five (5) feet wide.
 7. Where a parking lot abuts a side or rear lot line, the face of the curb shall be located at least four (4) feet from the property line. All setback areas shall be graded and finished with ground cover and landscaping. No setback shall be required if an irrevocable shared parking agreement with the abutting neighboring property is approved and recorded by the Township.
 8. All parking lots abutting residential zones or abutting any residential uses shall be buffered with a six (6) foot high masonry wall or eight (8) foot wide greenbelt.
 9. All lighting used to illuminate off-street parking shall be so installed as to confine within and directed onto the parking area only. All light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixtures lenses, shining or casting light onto adjacent properties.
 10. The surface of the parking lot area shall be maintained and kept free from weeds, rubbish, refuse and debris.
 11. All parking serving other than one- or two-family dwellings shall be side-by-side. Tandem parking is prohibited; except where a multiple-family unit has its own separate two (2) car garage, their separate approach apron can be used for visitor parking. Tandem parking to a depth of three (3) 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
 12. 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 by site plan approval in conjunction with the principal or accessory use and sale of motor vehicles.
 13. All parking areas shall be provided with an entrance and exit of not less than thirty (30) feet in width from the abutting public right-of-way.
 14. All entrances and exits from any off-street parking lot shall be located at least twenty (20) feet from any adjacent property line.
 15. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential and agricultural uses shall not cross land zoned for residential or agricultural purposes.
 16. Off-street parking shall not be used for other than parking purposes or allowed to be unusable except for temporary repairs. The storage of vehicles, merchandise, signage, and trash containers in approved parking spaces is prohibited.
 17. The use of any outdoor loud, noise-producing device or public address system shall be prohibited.
 18. All parking lots shall be screened as per the requirements of this Ordinance.
 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 eighteen (18) hours. It shall also be unlawful to park or permit to be parked any motor vehicle in such parking area between the hours of twelve (12:00) o'clock midnight and six (6:00) o'clock the following morning, unless the business maintaining such parking area remains open after midnight, in which case said lot shall be closed and all parked cars removed within thirty (30) minutes after said business has closed. The parking of vehicles accessory to the principal use of the site is exempt from this provision.

20. Planning Commission may require access easement to provide for vehicle access to adjacent parking lots for purposes of public safety, reduction in access drives and the convenient flow of traffic.
21. Driveways may cross the front yard setback area, but shall not run in the front yard setback area parallel to the street. Further, the driveway must cross the front yard setback at not less than a seventy-five (75) degree angle. In the case of a residential lots where circle drives are constructed a setback of eight (8) feet must be maintained between the front lot line and the driveway.
27. Parking lots, including parking spaces and maneuvering lanes, shall not be permitted within any front yard setback.

F. *Parking Structure Development Standards.*

1. It is intended that 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. It is further intended that 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 this Ordinance and 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. All parking structures shall be reviewed as a special land use request.

(Ord. No. 10-17, §§ 1.3—1.6, 11-13-02; Ord. No. 10-20, § 1, 4-23-03; Ord. No. 10-19, § 1, 6-25-03; Ord. No. 10-18, 6-11-03; Ord. No. 10-39, § 1, 6-24-09; Ord. No. 10-39, § 1, 6-24-09; Ord. No. 10-45, § 1, 3-28-12; Ord. No. 10-52, § 1, 10-9-13; Ord. No. 10-58, § 1, 5-13-15)

Editor's note(s)—Ord. No. 10-58, § 1, adopted May 13, 2015, changed the title of § 10.0323 from "Off-street parking and off-street loading space requirements" to read as set out herein.

Sec. 10.0324. Structure completion.

All structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete or similar performance tested material within six (6) months after construction is started unless an extension for not more than an additional six (6) months is granted by the Building Official. When part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises comply with health and fire standards.

Sec. 10.0325. Personal Construction Authority.

Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his or her own building, erecting, altering, plumbing, electrical installation, etc., provided the minimum requirements of the State Electrical and Plumbing Codes of the State of Michigan, and the applicable Macomb County Health Department regulations are complied with.

Sec. 10.0326. Zoning District Map.

The land areas and sizes of dwelling assigned to these districts, the designation of same and the boundaries of said districts are shown on the map hereto attached and made part of this Ordinance, said map being designated as the Zoning District Map showing use districts and building districts in the unincorporated portions of this Township and said map and the proper notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

Sec. 10.0327. Size of Dwellings.

Every one-story building or structure used as a one-family dwelling, hereafter erected or structurally altered shall have a minimum floor area of twelve hundred (1,200) square feet. Every one and one-half and two-story dwelling hereafter erected or structurally altered shall have a first-floor area of not less than eight hundred forty (840) square feet. The minimum exterior width of any elevation of a single-family dwelling shall be twenty-four (24) feet.

Sec. 10.0328. Dumping or disposal of rubbish, etc.

The use of land for the dumping or disposal of scrap, iron, junk, garbage, rubbish or other refuse, or of ashes, slog, or other industrial wastes shall be prohibited in all zoning districts as provided for by Act 641, Michigan Public Acts of 1978, as amended.

Sec. 10.0329. The filling of land, changing of grades, etc.

The existing grade of all properties within the Township shall not be changed without approval of the Township Board. Any request for change to existing grades shall be submitted to the Township Board. The Board shall make its determination based on a recommendation from the Township Engineer and Building Official. The Board shall charge all reasonable fees in making the determination to the property owner.

Sec. 10.0330. Lot Limitations.

No residential structure shall be erected upon the rear of a lot or a lot with another dwelling with the exception of a farm which may require a tenant house which shall comply with the yard requirements of the Agricultural District; and parcels of record described and designated as "outlots," which may be so arranged or subdivided as to provide for one (1) or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district, and the building and land complies with all the requirements of the district in which it is located.

Sec. 10.0331. Accessory Buildings.

Accessory buildings except as otherwise permitted in this Ordinance shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a principal building, it shall be subject to and must conform to all regulations of the ordinance applicable to the principal building, except as specifically cited herein.
2. Detached accessory buildings shall not be erected in any required yard except the required rear yard.

3. A detached accessory building shall not be located closer than ten (10) feet to any principal building, nor shall it be located closer than seven and one-half (7.5) feet to any side or rear lot line. In no instance shall an accessory building be located within a utility easement or any dedicated right-of-way.
4. Accessory buildings on corner lots shall maintain the specified front setback from both streets, as required for principal buildings in the same zoning district.
5. In the AG, R-1-S, R-1-E, and R-1 Districts, the following regulations shall apply:

PARCEL SIZE	NUMBER OF BUILDINGS PERMITTED	TOTAL ALLOWABLE AREA OF ACCESSORY BUILDINGS ^{1,2,4,5}	MAXIMUM HEIGHT OF DETACHED ACCESSORY BUILDINGS ³
10,000 sq. ft. or less	1 garage	900 sq. ft. garage	Same as principal building.
	1 accessory building	150 sq. ft. accessory building	Twelve (12) feet.
10,001 to 20,000 sq. ft.	1 garage	900 sq. ft. garage	Same as principal building.
	1 accessory building	400 sq. ft. accessory building	Twelve (12) feet.
20,001 sq. ft. to 1 acre	1 attached garage	900 sq. ft. garage	Same as principal building.
	1 accessory building	900 sq. ft. accessory building	Fourteen (14) feet.
1.01—2.0 acres	1 attached garage	900 sq. ft. garage	Same as principal building.
	2 accessory buildings	1,400 sq. ft. accessory building(s)	Sixteen (16) feet.
2.01—3.0 acres	1 attached garage	900 sq. ft. garage	Same as principal building.
	2 accessory buildings	1,800 sq. ft. accessory building(s).	Sixteen (16) feet.
3.01—4.99 acres	1 attached garage	900 sq. ft. garage	Same as principal building.
	2 accessory buildings	2,400 sq. ft. accessory building(s)	Sixteen (16) feet.
5.00 acres or greater	1 attached garage	900 sq. ft. garage	Same as principal building.
	2 accessory buildings	3,000 sq. ft. accessory building(s)	Twenty-two (22) feet.

¹ Excess floor area for existing garages that exceed eight hundred (800) square feet shall be included in the calculations used to determine maximum allowable size of accessory buildings.

² Existing accessory buildings may limit future lot splits if the accessory building exceeds the maximum allowable area for accessory buildings 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.

³ Maximum height is measured as the vertical distance to the highest point of the roof for flat roofs: to the deck line 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 ten (10) feet from the front lot line or from the grade in all other cases. (See appendix for Building Heights and Structural Terms.)

- ⁴ Second story floor area shall not count toward the allowable square footage of the building.
- ⁵ Houses exceeding three thousand (3,000) square feet in floor area shall be permitted an attached garage with a floor area equal to thirty (30) percent of the floor area of the house, rather than the nine hundred (900) square feet indicated on the chart above. In no case shall an attached garage exceed one thousand two hundred (1,200) square feet in floor area.
6. In all non-residential zoning districts, accessory buildings both attached and detached, shall meet all setbacks, locational criteria and design requirements of the principal building. Accessory buildings of less than two hundred (200) square feet in floor area, such as buildings for parking attendants, guard shelters, gate houses, sheds and transformer buildings, may be located within setbacks upon Planning Commission approval. The Commission shall base such approval or denial of the accessory building location on the function of the building and the impact on surrounding sites. All such buildings or structures shall be architecturally and aesthetically compatible with the principal building and be located and/or landscaped to reduce the visual impact from surrounding properties and from public streets.
7. No accessory building shall occupy a lot or parcel unless and until a principal building occupies the site. Should the principle building be removed or rendered unusable for a period exceeding two (2) years, the accessory building shall be removed from the site. The accessory building shall not be utilized during the period the principle building is removed or unusable. A principle building shall be determined unusable if a certificate of occupancy is not secured for the building.
8. Vehicles and containers prohibited as accessory buildings.
 - a. Over-the-road truck trailers, shipping containers, other enclosed trailers, and similar vehicles and containers shall not be permitted as accessory or principal buildings or structures for any purpose in any zoning district.
9. Temporary, portable and/or tent-like structures shall not be utilized for garage purposes or storage.
10. 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.
11. 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.
12. Accessory buildings with under eighty (80) square feet of floor area and with a height no greater than ten (10) feet shall not require a Township Building Permit, but shall meet front, side and rear yard setback requirements for accessory buildings.

(Ord. No. 10-17, §§ 1.7, 1.8, 11-13-02; Ord. No. 10-50, § 1, 10-9-13; Ord. No. 10-59, § 1, 5-27-15; Ord. No. 10-63, § 1, 9-13-17)

Sec. 10.0332. Standards for dwellings.

Each dwelling located within the Township shall comply with the following standards:

- a. *Separate cooking and sanitary facilities.* Unless otherwise provided for in this Ordinance, each dwelling unit within a dwelling shall be so designed and arranged so as to provide cooking and kitchen accommodations and sanitary facilities for one family only.
- b. *Minimum square footage.* Each dwelling unit within a dwelling shall comply with the minimum square footage requirements of Section 10.0327 and zoning district of this Ordinance.

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- c. *Minimum width.* Each dwelling shall be constructed of such minimum outside wall dimensions that a square, twenty (20) feet on each side, if placed within such dwelling, would be completely enclosed by the perimeter dimensions of the dwelling exclusive of garages, porches, or decks.
 - d. *Perimeter Wall and Permanent Foundation.* Each dwelling shall be firmly attached to a masonry wall which in turn is attached to a permanent foundation constructed on the site in accordance with the Township building code. Further, the wall shall have the same perimeter dimensions as the dwelling, excluding cantilevers for special effects not to exceed twenty (20) percent of the total perimeter of the dwelling, and constructed of such materials and method of construction as required in the applicable building code for dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall and permanent foundation as provided in this section.
 - e. *Exposed chassis, exposed under-carriage or towing mechanism prohibited.* In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any towing mechanism, under-carriage or chassis exposed.
 - f. *Connection to public utilities.* Each dwelling unit within a dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
 - g. *Storage capability.* Each dwelling shall be provided with a storage capability located in a basement under the dwelling or in an attic area, in closet areas, or in a separate structure of construction approved by the Township.
 - h. *Aesthetics and compatibility with surrounding area.* Each dwelling shall be so designed as to be compatible aesthetically with other residences in the vicinity. Each dwelling shall be provided with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. Further, each dwelling shall have a double pitched roof of not less than two and one-half (2½) inches of rise for each twelve (12) inches of run and the roof shall be covered by either asphalt, shale, tile, or composite shingles or other materials commonly found on conventionally built dwellings in the surrounding area. There shall also be required not less than two exterior doors, one on the front elevation with the second one being in either the rear or side of the dwelling. Steps connecting to said exterior doors and to porches shall be constructed on permanent masonry foundations.

The compatibility of design and appearance shall be determined in the first instance by the Township Building Official upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one (1) or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

- i. *Additions.* No additions or rooms in other areas shall be permitted unless constructed with similar quality workmanship as the original building, including permanent attachment to the principal building and construction of a foundation and perimeter wall as required herein.
- j. *Relationship to building and fire codes.* Each dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, mechanical systems and insulation within and connected to said mobile home shall be of a type and quality

conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. In the case of Premanufactured housing other than mobile homes, each dwelling unit must comply with the Michigan State Construction Code. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- k. *Relationship to Mobile Home Parks.* Mobile homes which do not conform to the standards of this Section shall not be used for dwelling purposes within the Township of Macomb unless located within a licensed mobile home park. The foregoing standards as set forth in this section shall not apply to a mobile home located in a licensed mobile home park zoned for such use except to the extent required by state or federal law or otherwise specifically required in an ordinance of the Township pertaining to such parks.

Sec. 10.0333. Farm Produce Sales.

Farm Produce sales except as otherwise regulated in this Ordinance shall be subject to the following standards:

- a. Farm produce sales refers to the sale of goods and/or products as defined in Section 10.0202 of the zoning ordinance and as specified further below.
- b. Farm produce sales refers to the sale of those farm related products typically found growing in Macomb Township, the State of Michigan and elsewhere as specified and limited herein. Examples of products allowed for sale pursuant to this Section include unprocessed agriculture products such as: fruits, vegetables and flowers; greenhouse products, ornamental shrubs and trees; eggs and dairy products when not processed off the site.
- c. A minimum of fifty (50) percent of the products to be sold on the site must be produced on the site.
- d. No more than ten (10) percent of the farm products to be sold on the site shall be produced outside of the State of Michigan.
- e. Farm produce sales may be conducted in accordance with this Section by the proprietor of the farm only. The proprietor may not lease or assign the right to sell the farm products pursuant to this Section on any parcel in the Township.
- f. Farm produce sales may be conducted in accordance with this Section on any farm parcel with a agricultural zoning classification. If a farm parcel is zoned residential (R-1-E, R-1-S, R-1, R-2-L, R-2-H or R-3) farm produce sales may be permitted if a Special Land Use Permit is granted by the Township Planning Commission in accordance with Section 10.2401 of this ordinance.
- g. The following products, goods, articles, or services are prohibited to be sold on any parcel as part of farm produce sales pursuant to this Section: dairy, grocery or sundry products processed or packaged for sale and found in supermarkets, dairies, or other commercial retail outlets, soft drinks, alcoholic beverages of any kind, party goods, lottery tickets, baked goods, tobacco products or hardware items.
- h. Any permanent structure to be constructed to accommodate the sale of farm produce pursuant to this Section must meet the standards of Section 2(f) of Act 230 of the Public Acts of 1972 as amended and conform with all Yard requirements of this Ordinance according to the zone of the parcel.
- i. If any off-street parking is installed by the proprietor in order to accommodate customers for the sale of products pursuant to this Section said parking area(s) must comply with the following:
 - (1) Shall not be located no closer than seventy-five (75) feet from the centerline of a road or street upon which farm parcel is located. Said area shall be located no closer than one hundred ten

(110) feet from the centerline of such road if the parking area is to be improved with hardsurfaced materials of any type.

- (2) If any area on the site is to be improved for parking through the use of aggregate materials site plan approval shall be required in accordance with Section 10.2402 of this Ordinance and further meet the requirements of Chapter 14 of the Macomb Township Code of Ordinances.

Sec. 10.0334. Streets, Roadways, Parking Lots and Rights-of-way.

The purpose of this Section of the Ordinance is to ensure that (1) the Street System proposed for each Land Development provides for continuity in the public street system in the Township; (2) minimum standards are set forth to establish a degree of quality that will enhance and maintain property values; and (3) the rights of the present and future residents of the Township are protected. To accomplish this purpose the following rules will be in effect:

1. Each development shall be provided with local street, collector streets, street connections, and/or street stubs at locations where the Township's Master Thoroughfare Plan requires them and/or where the Township Planning Commission deems them necessary.
2. Hereafter, unless the Planning Commission determines that a local street may be "private", all streets shall be public (i.e., dedicated to the Macomb County Road Commission). The Planning Commission's standard for determining that a local street may be "private" are as follows:
 - a. The street is not needed for continuity in the public street system;
 - b. The street is located in a multi-family residential development, a commercial development, an industrial development, or a mobile home park district;
 - c. The street provides public utility easements that are at least 60 feet wide for residential, 70 feet wide for commercial, industrial and other non-residential uses, centered on the street's roadway; and
 - d. That any dead-end or cul-de-sac streets not exceed a length of 600 feet, as measured from the center of the intersecting street to the end of the cul-de-sac or dead-end street.
3. For all roadways, the pavement thickness, width and cross-section shall be at least equal to the requirements adopted by the Macomb County Road Commission for the intended use.
4. All residential developments, whether single family or multi-family, shall be served by concrete-paved roadways having a width (back to back of curbs) of 28 feet for local streets and a width of 36 feet for collector streets.
5. All commercial and industrial developments shall be served by concrete-paved roadways having a width (back to back of curbs) of 36 feet.
6. Where the Township Zoning Ordinance requires off-street parking, the parking areas shall be paved with either concrete pavement or a bituminous concrete pavement. Said parking areas and the pavement therefore shall be designed to meet the requirements of Chapter 14 of Macomb Township Code of Ordinances.

Sec. 10.0335. Public street frontage requirements.

The development of all parcels in Macomb Township shall be predicated on having frontage on a public street, said frontage shall be in compliance with the provisions of this ordinance and any other applicable code or ordinance. Notwithstanding the above, land divisions may be permitted upon Cady Drive, Deneweth Drive, Ellynn Drive, Eshenburg Road, Hunt Drive, and Renata Drive provided that all resulting parcels shall meet all of the

minimum requirements for area, width and depth of the applicable zoning district, Macomb County Health Department requirements for on-site sewage disposal systems or water supply, where a public water system is not available, and subject to the requirements of Article V of the Township Land Division Ordinance.

(Ord. No. 10-27, 2-23-05)

Sec. 10.0336. Satellite receivers and dish antennas.

Any exterior audio-visual dish antenna or receiver being three (3) feet or larger in diameter, to be placed on a lot, parcel or building, shall be regulated as an accessory structure (building) in the applicable zoning district, and the location and height in the particular zoning district and according to the requirements of accessory buildings, Section 10.0331. Approval of such antennas is subject to the provisions of the Federal Communications Commission (FCC) and provisions of this ordinance with respect to yards, setbacks, heights, and distance from other structures.

Sec. 10.0337. Unlicensed motor vehicles in residential districts.

No motor vehicle shall be parked or stored in any residential district unless it shall be in operating condition and currently licensed or located inside a building.

Sec. 10.0338. Parking and storage of recreational boats and/or recreational vehicles or trailers used for carrying such boats and recreational vehicles in residential districts.

Parking and storage of recreational boats and/or recreational vehicles or trailers used for carrying such boats and recreational vehicles in residential districts.

No recreational boats or recreational vehicles such as, but not limited to, motor homes, cycles, off road type vehicles, ski-doo's, wave runners, sleds, airplanes or gliders, or trailer or vehicles for carrying said boats and recreational vehicles, shall be permitted to be parked or stored in a private or public residential driveway for more than twenty-four (24) hours.

Further, storage, in excess of twenty-four (24) hours shall not be permitted in the front or side yards of residential lots or parcels.

No vehicle over 20,000 pounds gross vehicle weight (GVW) shall be allowed to be parked on a private or public street, drive or road in a residential area, where such parking causes a traffic hazard.

Storage in excess of twenty-four (24) hours shall not be permitted in the front or side yards of residential lots or parcels.

Sec. 10.0339. Sidewalks and pedestrian pathways.

- A. *Sidewalks.* A five (5) foot wide concrete sidewalk shall be provided along both sides of all public and private roads and streets in all zoning districts. Additionally, all residential developments within the Township shall provide sidewalks along all private and public roads according to the requirements of Chapter 14 of the Macomb Township Code of Ordinances.
- B. *Pedestrian pathway.* An eight (8) foot wide asphalt pathway shall be required along both sides of all major roads as defined by the Township Master Thoroughfare Plan and according to the requirements of Chapter 14 of the Macomb Township Code of Ordinances.

(Ord. No. 10-8, § 1.2, 6-14-00)

Sec. 10.0340. Exterior lighting requirements.

Lighting in all use districts shall conform to the following requirements as to type, location and intensity.

1. All exterior lighting shall be clearly shown on a site plan with appropriate symbols and labeling. Lighting and intensity and shielding details shall be noted for all exterior lighting.
2. All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential property.
3. All outdoor lighting shall be directed toward and confined to the ground area of lawns or parking lots.
4. Lighting used for the external illumination of buildings, so as to feature the building, shall be placed and shielded so as not to interfere with the vision of persons traveling along the adjacent highway or the adjacent property.
5. 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 exposed bare bulb illumination of any kind exposed to public view.
6. No lighting higher than fifteen (15) feet in height shall be located closer than seventy-five (75) feet to an adjoining residential zoning district. Light poles shall not exceed the height limits of the zoning district within which they are located.
7. All lighting should be appropriate to the site and its surrounding in terms of style, scale and intensity of illumination. Low wattage systems are recommended, and all site lighting shall be shielded. All light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixtures lenses, shining or casting light onto adjacent properties.
8. The lighting of pedestrian walkways and plazas may include either shielded or exposed sources, but the height and intensity of the light shall be subdued.
9. Flat lenses shall be required for soffit lighting fixtures.

Sec. 10.0341. Prohibited materials in residential districts.

No junk or waste materials, building materials, parts of motor vehicles, or parts of machines not generally suited for use on the premises shall be kept or stored outside a building or structure except as specifically permitted in the zoning district in which said structures are located.

Sec. 10.0342. Greenbelt development.

Greenbelts shall be planted and maintained in a healthy growing condition by the owner of the property. It is noted that in the event greenbelt material dies it must be replaced with a similar plant of a size equal to the originally installed material. (See appendix for greenbelt specifications.)

Sec. 10.0343. Kennel.

No more than three (3) dogs or cats or combination of dogs and cats may be kept on any property. The resultant litters or births of pregnant pets, which result in the total number of pets to pass the allowable limit of three (3), may remain on said property for a period not to exceed six (6) months. After six (6) months, the number of pets must be reduced back to the allowable limit of three (3).

Sec. 10.0344. Wall Construction.

Whenever a wall is required by this Ordinance for screening or trash enclosures, such wall shall be a six (6) foot high decorative masonry wall constructed of brick, stone-textured poured concrete or brick-embossed poured concrete in accordance with the specifications provided by the Township Building Official. The wall shall be a minimum of six (6) inches thick and the height shall be measured from the highest grade on either side of the wall location. All walls are to be constructed with a cap, the angle of which shall be a minimum of 10 degrees to provide for positive drainage. The planning commission shall determine the type of masonry wall to be constructed at the public hearing pursuant to Sec. 10.2402. Further all walls must be constructed on a continuous foundation. Hung type walls (panels hung on channeled pillars) shall not be allowed.

(Ord. No. 10-29, § 1, 12-28-05; Ord. No. 10-51, § 1, 10-9-13)

Sec. 10.0345. Entrance signs, walls and greenbelts.

1. It is the intention of this section to provide special considerations to entrances designed to identify all development in Macomb Township. These developments shall include single family subdivisions, site condominium projects, condominium projects, mobile home parks, Planned Unit Developments (PUDs), apartment projects, office and commercial developments and industrial projects.
2. These provisions shall apply to new subdivision plats, that are required by the provisions of the State Land Division Act and Chapter 14 of Township Code of Ordinances, to dedicate a twenty (20) foot landscape area along the borders of all subdivision that abut a major road, and to all other projects that are developed in Macomb Township. All features of the twenty (20) foot dedication, (and easements if not part of a recorded subdivision) including landscaping, decorative walls, signs, earth mounds and lighting become part of the twenty (20) area.
3. Notwithstanding other provisions of this Ordinance, the following provisions apply to the development of the 20 (dedicated/easement) landscape areas as noted above.
 - a. Setbacks of walls, signs and plants above twelve (12) feet in height from streets.
 - Local and collector streets: 15'
 - Major roads: 10'
 - Private drives: 15'
 - b. A clear vision zone as measured by a line connecting points established by measuring twenty-five (25) feet along the property lines (or driveway line) as measured from their intersection at the street intersection, must be maintained with no planting or structures in this area to exceed a height of twelve (12).

In projects where a sign, walls, structures or plant materials are planned in boulevard islands they must be designed so as to meet all the standards of this provision and to maintain a ten (10) foot setback from the major road and a continuous ten (10) foot setback from any curb line. Further, if they are planned in a recorded subdivision or where there are public streets involved then they must be approved by the Macomb County Road Commission.
 - c. Walls constructed within the twenty (20) foot dedicated landscaping easement shall not exceed a height of nine and one-half (9.5) feet, as measured from grade. Walls constructed under this subsection do not require pointed caps.
 - d. No sign shall be allowed to be installed with an area exceeding twenty (20) square feet or as otherwise allowed in office, commercial and industrial zones.

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- e. No sign, either free standing or attached to a wall, shall exceed a height of five (5) feet or as otherwise allowed in office, commercial and industrial zones.
 - f. All plant materials, structures and signs for the entire length of the twenty (20) feet landscaped area must be included on the site plan considered.
 - g. All water lines, meters and irrigation lines must be indicated on the plan.
 - h. An instrument must be recorded providing for the maintenance of the twenty (20) foot area and all plants and structures located within the area as noted in the site plan approved.
 - i. If applicable, an illumination plan be submitted.
 - 1. Any lighting such as flood lights shall not create glare or reflection that would interfere with traffic or abutting properties.
 - 2. No flickering colored lights which may appear as traffic controls will be permitted.
 - j. No stones or loose material will be permitted to be located within ten (10) feet of the curb or property lines.
 - k. No temporary signs (such as garage sales, rentals, for sale etc.) will be allowed to be placed within the landscape area.
- 4. Plans for any of the entrances to all developments, as outlined above, shall be made part of and apply to the overall site plan and or platting process of the property being developed.
 - 5. Specifics of these approvals shall be made part of the application process for platting or site plan approvals.

Sec. 10.0346. Cluster option.

It is the intention of this section is to allow the same amount of residential development that is allowed in an entire given land area to be concentrated or clustered on a portion of the land to protect and preserve valuable land resources such as woodlands, fields, wildlife habitats, farmlands, scenic rural land features and recreational areas, subject to certain restrictions as set forth below:

- a. Land zoned R-1-S, R-1-E and R-1 pursuant to the Township Zoning Ordinance may be developed, at the option of the land owner, with the same number of dwelling units on a portion of the land specified in the Zoning Ordinance, but not more than fifty (50) percent that, as determined by the Township, could otherwise be developed under existing ordinances, laws, codes, rules, and planning documents on the entire land area, if all of the following apply:
 - 1. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre, or, if the land is served by public sewer systems, three (3) or fewer dwelling units per acre;
 - 2. Not less than fifty (50) percent of the land will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that run with the land;
 - 3. Development of the land does not depend on the extension of a public sewer or public water system, unless development of the land without the exercise of the option provided by this section, would also depend upon such an extension;
 - 4. The option provided pursuant to this section has not previously been exercised with respect to the land.
 - 5. The maximum number of units shall not exceed the density yield as required in subsection f.

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- b. The exercise of the option to develop the land under the Open Space Provisions of the Zoning Ordinance must be in writing in a form sufficient for recording, and must be recorded with the Macomb County Register of Deeds.
 - c. The development of land under this section is subject to all applicable ordinances, codes, laws, rules, and planning documents including rules relating to suitability of ground water for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
 - d. If the land owner exercises the option to develop the land pursuant to this section, the portion of land not developed will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
 - 1. Undeveloped state means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, green way, or linear park. Land in an undeveloped state may be, but is not required to be dedicated to the use of the public.
 - 2. Greenway means a continuous or linear open space including habitats, wildlife corridors and trails, that link parks, natural reserves, cultural features, or historic sites with each other, for recreational and conservative purposes.
 - 3. Conservation easement means that term as defined in section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, being MCL 324.2140.
 - e. Each residential lot or unit developed under this section must comply with the Township Zoning Ordinance provisions for the zoning classification applicable to the land; the Township Land Division Ordinance and all other planning documents, codes, laws, regulations, resolutions, etc. pertaining to the development of land.
 - f. The land owner shall prepare and provide, as a prerequisite to review and approval under this Section, a density yield demonstrating the number of dwelling units or lots which could be developed on the land without exercising the Open Space Preservation provisions.
 - 1. The density yield shall be prepared for the zoning classification for which the Open Space Preservation option has been exercised.
 - 2. The density yield must comply with the Township Zoning Ordinance provisions applicable to the land; Township Land Division Ordinance; planning documents; codes; law; regulations; resolutions, etc.
 - 3. The density yield must be signed and sealed by a registered professional.
 - 4. Unbuildable natural features such as, but not limited to, drains, regulated wetlands, bodies of water, flood ways, etc., shall not be included in the density yield.
 - 5. The plan submitted to demonstrate a density shall be the form of a preliminary plat or site plan.
 - g. Diversity and originality in parcel layouts shall be encouraged to achieve the best possible relationship between buildable and undeveloped land areas.
 - h. Application and procedure for review and approval:
 - 1. Buildings, structures and parts thereof may be erected, altered or used and land may be used for the purposes of the Open Space Preservation Option as described in the above paragraphs subject to the Township site plan or land division requirements and procedures.

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2. A pre-application conference between the applicant, the site designer, and the Township to discuss the applicant's objectives of this section is required. Engineering, site plans or surveys, shall not be required for the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.

(Ord. No. 10-16, § 1.1, 11-13-02; Ord. No. 10-18, § 1, 4-28-04)

Sec. 10.0347. Openings in building elevations that face residential zoning districts.

In all commercial, warehouse or industrial districts, where the respective zoning district line abuts and shares a common property line with parcel(s) AG, or any other residential zoning classifications, the building plan shall be subject to the following:

Except for required fire doors, any openings, including windows on a building elevation that face a residential zoning district shall have sound deadening devices installed, such as plastic strips, within the opening. The sound deadening method shall be approved by the planning commission as part of site plan review.

(Ord. No. 10-16, § 1.1, 11-13-02; Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-36, § 1, 1-10-07)

Sec. 10.0348. Minimum lot frontage required on streets with curved segments.

In the case of lots with frontage on streets with curved segments such as a cul-de-sac street or a street that contains an eye-brow there shall be a minimum frontage dimension as measured at the front lot line on a curve as follows: Fifty-five (55) feet in the R-1 District; Sixty (60) feet in the R-1-E District and Sixty-five (65) feet all other zoning districts including AG, Office, Commercial and Industrial Districts.

(Ord. No. 10-35, § 1, 12-13-06)

Sec. 10.0349. Special events.

- A. Special Event as defined in Section 10.0202 must be clearly accessory or secondary to the principal uses or activities occurring within a permanent building on the same site.
- B. Special Event as defined in this Ordinance may be approved in any zone subject to the provisions herein. The approval/disapproval of any such Special Event is discretionary based on the nature of the request and the special demands said special event imposes on the site.
- C. An application must be filed with the Township Planning Department at least ten (10) days prior to the event that describes in detail the nature of the event. The application shall prescribe the information required for review by Township departments and consultants, including but not limited to required drawings, documents, costs to issue permits and cash bond.
- D. The event shall not cause disruption to the public including streets, walks or other rights of way and adjoining properties. Fire lanes must be maintained to the satisfaction of the Township Fire Marshal. Any temporary barriers placed on the site for the purpose of restricting or directing traffic flow on-site must be approved by the Fire Marshal, Building Official and the Township Engineer. Further, any special emergency lanes required by the Fire Marshal must be provided.
- E. The activities, instruments, or equipment that generate sound levels that may be a nuisance to surrounding properties shall be identified by the applicant in the "Application" submitted to the Township Planning Department. Any activities, equipment, or instruments deemed a nuisance by the Township Departments shall be prohibited or regulated. The Applicant will not use any equipment or instruments or conduct any activities at the Special Event to produce a sound level that is plainly audible at the property line between

the hours or 11:00 p.m. and 7:00 a.m. during the Special Event without a separate approval from the Township Board.

- F. The Township Supervisor or person(s) designated by the Supervisor must approve or reject the application based on the reports and recommendations of the Township Departments.
- G. The applicant shall be responsible for restoring the site to its condition prior to the Special Event. Cleanup of site shall occur immediately following the completion of the Special Event. Cleanup shall include but not be limited to removal of all waste and debris generated by the event; removal of any signs, banners, temporary barriers or markers, tents, trailers portable/temporary seating, tables, dumpsters, and portable toilets.
- H. If the site has not been cleaned up and restored within two (2) days of the completion of the Special Event the Township may arrange for necessary cleanup and all charges for said cleanup paid for from the bond. If the bond is not sufficient a lien will be placed on the land with the parcel number listed on the application up to the amount of the difference between the cost of the cleanup and the bond posted.
- I. A Special Event may not occur for more than five (5) consecutive days unless extended by the Township Board.
- J. No more than four (4) special events up to twenty (20) days per calendar year may be permitted on any parcel of property with an assigned permanent parcel number. Further, there must be a minimum of twenty-eight (28) calendar days separating any Special Event from the preceding or succeeding special event.
- K. Signs. The size, type, locations and tenure of all signs to be used as part of the special event must be identified in the application and approved prior to installation. Removal of all said signs must be part of the clean-up process referenced in items G. and H. above.
- L. The applicant shall be responsible for any licenses or permits required by other governmental agencies including County of Macomb or State of Michigan. Evidence of any required license, permit, or certificates shall be included with the "Application for Special Event Approval."

(Ord. No. 10-38, § 1, 3-26-08; Ord. No. 10-60, § 1, 4-13-16)

Sec. 10.0350. Drive-through services.

- A. Any use of land regulated by this ordinance that involves Drive-through service as defined in Section 10.0202 must be approved by the Macomb Township Planning Commission subject to any regulations of this section specifically pertaining to the use or the Zoning District and further subject to the special land use permit review procedures of Section 10.2401 of this Ordinance.
- B. There shall be a lane provided on the site (stack-up lane) dedicated exclusively for the drive-through service window. The lane must be a minimum of nine (9) feet wide and shall not interfere with other traffic movements on the site.
- C. The stack-up lane shall provide a minimum of four (4) spaces for the storage of vehicles in the lane; with each space measuring twenty (20) feet in length unless otherwise provided for in this ordinance.
- D. There shall be a by-pass or escape lane with a minimum of ten (10) feet of width provided parallel to the stack-up lane.
- E. The Planning Commission shall make its decision on the site design issues relating to the location and length of the stack up and by-pass lanes based on reports from Township Departments.
- F. The Planning Commission shall make a determination if sound and lighting resulting from the drive-through service pick-up windows, call boxes or stack-up lanes affect adjoining properties. The Planning Commission may require lighting and sound data to be part of the application process and incorporate reports from Township Departments into the Planning Commission's decision.

Sec. 10.0351. Landscaping plan regulations.

It is the intention of this section to provide consideration to landscape plans required pursuant to subsection 10.2402-B-6 of this [zoning] ordinance and Section 17-162 of the Land Division Ordinance. Any such landscape plan must be prepared and submitted in accordance with the standards as noted in the following paragraphs:

- A. A complete landscape plan shall be prepared and sealed by a registered landscape architect licensed by the state of Michigan to prepare such plan. The plan must be drawn to scale, dimensioned and labeled to explain all features, and must include two (2) separate detail sheets as follows:
 - 1. A planting plan must be drawn to a minimum (engineer) scale of one (1) inch equals thirty (30) feet. The plan must be dimensioned to show the finished grades. The topography including berms, drainage, the location of all trees and shrubs including their spacing and size, signs, lighting and other landscape features of all areas where landscape elements are to be part of the plan. The scaled drawing must show all plants on the landscape plan to represent their true size at the time of installation, as well as the projected size of plants, drawn to scale, at maturity.
 - 2. A scaled structure and improvement plan must show the landscape areas in relationship to the structures built on the subject parcel, the sidewalks, catch basins, slopes, watering systems, underground utility lines, and easements. The structure plan must be drawn to scale and include dimensions, in plan and elevation view, for all structures located within landscape area.
 - 3. The planting plan must show a complete plant list with the number, size, genus and species of each plant noted. Although a specific number of plants are not required, the number of trees and shrubs planted must effectively screen residential areas from incompatible features and land uses.
 - 4. An ample variety and quantity of ornamental plants, trees and shrubs should be used in the plan. Some dominant types are usually chosen with subordinate types interspersed for accent. Repeating certain 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.
 - 5. The planting plan must also indicate the planting and staking details of all plantings to be installed. Further, all plant materials used in the plan shall be of acceptable varieties and species shall be hardy in Macomb County, shall conform to standards of the American Association of Nurserymen, and shall have passed any inspections required under state regulations. All plants must be planted in fertile soil.
 - 6. The following plant materials are specifically prohibited for use in any plan considered under provisions of these regulations: ash, boxelder, soft maple, elm, poplar, willow, nut bearing horse chestnut, tree of heaven, catalpa, fruit bearing trees, all thorned trees and shrubs, gooseberry and cottonwood.
 - 7. The acceptable size of the plant materials used in the plan must meet or exceed the sizes listed in of the following charts:

Large evergreen trees (including arborvitae)	5' to 6' in height
Large deciduous shrubs	3' to 4' in height
Small and large deciduous trees	2" to 2 1/2" caliper
Small deciduous shrubs	18" to 2' in height
Small evergreen shrubs	18" to 2' spread

Large evergreen shrubs	2' to 3' in height
Ground cover	2" peat pot
Vines	2 gal container

8. Any dedicated landscape area and all common areas upon which the parcel has frontage, except for regulated wetlands or defined natural areas, must be sodded with pregrown grass seed and irrigated, as noted in subsection 9. below, and placed to enhance the tree and shrub installation.

Common areas shall include any unpaved portions of public rights-of-way, unpaved portions of required setbacks, parks, greenbelts, access easements, parking lot islands, basin areas and/or other areas not intended for immediate development but planned to be developed as a unit or portion of the site.

9. Except as noted herein; all areas that require sod must be provided with a watering system that is separately metered and utilized to provide the plants with scheduled watering to maintain the landscaping in a health growing condition. Adequate drainage must be provided per township engineering standards. Development of stormwater facilities, including plantings, slopes, drainage and irrigation shall be reviewed and approved by the municipal engineer.
10. All signs and landscape features such as walls, light standards or fixtures, kiosks and/or other ornamental structures such as gazebos and arches must be shown on the plan and constructed in accordance with township standards, including section 10.0345 of the zoning ordinance, chapter 10 of this Code.
11. The construction of any feature of the plan must not encroach into any required easements.
12. The restrictive covenants of the subdivision for plats or the master deed for condominiums must make provision for the responsibility and maintenance of the dedicated landscape area.
13. The location of all landscaping must respect the property lines of each lot or unit.
14. Landscape plans shall be designed so as not to impede or trap drainage. Berms shall not be used adjacent to screening walls or other berms unless appropriate measures for drainage are provided and shown on the landscape plan.
15. Notwithstanding other provisions of this ordinance, the following provisions apply to all landscape plans submitted as required by this ordinance:
 - a) A clear vision zone as measured by a line connection points established by measuring twenty-five (25) feet along the property lines (or driveway line) as measured from their intersection at the street intersection must be maintained with no planting or structures in this area to exceed a height of twelve (12) inches.
 - b) A clear vision zone as described in Section 10.0313 of this ordinance shall apply to all areas on the parcel at all intersection drives or maneuvering lanes within off-street parking areas
 - c) All water lines, meters and irrigation lines must be indicated on the landscape plan.
 - d) No loose material shall be permitted closer than forty-two (42) inches from a face of a curb surrounding any paved parking areas including drives, maneuvering lanes and landscape islands. Loose material includes wood chips, shredded bark, stones less than three (3) inches in diameter, gravel or any other mulch material.
 - e) The plan must be prepared and sealed by a registered landscape architect. A landscape architect shall prior to the release of the site plan and/or landscape bond(s) posted relative to subject parcel, certify that the plant materials and site features as noted in the

landscape plan submitted for review and approved by the Planning Commission have been installed in accordance with said landscape plan.

(Ord. No. 10-38, § 1, 3-26-08)

Sec. 10.0352. Housing for older persons.

The following regulations shall apply to all housing for older persons developments as defined in Article II of this Ordinance.

Housing for Older Persons shall be permitted as a special land use in R-2-L, R-2, R-2-H, CF, or MTC districts subject to procedures of Section 10.2401 of this ordinance except that the Township Board shall exercise approval authority following receipt of a recommendation from the Planning Commission based on the standards set forth in Section 10.2401-B-5-a-(1-8) and the following specific set of standards in paragraphs A—L below:

- A. *Required Frontage on Major Road.* The proposed site shall have at least one (1) property line abutting a major thoroughfare of at least one hundred twenty (120) feet of right-of-way width, existing or proposed in the Macomb Township Master Thoroughfare Plan. All vehicular ingress and egress shall be directly from a major thoroughfare.
- B. *Maximum Density.* The maximum density shall be fifteen (15) independent living units per acre. However, the calculation of maximum density shall not include any assisted living units, nursing home units or medical beds that may be contained with the "Housing for Older Persons" development.
- C. *Requires Minimum Usable Floor Area in Square Feet Per Dwelling Unit.*
 - 1. *Independent Living Units:* Efficiency/studio and one-bedroom dwelling unit: six hundred fifty (650) square feet; Two-bedroom dwelling unit: eight hundred fifty (850) square feet.
 - 2. *Assisted Living Units:* A minimum of three hundred fifty (350) square feet including a separate full bathroom, closet and visitation area shall be provided for each unit. In every unit with a separate bedroom, each bedroom shall contain a minimum of one hundred ten (110) square feet. However, no more than two (2) bedrooms shall be provided. Further, neither kitchen nor cooking facilities shall be permitted, except that one microwave, one hot plate and a refrigerator limited to five (5) cubic feet would be permitted.
- D. *Minimum Yard Setback.*
 - 1. Front and street-side setbacks for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTERLINE
204 ft. major road	132 feet
150 ft. major road	105 feet
120 ft. major road	85 feet
86 ft. collector road	68 feet
60 ft. local road	55 feet
70 ft. industrial road	60 feet

In the case of M-59 (Hall Road) and Gratiot Avenue, setbacks shall be seventy (70) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

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2. *Side yard:* Minimum setback - Fifty (50) feet. If the side yard abuts any residential district, the primary building(s) shall be setback no less than 1.50 the height of the primary structure nearest the property line.
 3. *Rear yard:* Minimum setback - Fifty (50) feet. If the rear yard abuts any residential district, the primary building(s) shall be setback no less than 1.50 × the height of the primary structure nearest the property line.
- E. *Open Space.* A minimum of fifty (50) percent of the total land area, exclusive of public road right-of-way shall be maintained as landscaped open space. Landscape open space may include all open areas within the subject parcel except for any of the following: areas paved for parking, drives, or maneuvering lanes, fire lanes, building footprints, and the areas between the centerline of the public street and the future right-of-way lines. Any indoor area on the first floor that opens onto a courtyard approved as part of the plan that is exclusive of corridors; contains a minimum of two thousand four hundred (2,400) square feet used for activity/gathering purposes not limited to fountains, permanent seating, raised beds for gardens and other interior features set aside for residents and guests to socialize or rest; may however, be computed as part of the required open space.
- F. *Building Facade and Length.* Given that the buildings are to provide housing for "Older persons" and that such buildings are to be found primarily in residential districts, the structures built as part of any development considered under this Section shall present an image of being residential in nature with respect to the architecture of building facades, the composition and use of exterior wall surface materials and the length of the buildings. Any structure greater than one hundred (100) feet in length shall provide for variations in the outside building facade and roof line to meet the following minimum standards:
1. All exterior walls and surface materials shall be durable exterior rated.
 2. The type and maximum percentage of said materials shall be as follows:
 - (a) Masonry 4-inch brick veneer - 100%
 - (b) Stone - 100%
 - (c) Metal panelized veneer - 20%
 - (d) EIFS (synthetic stucco) - 20%
 - (e) Siding, either cement fiber, vinyl or composite PVC - 20%
 3. Exterior wall facade shall not maintain the same approved surface material for a span of more than sixty (60) feet without an offset and transition in surface materials. The offset and transition must include one or a combination of the following options:
 - (a) Change to another approved exterior surface material.
 - (b) Offset in the building elevation of a minimum of three (3) feet in depth. If the building exceeds three hundred (300) feet in length, a horizontal building face offset of at least thirty (30) feet in depth must also be provided.
 - (c) Exterior Chimneys.
 - (d) Bay windows.
 - (e) Architectural Quoins.
 4. Roof lines shall provide for variation through the use of gable roof offsets at the eave line as well as in the roof slope or tympana set into the roof line at the eave.
 5. No portion of a building face shall exceed six hundred (600) feet in length.

G. *Screening Requirements.*

Greenbelt: There shall be provided within any parcel to be developed for housing for older persons housing between any building or off-street parking lot and any adjoining street or parcel, a landscaped area in accordance with the following:

1. A 75-foot greenbelt shall be provided in any yard adjacent to a residential district. If the adjoining parcel contains a public use such as a library, museum, administrative office, police or fire department facility, church or place of religious worship, parochial and other private elementary, intermediate and/or high school offering courses in general education, college university, and other institution of higher learning, public and private, offering courses in general, technical or religious education, public utility sub-station, telephone exchange building, gas regulator station or transformer, or recreation areas and public or private parks, a 25-foot greenbelt shall be provided.
2. A 50-foot wide greenbelt shall be provided adjacent to a non-residential district.
3. Greenbelts shall be landscaped in accordance with an approved plan. The landscape plan shall be submitted for review in accordance with Section 10.0351 of the zoning ordinance.

H. *Parking Requirements.* For any housing of older persons development, there shall be a minimum number of parking spaces in accordance with the type of housing or combination of housing provided as follows:

1. *Independent Housing:* up to one and one-quarter (1.25) spaces per housing unit including spaces for visitors and employees. The number of improved spaces shall be determined by the Township Board. If less than one and one-quarter (1.25) spaces per housing unit are to be improved as part of the approval, the required balance shall be set aside in open space separate from the required open space as provided above in paragraph E. If the Township Board determines, based on reports from the building official or fire marshal that additional space is necessary for public safety, then the applicant shall be required to develop additional spaces up to the one and one-quarter (1.25) per unit maximum.
2. *Assisted Living:* One (1) space per living unit for the first one hundred (100) units; thereafter, one-quarter (.25) spaces per bed shall be provided.
3. *Skilled Nursing Facility:* One (1) space per bed for the first one hundred (100) units; thereafter one-quarter (.25) spaces per bed shall be provided.

I. *Accessory Uses.*

1. Medical offices or office space within the primary structure for visiting doctors, nurses, dentists, therapists, or other medical care professionals to care for residents only.
2. Floor space up to one thousand five hundred (1,500) square feet may be made available for the sale of apothecary, medical supplies, or personal needs items to serve the needs of residents only.
3. Access to any such offices or sales areas shall only be from within buildings intended for use as "Independent Housing", "Assisted Living", or "Skilled Nursing". There shall be no separate access to the outside except for emergency doors.
4. There shall be no signs permitted either on a wall sign or ground sign relating to the medical services, apothecary, personal needs or medical supplies.

J. In No Case Shall Any Living Unit Within the Development Contain More than Two (2) Bedrooms.

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- K. All Living Units Shall Be Provided with Wheelchair Accessible Compartments for Water Closets and Toilet Compartments, Shower Compartments, Sinks Within Bathrooms, Floor Surfaces in All Rooms, Changes in Level in Floor Surfaces and All Door Widths Pursuant to the "Accessible and Usable Buildings and Facilities" Manual Published by the American National Standards Institute, Inc. 2003, as Amended.
 - L. *Building Height.* The maximum height of any building within a "Housing for Older Persons" development shall be eighty-five (85) feet.
 - M. In the Event of a Conflict Between the Following Regulations and Those of the R-2-L, R-2, R-2-H, CF or MTC District, the Regulations Set Forth in Section 10.0352 (A-L) Shall Apply.

(Ord. No. 10-39, § 1, 6-24-09; Ord. No. 10-42, § 1, 5-26-10)

Sec. 10.0353. Uses prohibited.

Uses that are contrary to federal law, state law, or local ordinance are prohibited.

(Ord. No. 10-46, § 1, 4-11-12)

Sec. 10.0354. Central air condition units and similar exterior equipment.

Central air condition units and other exterior equipment such as, but not limited to pool filters/ heaters, generators, heat pumps, and water pumps shall be located behind the rear wall of the principal structure. In a case where a non-financial practical difficulty exists which prevents the equipment from being located in a rear yard, the equipment may be located in a side yard. The Township Building Official shall make the determination of whether a practical difficulty exists which prevents a rear yard location. If located in a side yard such equipment shall be screened with either fencing or landscaping and shall be set back a minimum of three and one-half (3.5) feet from the side lot line. Installation of any such equipment shall comply with all applicable provisions of this ordinance and the current building code.

(Ord. No. 10-49, § 1, 10-9-13; Ord. No. 10-61, § 1, 2-8-17)

Sec. 10.0355. Garage and yard sales.

- A. The owner and/or occupant of any one- or two-family residence may conduct up to four (4) garage, moving, lawn, attic, rummage, estate, yard, backyard, front yard, patio, porch, basement and/or similar sales per calendar year.
- B. Each sale shall be for a period not to exceed four (4) consecutive days.
- C. No two (2) sales from a residence shall take place within forty-five (45) days of each other.
- D. Such sales shall be permitted to operate only between the hours of 8:00 a.m.—8:00 p.m..
- E. Temporary signage for said sale(s) shall be as permitted on private properties (with the owner's permission) for the duration of the sale only. Such signage shall not exceed six (6) square feet in sign area and shall not exceed four (4) feet in height.
- F. The individual or individuals operating a garage sale and the owner or tenant of the property upon which the garage sale is conducted shall not permit:
 - 1. Any loud or boisterous conduct on the premises,
 - 2. Vehicles to impede the passage of traffic on any road or street in the area of the premises.

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3. Vehicles to impede access to driveways or mailboxes.

(Ord. No. 10-54, § 1, 2-26-14)

Sec. 10.0356. Covered patios, gazebos, pergolas, pavilions, and similar type "open-air" structures.

- A. Covered patios, gazebos, pergolas, pavilions, and similar type "open-air" structures shall be permitted on single-family residential lots, units or parcels for accessory recreation or leisure use provided they meet the following requirements:
 1. The "open-air" structures shall not be enclosed or partially enclosed with walls.
 2. The structures shall be located in a manner to meet the required setbacks and locations for a patio or deck as cited in Section 10.0311.E.f.2, however, shall not be required a separation distance from the principal structure or swimming pool.
 3. The structures shall not exceed twelve (12) feet in height.
 4. The structures shall not be counted towards the allowance for accessory building area or towards the number of accessory buildings permitted. The coverage of the structures shall be counted towards the "Maximum Lot Coverage" ratio.

(Ord. No. 10-63, § 2, 9-13-17)

Sec. 10.0357. Nursery schools, day care centers and similar uses.

Nursery schools, day care centers and similar uses shall be permitted for special land use consideration by the Planning Commission exclusively within the O-1, C-1 and C-2 Zoning Districts, subject to the following requirements and subject to all applicable special land use standards specified in this Ordinance:

1. The use shall be screened from existing or zoned adjacent residential properties by a six (6) foot high masonry wall and a landscape buffer.
2. The lot shall be provided with an outdoor play area with a minimum of three thousand (3,000) square feet or one hundred (100) square feet per child at maximum capacity, whichever is greater. Said play area shall be defined on the required site plan and fenced. Landscaping shall be provided to improve site aesthetics.
3. The outdoor play area shall be setback a minimum of twenty-five (25) feet from all property lines. In instances where the outdoor play area is in a yard abutting residential uses or a residential zone, the Planning Commission may increase the setback to address potential noise impacts.
4. All plans shall detail adequate and safe drop-off and pick-up areas.

(Ord. No. 10-65, § 1, 7-11-18)

ARTICLE IV AGRICULTURAL DISTRICT (AG)

Sec. 10.0401. Intent.

The purpose of this district is to (1) provide open land areas for future orderly growth of urban development, continued agricultural use and residential activities of a rural character that are presently without public water and

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sewage facilities and are likely to remain without such services for an extended period of time and (2) to protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for low density family life, until such time as it may be in the public interest to promote development of a greater intensity requiring higher levels of public services and utilities. The following regulations shall apply to all Residential Agricultural Districts:

Sec. 10.0402. Uses permitted.

No structure or part thereof shall be erected, altered or used and no land shall be used except for one or more of the following purposes:

- A. General or specialized farming, truck gardening, greenhouses, and fowl and rabbit raising, providing no killing shall be done on the farm other than of animals raised on the farm.
 - 1. On farms devoted to the housing or breeding of cattle, swine, sheep or goats, no pens, corrals, or barns shall be closer than fifty (50) feet to any side property line or less than one hundred fifty (150) feet to any existing right-of-way.
 - 2. Barns and appurtenances thereto which are in existence at the time of passage of this Ordinance.
 - 3. Minimum land required for the above purposes shall be five (5) acres.
 - 4. Keeping and raising for commercial purposes of fowl, rabbits or other small animals, and keeping for personal use only of other livestock, provided they are so housed and fenced as not to become a nuisance.
- B. Detached one-family dwelling (One principal building per lot or parcel).
- C. Home occupations.
- D. Accessory structures. Accessory structures to an agricultural use no closer than twenty-five (25) feet to any side property line.
- E. Private stable(s) for the keeping of horses for recreational purposes:
 - 1. Land area committed for use shall be a minimum of five (5) acres for two (2) horses and one (1) acre for each additional horse. A foal or foals from a permanent mare which raises the number of horses to a number above the allowable number for the land area involved may be kept without respect to the acreage limitation for two (2) years from birth.
 - 2. Land area committed for the use shall be fenced so as to prevent horses from becoming at large and the keeping of such horses shall be in such a manner as not to constitute a nuisance.
 - 3. No building shall be located closer than fifty (50) feet from property line nor any building, pen, corral, or closure to be located closer than one hundred (100) feet from any residence.
- F. Composting.
 - 1. Farms are permitted to compost agricultural waste produced by the farm operation and organic matter received from off site sources, subject to the following conditions:
 - (a) The space devoted to composting and storage of compost must not exceed 400 square feet of land per crop acre;
 - (b) Compost shall not be located or applied on wet lands and/or flood planes as designated by the Michigan Department of Environmental Quality (MDEQ);
 - (c) Compost must be utilized to enhance the crop land of the farm and shall not be sold or offered for sale;

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- (d) Compost shall be applied to the crop land of the farm within one (1) growing season;
 - (e) Compost shall be applied to the crop land by the sheet composting method;
 - (f) Organic matter received from off site sources shall not contain any nondegradable materials, i.e., plastic, glass, metals, etc.
2. Composting on residential lots or parcels shall be within a contained area not exceeding thirty-six (36) square feet, and not exceeding a height of four (4) feet and must be located within the rear yard, no closer than five (5) feet to any property line.

(Ord. No. 10-6, § 1.3, 12-8-99; Ord. No. 10-20, § 1, 4-23-03)

Sec. 10.0403. Special Land uses permitted.

Buildings and structures and parts thereof, may be erected, altered or used and land may be used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land use permit review procedures at section 10.2401 of this ordinance.

- A. Church or place of religious worship.
 - 1. Minimum site shall be two (2) 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 secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's Thoroughfare Plan.
 - 3. Screening shall be required next to residential uses or districts.
- B. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, subject to the following conditions:
 - 1. No building shall be closer than one hundred (100) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
 - 2. All such facilities shall be located so as to provide convenient access to the Township's major thoroughfare system.
 - 3. Minimum site shall be ten (10) acres on a continuous parcel.
- C. Public owned and/or operated buildings including: libraries, museums, administrative offices, police and fire department facilities, parks and recreational facilities, subject to the following conditions:
 - 1. Screening shall be provided whenever the site abuts a residentially zoned district.
 - 2. All buildings shall be set back a minimum of one hundred (100) feet from the property line when abutting residentially zoned districts.
- D. Mushroom farm without compost manufacturing and/or processing.
- E. Heliports as an accessory use to these activities permitted by this Section.
- F. Cemeteries, subject to the following conditions:
 - 1. The cemetery shall be located on a site of at least ten (10) acres.
 - 2. All access shall be provided from a major thoroughfare having a right-of-way width of one hundred twenty (120) feet or more as indicated on the Master Thoroughfare Plan.
 - 3. Crematoriums and chapels shall be centrally located on the site so as not to create traffic flow or compatibility problems for adjoining property.

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4. Screening shall be provided along those sides of a cemetery adjoining residentially zoned property.
 5. Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a dedicated right-of-way.
 6. Suitable gates for ingress and egress shall be provided, and the principal entrance shall not be closer than two hundred (200) feet to an adjoining residential site nor within one thousand (1,000) feet of a public road intersection.
 7. Walls, fencing or greenbelt shall be installed along public roads and setback a minimum of fifty (50) feet.
 8. No building shall be erected closer than one hundred (100) feet to an adjacent site line and no graves shall be closer than twenty-five (25) feet.
- G. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical or religious education, all subject to the following conditions:
1. Any use permitted herein shall be developed only on sites of at least fifteen (15) acres in area.
 2. All ingress to and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred twenty (120) feet, as indicated on the Master Thoroughfare Plan. Landscaped berms shall be provided along the frontage of the site.
 3. No building shall be closer than one hundred (100) feet to any property line when said property line abuts, or is adjacent to, land zoned for residential purposes.
 4. Screening shall be provided for all parking lots and service, maintenance, or activity centers, when visible from adjoining residentially zoned land.
- H. Public stables, riding academies and hunt clubs, provided the following conditions are met:
1. The above uses may be permitted on parcels of land that are at least forty (40) contiguous acres or more in area with a minimum of two (2) acres per stabled horse.
 2. Bridle paths and all other riding areas shall be within the confines of the proposed property.
 3. All areas of the site, where horses or other equine are permitted to roam, exercise or feed, shall be enclosed by a fence of not less than four (4) feet and not more than six (6) feet constructed of materials determined to be structurally sound by the building official.
 4. All structures which house, board or show horses, ponies or other equine, or store food, hay straw or manure, shall be set back at least one hundred (100) feet from all property lines.
 5. Direct ingress and egress from a public right-of-way to stable area shall be provided.
 6. All stockpiled manure shall be kept in a central area at least two hundred (200) feet from any property line and shall be regularly treated so as to properly control flies and insects.
 7. Floodlights or any other source of artificial lighting shall be properly shielded or directed from abutting properties.
- I. Private kennels. Kennels shall not create a nuisance by reason of noise or offensive odors.
- J. Commercial kennels and raising of animals for medical experimentation.
1. A minimum lot area of not less than ten (10) acres, with a minimum lot width of not less than five hundred (500) feet is maintained for such use.

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2. All buildings, pens and runways, for housing or keeping of such animals, shall not be less than one hundred fifty (150) feet from any adjacent property line.
 3. Pens and runways shall be screened from view from all directions either by the building or a greenbelt planting.
 4. Any permit issued for any such uses, shall terminate immediately when the lot area requirements herein set forth are decreased in any manner.
- K. Public utility sub-stations, telephone exchange buildings, gas regulator stations and transformer stations without service yards.
- L. Migratory help in mobile homes. Any owner or lessee of a farm, employing temporary migratory help for the planting, weeding or harvesting of crops shall receive approval for the use of mobile homes as temporary housing from the Michigan Department of Health according to Part 124 of Act 368, Public Acts of 1978, as amended.
- M. Recreation areas and public or private parks:
1. Golf courses (but not including golf driving ranges, miniature golf courses or free-standing commercial uses), subject to the following conditions:
 - a. Minimum site requirements (for public safety).
 1. Nine-hole courses. Not less than sixty (60) acres devoted exclusively to course use.
 2. Eighteen-hole courses. Not less than one hundred twenty (120) acres devoted exclusively to course use.
 - b. Any structures to be erected on the site shall be set back a minimum of one hundred (100) feet from any adjoining property site line.
 - c. Any accessory use and all of the facilities therefore which are customary and incidental to the normal golf course operation shall be permitted. Such accessory uses shall include, but not necessarily be limited to:
 1. Bathing, tennis and lounging.
 2. Sale and consumption of food and alcoholic beverages on the premises.
 3. Sale and rental of golfing supplies and equipment.
 4. Golf driving range.
 5. Banquet and/or catering facilities.
 - d. All ingress to and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred twenty (120) feet as indicated on the Master Thoroughfare Plan.
 - e. Provided that, where a golf course is proposed in any public or private park or recreation area, the Planning Commission shall determine at the site plan review hearing whether a fence shall be erected around the perimeter of said golf course, together with the dimensions and materials to be used in constructing said fence. Full jurisdiction given to the Macomb Township Planning Commission.
 2. Public or private park or recreation areas which may include a softball park, baseball park, swimming pool, tennis court, outdoor ice skating rink and other similar recreation uses, but which may not include any use or activity which produces noises, glare, odor, air pollution, fire

hazards or other safety hazards, smoke, fumes or other things detrimental to existing or prospective development within the neighborhood, subject to the following conditions:

- a. The minimum size for such special land use shall be ten (10) acres.
- b. Ingress and egress from the site shall either be in conjunction with and through an approved commercial district development or directly to and from a major thoroughfare as shown on the Township's adopted Master Plan.
- c. All proposed uses shall be specifically listed and each use area clearly defined on the proposed site plan. In addition, hours of operation, estimated maximum number of persons in each use area, number of type of facilities and equipment, and size specifications shall be provided for each use, ride or facility.
- d. Screening of the site deemed adequate by the Planning Commission shall be provided.
- e. No building shall be located closer than one hundred (100) feet to any property line and no intensive or organized activity shall be permitted closer than fifty (50) feet to any property line. Passive areas, such as walkways and picnic areas, may be permitted.
- f. Nuisance concerns, such as noise, odor, dust, site maintenance and similar matters are all proper matters of regulation by the Township. As such, specific data shall be provided with the site plan to assist the Planning Commission in setting limits and conditions for the proposed use.

N. Bed and Breakfast subject to the following requirements:

1. Minimum site shall be two (2) acres on a continuous parcel.
2. No more than eight (8) guestrooms shall be permitted at any establishment.
3. One (1) off-street parking space shall be provided per room.
4. All state and local fire, sanitation, and food service provisions are met.
5. The innkeeper of the establishment must also occupy the residence.
6. Food service shall be limited to those purchasing lodging, and shall not be advertised to the general public as a restaurant. Additionally, any accessory activity (scrapbooking, equestrian activities, entertainment or recreation activities, etc.) shall also be restricted to lodging guests only, and not available to the general public. These accessory activities shall also be part of the Special Land Use application and subject to the review of the Planning Commission.
7. Each establishment may be permitted one (1) freestanding or building mounted sign not to exceed four (4) square feet or four (4) feet in height. Such sign shall be setback ten (10) feet from the proposed right-of-way, ten (10) feet from any property line, and outside of the clear vision triangle as defined in the Zoning Ordinance. Such signs shall be externally illuminated, and electronic reader boards shall be prohibited.
8. The Township shall require annual inspections for zoning compliance with the above regulations and any other applicable Township Codes. Such inspections shall be completed by the Fire Department and Building Department for a fee, as determined by resolution of the Township Board.

O. Lumbering and clear-cutting, subject to the following conditions:

1. That a plan be submitted indicating the dimensions of the property, all easements, floodways, locations of trees to be cut, access to the property, location of temporary equipment and all other applicable requirements as defined under Section 10.2402B.

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2. That all tree stumps be removed.
 3. Approval from the Michigan Department of Environmental Quality (MDEQ).
 4. That no trees be removed within wetlands or areas one hundred (100) feet from the established line of a floodway.
 5. That no sawmills or processing of the lumber be done on the site.
 6. That a reclamation plan be submitted with a timetable to the satisfaction of the Planning Commission.
 7. That a permit be issued by the Building Official not to exceed one (1) year.
- P. Composting exceeding four hundred (400) square feet of crop land per crop acre is subject to the following:
1. Submittal of a Crop Management Plan consisting of:
 - a. Identification of crops that will be grown, acreages and realistic expected yields.
 - b. A map showing or a written description of the location of the fields in which each crop will be grown and harvested.
 - c. A map showing or a written description of the location of fields which will lie fallow.
 - d. Written results of soil fertility test conducted by the MSU Soil and Plant Nutrient Laboratory, or equivalent testing agency.
 - e. Plant nutrient recommendations, consistent with those of the MSU Soil and Plant Nutrient Laboratory, to determine total compost applications.
 - f. Analysis of compost to determine the nutrient content of the compost.
 - g. Compost nutrient loadings; consistent with MSU nutrient application recommendations.
 2. The area of land expressed in square feet per crop acre for which composting is being requested.
 3. Description of material that will be composted.
 4. Origin in organic material to be composted.
 5. Location of crop land on which compost will be applied.
 6. Describe method of composting which will be utilized.
 7. Method by which compost will be applied to the crop land.
 8. Management Plan for the off-site separation of inorganic and toxic matter.
 9. Describe the type of equipment, which will be utilized in the composting process.
 10. Management Plan for control of:
 - a. Odor.
 - b. Drainage.
 - c. Dust.
 - d. Noise.
 - e. Rodents, Flies and other living nuisances.

11. Identification of: The haul route(s); days and hours of deliveries; time of year deliveries will be made; and frequency that material will be delivered.
12. Number of employees who are involved in the handling of the organic matter and processing of compost.
13. Description of each piece of machinery that will be utilized in the handling of the organic matter and processing of compost.

(Ord. No. 10-6, § 1.4, 12-8-99; Ord. No. 10-20, § 1, 4-23-03; Ord. No. 10-56, § 1, 5-13-15)

Sec. 10.0404. Site limitations.

A. *Minimum size of each residential lot per building:*

1. Area: Forty-three thousand five hundred sixty (43,560) square feet.
2. Width: Two hundred (200) feet for interior lots and two hundred and twenty-five (225) feet for corner lots.
3. Depth: Two hundred eighteen (218) feet except for lots where rear lot line abuts a public road right-of-way, then a minimum of two hundred thirty (230) feet.
4. Ratio: All lots shall not be three (3) times longer than their width.
5. The area, width and depth of parcels, as noted above, shall be determined excluding the proposed right-of-way abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.
6. Acreage parcels of ten (10) acres and more shall have a minimum width and depth of three hundred (300) feet.

Any road frontage created shall be not less than three hundred (300) feet of contiguous property.

B. *Maximum height of any structure:*

1. In stories: Two (2).
2. In feet: Thirty-five (35) feet except farm and essential service structures provided that the parcel has a minimum two hundred (200) feet of street frontage. If the parcel has less than two hundred (200) feet of frontage, the maximum height is limited to twenty-five (25) feet.

C. *Minimum building floor area:* No residential or nonresidential building shall be less than two thousand (2,000) square feet except for accessory buildings.

D. *Minimum yard setback:*

1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	142 feet
150' major road	115 feet
120' major road	100 feet
86' collector road	83 feet

70' industrial road	75 feet
60' local road	70 feet

In the case of M-59 (Hall Road) and Gratiot Avenue, setbacks shall be thirty (30) feet except for permanent structures which shall be seventy (70) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:

- A. Non-residential uses: Thirty-five (35) feet or otherwise required by this Ordinance.
- B. Residential lots: Except as provided below in this section, the provisions of Section 10.0311 shall apply. If there is no street line adjacent to the side yard, no principal structure shall be located closer than thirty-five (35) feet to a side property line and combined width of both side yards shall not be less than seventy (70) feet provided further that principal buildings on adjoining lots shall be located not less than seventy (70) feet apart. If, however, any said lot is less than seventy (70) feet, but at least sixty (60) feet in width, no principal structure shall be located closer than four (4) feet to a side property line and the combined width of both side yards shall not be less than fifteen (15) feet; provided, further, that principal buildings on adjoining lots shall be located not less than fifteen (15) feet apart.
- C. Reserved.
- D. Reserved.

3. Rear yard:

- a. Non-residential lots: Fifty (50) feet or as otherwise required by this Ordinance.
 - b. Residential lots: Fifty (50) feet except when rear yard abuts any public road, then the rear yard shall be sixty-five (65) feet.
- E. *Maximum lot coverage:* Thirty (30) percent.
Decks and/or swimming pools, aboveground or in-ground, shall be exempt from the thirty (30) percent land coverage requirement.
- F. *Distance between buildings:* Seventy (70) feet.
- G. *Screening requirements:* All parking areas of non-residential uses which abut a residential use or zone shall provide an eight (8) foot greenbelt or a six (6) foot high decorative wall in compliance with Section 10.0202 and/or 10.0345 of this Ordinance.
- H. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.
- I. Reserved.
- J. *Lighting requirements:* All exterior lighting shall be so directed and shielded so as not to shine on abutting property as per Section 10.0340.
- K. *Sidewalks:* Sidewalks shall be provided pursuant to Section 10.0339 of this ordinance, and Chapter 14 of Macomb Township Code of Ordinances.
- L. *Trash areas:* A plan for the handling of trash for non-farm or non-residential uses shall be approved by the Planning Commission.
- 1. Outside trash areas shall have inside dimensions with a minimum of twelve (12) feet by twelve (12) and enclosed on three (3) sides with a six-foot high masonry wall with a gate located no closer than fifteen (15) feet to any building.

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2. Indoor trash areas shall be approved by the Fire Department.
 3. Wall constructed to enclose trash areas shall be erected on a continuous foundation and be secured with screened gates, and be located a minimum of fifteen (15) feet from a principle building. The hung type wall, that is with panels hung on channeled pillars, shall not be allowed. All walls to be constructed with a pointed cap, the angle of the pointed cap to be forty-five (45) degrees.
 4. See Appendix: Parking spaces, masonry walls and trash areas for amended drawing relating to subsection 1 above.
- M. *Ground cover:* Area of the site not used for parking, driveways and buildings shall be provided with ground cover and/or landscaping approved by the Planning Commission.
- (Ord. No. 10-11, § 1.1, 3-28-01; Ord. No. 10-12, § 1.2, 6-13-01; Ord. No. 10-17, §§ 1.9, 1.10, 11-13-02; Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-22, § 1, 4-28-04; Ord. No. 10-38, § 1, 3-26-08; Ord. No. 10-40, § 1, 7-22-09)

ARTICLE V RESIDENTIAL ONE-FAMILY SUBURBAN DISTRICT (R-1-S)

Sec. 10.0501. Intent.

The purpose of this district is to provide a stable and sound environment for single-family detached dwellings with suitable open space at a low density. These districts are intended to be located at the fringes of higher density residential development and should be served by public water and sanitary sewer systems.

Sec. 10.0502. Uses permitted.

No structures, or parts thereof, shall be used except for one or more of the following:

All uses permitted in the AG District Section 10.0402 and subject to the same standards as required in such district provisions except as otherwise permitted within this Ordinance.

Sec. 10.0503. Special Land uses permitted.

Buildings and structures and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land uses provisions outlined in Section 10.2401 of this Ordinance.

All Special Land uses allowed within an AG District Section 10.0403 and subject to the requirements as noted in such district provisions except as otherwise specifically permitted in this Article.

(Ord. No. 10-29, § 1, 12-28-05)

Sec. 10.0504. Site limitations.

- A. *[Minimum lot areas:]* Minimum lot areas for residential purposes shall be a minimum of thirty thousand (30,000) square feet. The depths of the lots platted, or parcels created, shall not be three (3) times longer than their width which shall be a minimum of one hundred (100) feet and a minimum depth of three hundred (300) feet.
- B. *[Minimum width and depth:]* Acreage parcels of ten (10) acres and more shall have a minimum width and depth of three hundred (300) feet. Any road frontage created shall be not less than three hundred (300) feet of contiguous property.

The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.

- C. *Maximum height of any structure:* No structure or part thereof, shall be erected to a height exceeding two (2) stories or thirty (30) feet except farm and essential service structures provided that the parcel has a minimum one hundred (100) feet of street frontage, then the maximum height is limited to twenty eight (28) feet except farm and essential service structures provided the parcel has a minimum of seventy (70) feet of width as measured from the building line. If the parcel has less than seventy (70) feet of width as measured from the building line, the maximum height is limited to twenty-five (25) feet. If the parcel has less than one hundred (100) feet of frontage the maximum height is limited to twenty-five (25) feet.

The elevation of the structure's first floor shall be limited to a maximum of five (5) feet above the lowest top of curb elevation on the adjacent roadway along the parcel's frontage. In areas where the adjacent roadway does not have a curb the lowest road centerline elevation shall be used in lieu of the lowest top of curb elevation.

If the subject parcel fronts on a roadway with substantial grade change between parcel line (such as some corner lots), a higher first floor elevation may be allowed if the Township Engineer determines that the higher elevation is required to construct the structure using standard construction techniques and best serves the interests of the subject parcel and adjoining parcels. In no case will a higher first floor elevation be approved to accommodate basement walkouts, daylight windows or ceiling heights exceeding the standard requirement.

- D. *Minimum building floor area:* Except for farm and accessory buildings, no residence or principal non-farm building shall be less than one thousand two hundred (1,200) square feet.

- E. *Minimum yard setback:*

1. Front and street - side setback shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	132 feet
150' major road	105 feet
120' major road	90 feet
86' collector road	68 feet
70' industrial road	60 feet
60' local road	55 feet

In the case of M-59 (Hall Road) and Gratiot Avenue, setbacks shall be thirty (30) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:
- a. Non-residential uses: Twenty-five (25) feet or as otherwise required by this Ordinance.
 - b. Residential lots: Ten (10) feet.
 - c. Reserved.
 - d. Reserved.

-
- 3. Rear yard: Fifty (50) feet or as otherwise required by this Ordinance.
 - F. *Maximum lot coverage:* Thirty (30) per cent.
 - Decks and/or swimming pools, aboveground or in-ground, shall be exempt from the thirty (30) per cent land coverage requirement.
 - G. *Distance between buildings:* Twenty (20) feet.
 - H. *Screening requirements:* All parking areas of non-residential uses which abut a residential use or zone shall provide an eight (8) foot greenbelt or a six (6) foot high decorative wall in compliance with Section 10.0202 and/or 10.0345 of this Ordinance.
 - I. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.
 - J. Reserved.
 - K. *Lighting requirements:* All exterior lighting shall be so directed and shielded so as not to shine on abutting property as per Section 10.0340.
 - L. *Sidewalks:* Sidewalks shall be provided pursuant to Section 10.0339 of this Ordinance and Chapter 14 of Macomb Township Code of Ordinances.
 - M. *Trash areas:* Trash areas shall be provided as per Section 10.0404M.
 - N. *Ground cover:* Ground cover and landscaping shall be provided as per Section 10.0404N.
- (Ord. No. 10-11, § 1.2, 3-28-01; Ord. No. 10-12, § 1.3, 6-13-01; Ord. No. 10-17, §§ 1.11, 1.12, 11-13-02; Ord. No. 10-22, § 1, 4-28-04; Ord. No. 10-40, § 1, 7-22-09; Ord. No. 10-45, § 1, 3-28-12)

ARTICLE VI RESIDENTIAL ESTATE ONE-FAMILY DISTRICT (R-1-E)

Sec. 10.0601. Intent.

The purpose of this district is to provide a stable and sound environment with suitable open space for low density residential development. The construction and occupancy of single-family dwelling is encouraged on one acre size lots. It is indicated that these districts will generally be located in or adjacent to the lowest concentration of urban development and will be served by public water and sanitary sewer systems and other appropriate urban facilities and services including paved major thoroughfares. The following regulations apply to all Residential Estate One-Family District (R-1-E):

Sec. 10.0602. Uses permitted.

No structures or part thereof, shall be erected, altered, or used and no land shall be used except for one or more of the following purposes:

- A. All uses permitted in the AG District Section 10.0402 and subject to the requirements noted in such district provisions except as otherwise provided herein and that the following uses are specifically prohibited in all R-1-E Districts; general or specialized farming, truck farming, greenhouses, fowl or rabbit raising, private stables, or composting. In no case shall there be more than one (1) principal dwelling per lot or parcel.
- B. Animals. No livestock shall be kept or maintained in any R-1-E, R-1, R-2-L, R-2-M, R-2-H and R-3 Residential Districts, except that for each dwelling unit the occupant may keep for his personal use domestic pets, so long as they are not kept or used for commercial or breeding purposes, or in such

numbers as to create a nuisance by reason of noise or offensive odors, and in no event shall kennels be maintained either for private or commercial use except as otherwise provided herein.

(Ord. No. 10-18, § 1, 4-28-04)

Sec. 10.0603. Special Land uses permitted.

Structures and parts thereof, may be erected, altered or used and land may be used for one (1) or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land uses provisions of section 10.2401 of this Ordinance.

All Special Land uses as permitted in the AG district Section 10.0403 except the following which are strictly prohibited; mushroom farm with or without compost manufacturing and/or processing, public stables, riding academies or hunt clubs, private kennels, commercial kennels or raising of animals for medical experimentation, migratory help in mobile homes, lumber and/or clear cutting, and composting.

(Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-29, § 1, 12-28-05)

Sec. 10.0604. Site limitations.

- A. *[Minimum lot area:]* Minimum lot area for residential purposes shall be forty-thousand (40,000) square feet where public water and sanitary sewers are not available, and twenty-one thousand seven hundred eighty (21,780) square feet where public sanitary sewer is available and fifteen thousand (15,000) square feet where water and sewer is provided and further that the depths of the lots platted, or parcels created, after the date of enactment of this Ordinance shall not be three (3) times longer than their width which shall be a minimum of one hundred (100) feet and a minimum depth of one hundred twenty (120) feet, except for lot where rear lot line abuts a public road right-of-way, then a minimum of one hundred forty (140) feet. Provided further, however, that where both water and sewer are available the lot yield shall not exceed two (2) units per acre.
- B. *[Minimum width and depth:]* Acreage parcels of ten (10) acres and more shall have a minimum width and depth of three hundred (300) feet. Any road frontage created shall be not less than three hundred (300) feet of contiguous property.

The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.

- C. *Maximum height of any structure:* No structure or part thereof, shall be erected to a height exceeding two (2) stories or thirty (30) feet except farm and essential service structures provided that the parcel has a minimum eighty (80) feet of street frontage. If the parcel has less than 80 feet of street frontage the maximum height is limited to twenty-eight (28) feet except farm and essential service structures provided the parcel has a minimum of seventy (70) feet of width as measured from the building line. If the parcel has less than seventy (70) feet of width as measured from the building line, the maximum height is limited to twenty-five (25) feet.

The elevation of the structure's first floor shall be limited to a maximum of five (5) feet above the lowest top of curb elevation on the adjacent roadway along the parcel's frontage. In areas where the adjacent roadway does not have a curb the lowest road centerline elevation shall be used in lieu of the lowest top of curb elevation.

If the subject parcel fronts on a roadway with substantial grade change between parcel line (such as some corner lots), a higher first floor elevation may be allowed if the Township Engineer determines that the higher elevation is required to construct the structure using standard construction techniques and best

serves the interests of the subject parcel and adjoining parcels. In no case will a higher first floor elevation be approved to accommodate basement walkouts, daylight windows or ceiling heights exceeding the standard requirement.

D. *Minimum building floor area:* Except for farm and accessory buildings, no residence or principal non-farm building shall be less than 1,200 square feet.

E. *Minimum yard setback:*

1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	132 feet
150' major road	105 feet
120' major road	90 feet
86' collector road	68 feet
70' industrial road	60 feet
60' local road	55 feet

In the case of M-59 (Hall Road) and Gratiot Avenue, setbacks shall be thirty (30) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:

- A. Non-residential uses: Twenty-five (25) feet or as otherwise required by this Ordinance.
- B. Residential lots: Ten (10) feet.
- C. Reserved.
- D. Reserved.

3. Rear yard: Fifty (50) feet or as otherwise required by this Ordinance.

F. *Maximum lot coverage:* Thirty (30) per cent.

Decks and/or swimming pools, aboveground or in-ground, shall be exempt from the thirty (30) per cent land coverage requirement.

G. *Distance between buildings:* Twenty (20) feet.

H. *Screening requirements:* All parking areas which abut a residential use or zone shall provide an eight (8) foot greenbelt or a six (6) foot high decorative masonry wall in compliance with Section 10.0202 and/or 10.0345 of this Ordinance.

I. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.

J. Reserved.

K. *Lighting requirements:* All exterior lighting shall be so directed and shielded so as not to shine on abutting property as per Section 10.0340.

L. *Trash areas:* Trash areas shall be provided as per Section 10.0404M.

M. *Sidewalks*: Sidewalks shall be provided as per Section 10.0404L.

N. *Ground cover*: Ground cover and landscaping shall be provided as per Section 10.0404N.

(Ord. No. 10-11, § 1.3, 3-28-01; Ord. No. 10-12, § 1.4, 6-13-01; Ord. No. 10-17, §§ 1.13, 1.14, 11-13-02; Ord. No. 10-21, § 1, 7-9-03; Ord. No. 10-22, § 1, 4-28-04; Ord. No. 10-29, § 1, 12-28-05; Ord. No. 10-40, § 1, 7-22-09; Ord. No. 10-45, § 1, 3-28-12)

ARTICLE VII RESIDENTIAL URBAN ONE-FAMILY DISTRICT (R-1)

Sec. 10.0701. Intent.

The purpose of this district is to provide a stable and sound environment with suitable open space for low density residential development by permitting the construction and occupancy of single-family dwellings on relatively small size lots. It is indicated that these districts will generally be located in or adjacent to the highest concentration of urban development and will be served by public water and sanitary sewer systems and other appropriate urban facilities and services including paved major thoroughfares. The following regulations apply to all Residential Urban One-Family District:

Sec. 10.0702. Uses permitted.

No structures or part thereof, shall be erected, altered, or used and no land shall be used except for one or more of the following purposes:

- A. All uses permitted in the R-1-E District, Section 10.0602 and subject to the requirements noted in such district provisions. In no case shall there be more than one (1) principal dwelling per lot or parcel.
- B. Animals. No livestock shall be kept or maintained in any R-1, R-1-E, R-2-L, R-2-H and R-3 Residential District, except that for each dwelling unit the occupant may keep for his personal use domestic pets, so long as they are not kept or used for commercial or breeding purposes, or so as not to create a nuisance by reason of noise or offensive odors, and in no event shall kennels be maintained either for private or commercial use except as otherwise provided herein.

(Ord. No. 10-18, § 1, 4-28-04)

Sec. 10.0703. Special Land uses permitted.

Structures and parts thereof, may be erected, altered or used and land may be used for one (1) or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land uses provisions of Section 10.2401 of this Ordinance.

All Special Land uses permitted in the R-1-E District, Section 10.0603 except as otherwise noted in this Article.

(Ord. No. 10-18, § 1, 4-28-04)

Sec. 10.0704. Site limitations.

A. *Minimum size of each residential lot per building*:

- 1. Lots where no public water and sanitary sewer are available.

-
- a. Area: Forty-thousand (40,000) square feet.
 - b. Width: One hundred sixteen (116) feet.
 - c. Depth: One hundred forty (140) feet.
 - d. Ratio: Depth not to exceed three (3) times the width.
2. Lots where sanitary sewer is available.
 - a. Area: Fourteen thousand five hundred twenty (14,520) square feet.
 - b. Width: Eighty (80) feet.
 - c. Depth: One hundred forty (140) feet.
 - d. Ratio: Depth not to exceed three (3) times the width.
 3. Lots where public water and sanitary sewer are available.
 - a. Area: Eight thousand four hundred (8,400) square feet.
 - b. Width: Seventy (70) feet for interior lots and ninety (90) feet for corner lots.
 - c. Depth: One hundred twenty (120) feet, except for lots where rear lot line abuts a public road right-of-way, then a minimum of one hundred forty (140) feet.
 - d. Ratio: All lots shall not be three (3) times longer than their width.
 - e. Provided further, however, that where both water and sewer are available the lot yield for the parcel to be divided shall not exceed three (3) units per acre.

B. *Maximum height of any structure:*

1. In stories: Two
2. In feet: Twenty eight (28) feet except farm and essential service structures provided the parcel has a minimum of seventy (70) feet of width as measured from the building line. If the parcel has less than seventy (70) feet of width as measured from the building line, the maximum height is limited to twenty five (25) feet.
3. The elevation of the structure's first floor shall be limited to a maximum of five (5) feet above the lowest top of curb elevation on the adjacent roadway along the parcel's frontage. In areas where the adjacent roadway does not have a curb the lowest road centerline elevation shall be used in lieu of the lowest top of curb elevation.

If the subject parcel fronts on a roadway with substantial grade change between parcel line (such as some corner lots), a higher first floor elevation may be allowed if the Township Engineer determines that the higher elevation is required to construct the structure using standard construction techniques and best serves the interests of the subject parcel and adjoining parcels. In no case will a higher first floor elevation be approved to accommodate basement walkouts, daylight windows or ceiling heights exceeding the standard requirement.

C. *Minimum building floor area:* No residential or non-residential building shall be less than twelve hundred (1200) square feet except for accessory buildings.

D. *Minimum yard setback:*

1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property

is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	132 feet
150' major road	105 feet
120' major road	90 feet

ROAD OR STREET	SETBACK FROM CENTER LINE
86' collector road	68 feet
70' industrial road	60 feet
60' local road	55 feet

In the case of M-59 (Hall Road) and Gratiot Avenue, setbacks shall be (30) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:

- a. Non-residential uses: Twenty-five (25) feet or as otherwise required by this Ordinance.
- b. Residential lots: Except as provided below in this section the provisions of Section 10.0311 shall apply. If there is no street line adjacent to the side yard, no principal structure shall be located closer than seven and one-half (7½) feet to a side property line and the combined of both side yards shall not be less than fifteen (15) feet provided further that principal buildings on adjoining lots shall be located not less than fifteen (15) feet apart. If, however, any said lot is less than seventy (70) feet but at least sixty (60) feet in width, no principal structure shall be located closer than six and one-half (6½) feet to a side property line and the combined width of both side yards shall not be less than thirteen (13) feet; provided, further, that principal buildings on adjoining lots shall be located not less than thirteen (13) feet apart.
- c. Reserved.
- d. Reserved.

3. Rear yard:

- a. Non-residential lots: Fifty (50) feet or otherwise required by this Ordinance.
- b. Residential lots: Thirty-five (35) feet except when rear yards abuts any public road, then the rear yard for principal building shall be sixty-five (65) feet. For accessory structures the setback shall be twenty-five (25) feet. Fences are regulated as per Sec. 10.0311 E. f-9. of the Zoning Ordinance.

E. *Maximum lot coverage; R-1:* Thirty-five (35) per cent.

Decks and/or swimming pools, aboveground or in-ground, shall be exempt from the thirty (30) per cent land coverage requirement.

F. *Distance between buildings:* Fifteen (15) feet.

G. *Screening requirements:* All parking areas which abut a residential use or zone shall provide an eight (8) foot greenbelt or a six (6) foot high decorative masonry wall in compliance with Section 10.0202 and/or 10.0345 of this Ordinance.

H. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.

I. Reserved.

J. *Lighting requirements:* All exterior lighting shall be so directed and shielded so as not to shine on abutting property as per Section 10.0340.

K. *Trash areas:* Trash areas shall be provided as per Section 10.0404M.

L. *Sidewalks:* Sidewalks shall be provided as per Section 10.0404L.

M. *Ground cover:* Ground cover and landscaping shall be provided as per Section 10.0404N.

(Ord. No. 10-11, § 1.4, 3-28-01; Ord. No. 10-12, § 1.5, 6-13-01; Ord. No. 10-17, §§ 1.15, 1.16, 11-13-02; Ord. No. 10-21, § 1, 7-9-03; Ord. No. 10-28, § 1, 12-14-05; Ord. No. 10-29, § 1, 12-28-05; Ord. No. 10-31, § 1, 7-12-06; Ord. No. 10-40, § 1, 7-22-09; Ord. No. 10-45, § 1, 3-28-12)

Sec. 10.0705. Reserved.

Editor's note(s)—Ord. No. 10-14, § 1.1, adopted Nov. 14, 2001, repealed § 10.0705 which pertained to planned unit development (PUD) provisions, and derived from the original zoning ordinance, Ord. No. 10, adopted Nov. 10, 1973.

ARTICLE VIII RESIDENTIAL MULTIPLE-FAMILY LOW DENSITY DISTRICT (R-2-L)

Sec. 10.0801. Intent.

The purpose of this district is to provide for various types of low-rise multiple-family residential dwellings and medium residential densities but under specific population density controls. The requirements of this district are intended to recognize that various forms of site development are desirable in order to provide a wide range of choice of living environments but at the same time to regulate such developments in order to prevent congestion on the public streets, reduce hazards to life and property, provide desirable light and air and to provide for adequate open spaces and basic amenities. It is intended that these districts will generally be located in or near the centers of intensive urban activity along paved major streets within such centers and will be served by public water and sanitary sewers system and other appropriate urban facilities and services including fire protection service.

Sec. 10.0802. Uses permitted.

No structure or part thereof shall be erected, altered or used and no land shall be used except for one or more of the following purposes:

- A. Medium density multiple housing, subject to all applicable provisions of this Article.
- B. Accessory structures.

Sec. 10.0803. Special Land uses permitted.

Structures and parts thereof may be erected, altered or used and land may be used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land uses permit review procedures at Section 10.2401 of this ordinance.

- A. Home occupations.
- B. Schools, and school related activities as per Section 10.0403B of this Ordinance.
- C. Churches or place of worship as per Section 10.0403A of this Ordinance.
- D. Public owned and operated uses as per Section 10.0403C of this Ordinance.

- E. Heliports as an accessory use to those activities permitted by this Section.
- F. Cemeteries as per Section 10.0403F of this Ordinance.
- G. Public utility uses without service yards as per Section 10.0403K.
- H. Recreation areas and public and private parks as per Section 10.0403M of this Ordinance.
- I. Housing for older persons, subject to General Provisions, Section 10.0352 of this Ordinance.

(Ord. No. 10-39, § 1, 6-24-09)

Sec. 10.0804. Site plan review.

All proposed structures or uses of land or structures shall be subject to the site plan review procedures of Section 10.2402.

Sec. 10.0805. Site area requirement.

The minimum gross site area required per dwelling unit is seventy-five hundred (7500) square feet. The area used for computing density shall be the total site area exclusive of any public road right-of-way and floodway.

Sec. 10.0806. Site limitation.

A. *Minimum size of each parcel:*

- 1. Area: Five (5) acres.
- 2. Width: Three hundred (300) feet.
- 3. Depth: Three hundred (300) feet.
- 4. Ratio: Depth shall not exceed three (3) times the width.
- 5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.

B. *Maximum height of any structure:*

- 1. In stories: Two (2).
- 2. In feet: Twenty-five (25).

C. *Minimum building floor area:* Eight hundred (800) square feet.

D. *Minimum yard setback:*

- 1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	132 feet
150' major road	105 feet
120' major road	90 feet

86' collector road	68 feet
70' industrial road	60 feet
60' local road	55 feet

In the case of M-59 (Hall Road) and Gratiot Avenue, setbacks shall be thirty (30) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard: Thirty-five (35) feet or as otherwise required by this Ordinance.
 3. Rear yard: Thirty-five (35) feet or as otherwise required by this Ordinance.
- E. *Maximum lot coverage:* Twenty-five (25) per cent.
- F. *Distance between principal buildings:*
1. Side to Side: Fifteen (15) feet.
 2. Side to rear: Thirty (30) feet.
 3. Rear to rear: Fifty (50) feet.
 4. Principal building to accessory building: fifteen (15) feet.
- G. *Screening requirements:* All parking areas of non-residential uses which abut a residential use or zone shall provide an eight (8) foot greenbelt or a six (6) foot high decorative masonry wall in compliance with Section 10.0202 and/or 10.0345 of this Ordinance.
- H. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.
- I. Reserved.
- J. *Lighting requirements:* All exterior lighting shall be so directed and shielded so as not to shine on abutting properties as per Section 10.0340.
- K. *Sidewalks:* Sidewalks shall be provided as per Section 10.0404L.
- L. *[Trash areas:]* Trash areas shall be provided as per Section 10.0404M.
- M. *Ground cover:* Ground cover and landscaping shall be provided as per Section 10.0404N.
- N. *Distance of the closest edge of all structures from the closest edge of all paved private roads:* Thirty (30) feet.
- (Ord. No. 10-40, § 1, 7-22-09)

ARTICLE IX RESIDENTIAL MULTIPLE-FAMILY MEDIUM DENSITY DISTRICT (R-2)

Sec. 10.0901. Intent.

The purpose of this district is to provide for various types of low rise multiple-family residential dwellings and medium high residential densities but under specific population density controls. The requirements of this district are intended to recognize that various forms of site development are desirable in order to provide a wide range of choice of living environments but at the same time to regulate such developments in order to prevent congestion on the public streets, reduce hazards to life and property, provide desirable light and air and to provide for adequate open spaces and basic amenities. It is intended that these districts will generally be located in or near the centers of intensive urban activity along paved major streets within such centers and will be served by public water and sanitary sewer system and other appropriate urban facilities and services including fire protection service.

Sec. 10.0902. Uses permitted.

No structure or part thereof shall be erected, altered or used and no land shall be used except for one or more of the following purposes:

All uses permitted in the R-2-L district, Section 10.0702.

Sec. 10.0903. Special Land uses permitted.

Buildings, structures and parts thereof may be erected, altered or used and land may be used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land uses permit review procedures at Section 10.2401 of this ordinance.

- A. All uses under Special Land uses permitted under the R-2-L District, Section 10.0703.
- B. Housing for older persons, subject to General Provisions, Section 10.0352 of this Ordinance.

(Ord. No. 10-39, § 1, 6-24-09)

Sec. 10.0904. Site plan review.

All proposed structures, uses of land or structures shall be subject to the site plan review procedure of Section 10.2402.

Sec. 10.0905. Site area requirements.

The minimum gross site area required per dwelling unit is five thousand (5,000) square feet. The area uses for computing density shall be the total site area exclusive of any public road right-of-way and floodway.

Sec. 10.0906. Site limitations.

- A. *Minimum size of each parcel:*
 - 1. Area: Five (5) acres.
 - 2. Width: Three hundred (300) feet.
 - 3. Depth: Three hundred (300) feet.
 - 4. Ratio: Depth shall not exceed three (3) times the width.
 - 5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.
- B. *Maximum height of any structure:*
 - 1. In stories: Two (2).
 - 2. In feet: Twenty-five (25).
- C. *Minimum building floor area:* Seven hundred fifty (750) square feet.
- D. *Minimum yard setback:*
 - 1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	132 feet
150' major road	105 feet
120' major road	90 feet
86' collector road	68 feet
70' industrial road	60 feet
60' local road	55 feet

In the case of M-59 (Hall Road) and Gratiot Avenue, setbacks shall be thirty (30) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard: Thirty-five (35) feet or as otherwise required by this Ordinance.
 3. Rear yard: Thirty-five (35) feet or as otherwise required by this Ordinance.
- E. *Maximum lot coverage:* Twenty-five (25) per cent.
- F. *Distance between principal buildings:*
1. Side to side: Fifteen (15) feet.
 2. Side to rear: Thirty (30) feet.
 3. Rear to rear: Fifty (50) feet.
 4. Principal building to accessory building: fifteen (15) feet.
- G. *Screening requirements:* All parking areas which abut a residential use or zone shall provide an eight (8) foot greenbelt or six (6) foot high decorative masonry wall in compliance with Section 10.0202 and/or 10.0345 of this Ordinance.
- H. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.
- I. Reserved.
- J. *Lighting requirements:* All exterior lighting shall be so directed and shielded so as not to shine on the abutting properties as per Section 10.0340.
- K. *Sidewalks:* Sidewalks shall be provided as per Section 10.0404L.
- L. *Trash areas:* Trash areas shall be provided as per Section 10.0404M.
- M. *Ground cover:* Ground cover and landscaping shall be provided as per Section 10.0404N.
- N. *Distance of the closest edge of all structures from the closest edge of all paved private roads:* Thirty (30) feet.
- (Ord. No. 10-40, § 1, 7-22-09)

ARTICLE X RESIDENTIAL MULTIPLE-FAMILY HIGH DENSITY DISTRICT (R-2-H)

Sec. 10.1001. Intent.

The purpose of this district is to provide for high-rise multiple-family residential dwellings and higher residential densities but under specific population density controls. The requirements of this district are intended to recognize that various forms of site development are desirable in order to provide a wide range of choice of living environments but at the same time to regulate such developments in order to prevent congestion on the public streets, reduce hazards to life and property, provide desirable light and air and to provide for adequate open spaces and basic amenities. It is intended that these districts will generally be located in or near the centers of intensive urban activity along paved major streets within such centers and will be served by public water and sanitary sewer system and other appropriate urban facilities and services including fire protection service.

Sec. 10.1002. Uses permitted.

No structure or part thereof shall be erected, altered or used and no land shall be used except for one or more of the following purposes:

- A. High-rise multiple housing, subject to all applicable provisions of this Article.
- B. Accessory structures.

Sec. 10.1003. Special Land uses permitted.

Buildings, structures and parts thereof may be erected, altered or used and land may be used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land uses permit review procedures at Section 10.2401 of this ordinance.

- A. All uses under Special Land uses permitted under the R-2 district, Section 10.0903 except for 10.0903C.
- B. Housing for older persons, subject to General Provisions, Section 10.0352 of this Ordinance.

(Ord. No. 10-39, § 1, 6-24-09)

Sec. 10.1004. Site plan review.

All proposed structures or uses of land or structures shall be subject to the site plan review procedures of Section 10.2402.

Sec. 10.1005. Site area requirements.

The minimum gross site area required per dwelling unit is thirty five hundred (3,500) square feet. The area used for computing density shall be the total site area exclusive of any public road right-of-way and floodway.

Sec. 10.1006. Site limitations.

- A. *Minimum size of each parcel:*
 - 1. Area: Ten (10) acres.
 - 2. Width: Five hundred (500) feet.
 - 3. Depth: Five hundred (500) feet.
 - 4. Ratio: Depth shall not exceed three (3) times the width.

5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.

B. *Maximum height of any structure:*

1. In stories: Ten (10) maximum; four (4) minimum.
2. In feet: One hundred (100) feet maximum; forty (40) feet minimum.

C. *Minimum building floor area:* Six hundred (600) square feet.

D. *Minimum yard setback:*

1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	152 feet
150' major road	125 feet
120' major road	110 feet
86' collector road	93 feet
70' industrial road	85 feet
60' local road	80 feet

In the case of M-59 (Hall Road) and Gratiot Avenue, setbacks shall be fifty (50) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard: Fifty (50) feet or height of the building, whichever is greater or as otherwise required by this Ordinance.
3. Rear yard: Fifty (50) feet or height of the building, whichever is greater or as otherwise required by this Ordinance.

E. *Maximum lot coverage:* Fifteen (15) per cent.

F. *Distance between principal buildings:*

1. Side to side: Twenty-five (25) feet or the height of the shortest building, whichever is larger.
2. Side to rear: Fifty (50) feet or the height of the shortest building, whichever is larger.
3. Rear to rear: Seventy-five (75) feet or the height of the shortest building, whichever is larger.
4. Principal building to accessory building: Fifteen (15) feet.

G. *Screening requirements:* All parking areas which abut a residential use or zone shall provide an eight (8) foot greenbelt or six (6) foot high decorative masonry wall in compliance with Section 10.0202 and/or 10.0345 of this Ordinance.

H. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.

I. Reserved.

J. *Lighting requirements:* All exterior lighting shall be so directed and shielded so as not to shine on the abutting properties as per Section 10.0340.

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- K. *Sidewalks*: Sidewalks shall be provided as per Section 10.0404L.
 - L. *Trash areas*: Trash areas shall be provided as per Section 10.040M.
 - M. *Ground cover*: Ground cover shall be provided as per section 10.0404N.
 - N. *Roof screening*: Roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
 - O. *Distance of the closest edge of all structures from the closest edge of all paved private roads*: Thirty (30) feet.
- (Ord. No. 10-40, § 1, 7-22-09)

ARTICLE XI RESIDENTIAL MOBILE HOME PARK DISTRICT (R-3)

Sec. 10.1101. Intent.

The purpose of this district is to provide for development of mobile home residences in mobile home parks and to harmonize this type of residential development in the communities housing pattern. These districts should be located with access to major paved roads and in areas where public water and sanitary sewer facilities are available.

Sec. 10.1102. Uses permitted.

- A. No structure or part thereof shall be erected, altered or used and no land shall be used except those that are subject to the provisions of this Article including site plan review procedures as described in Article 10.2402.
- B. A mobile home shall be a factory built, portable unit with kitchen, dining, sleeping, toilet and bathing facilities with a minimum of seven hundred twenty (720) square feet area conforming to all applicable building, plumbing, heating and electrical codes.

Sec. 10.1103. Mobile home park development requirements.

A mobile home park development may be permitted provided such development is found to provide for the health, safety and welfare of the occupants and the community and complies with the following minimum requirements:

- A. Hardsurfaced, off-street parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home lot, and an additional one-half ($\frac{1}{2}$) space per lot shall be provided in a common area for visitor parking.
- B. Area. The minimum lot area for a mobile home park shall be twenty (20) acres. Minimum width and depth shall be three hundred (300) feet. The depth of the lot shall not exceed three (3) times the width.

The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.
- C. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property

is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	132 feet
150' major road	105 feet
120' major road	90 feet
86' collector road	68 feet
70' industrial road	60 feet
60' local road	55 feet

In the case of M-59 (Hall Road) and Gratiot Avenue, setbacks shall be thirty (30) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

- D. No mobile home or any structure within a mobile home development shall be located less than twenty-five (25) feet to any property line.
- E. No building shall exceed the height of two (2) stories or twenty-five (25) feet.

Sec. 10.1104. Design requirements.

- A. No mobile home park shall be developed on any parcel of land less than twenty (20) acres, which twenty (20) acres shall be fully developed for total occupancy prior to occupancy by the first mobile home.
 - 1. If zoning for mobile home park shall be given for an area larger than twenty (20) acres and the developer thereof shall propose a partial development or periodic development in stages, then development shall be allowed for only that portion planned for immediate development.
 - 2. If the initial development or any successive stage of development shall not proceed and be completed as proposed and contemplated by the original or successive site approval, then such failure shall be sufficient ground for denial of approval for further development stages.
- B. An open area shall be provided on each mobile home lot to insure privacy, adequate natural light and ventilation, and to provide sufficient area for outdoor use essential to the mobile home. A density of not more than eight (8) units per acre will be allowed exclusive of right-of-way of any abutting roads as defined by the Master Thoroughfare Plan.
- C. The mobile home sites shall consist of a minimum of four thousand (4,000) square feet for each space which shall be at least forty two (42) feet wide and clearly defined.
 - 1. There shall be at least one (1) mobile home site provided for every mobile home, and it shall be grass covered except for the space directly under the mobile home.
 - 2. Mobile homes shall be so located on each space that there shall be at least fifteen (15) foot clearance between the mobile homes or attachment and structures provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may not be less than fifteen (15) feet.
 - 3. No mobile home shall occupy more than twenty-five (25) percent of land area on which it is placed.
- D. Recreation space shall be provided in a central location with an area of not less than eight (8) percent of the total area of the mobile home park. Such space will be enclosed with shrubs or evergreens.
- E. There shall be a twenty (20) foot planting strip entirely surrounding the park, in which there shall be trees and shrubs planted and arranged to grow to such height as will effectively screen the mobile homes which are in the park from the surrounding areas.

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- F. All mobile home spaces shall abut upon a roadway of not less than thirty four (34) feet in width which shall consist of twenty-two (22) feet of road paving, three (3) feet of planting area on both sides and three (3) feet of sidewalks on both sides. Said roadway shall have unobstructed access to a public street. All roads, lanes, alleys, streets in trailer park area or mobile home area shall be paved and shall be constructed under Macomb County Road Commission specifications. Mobile home park owners shall provide adequate maintenance of said roads, lanes, alleys and street. No vehicle, trailer or similar conveyance, either public or private, shall be parked in any roads, lanes, alleys or streets within said park except as designated and approved in the original site plan and license.
 - G. Concrete walkways, not less than thirty-six (36) inches wide, shall be provided from each mobile home space to all service structures.
 - H. A Mobile Home Park shall have direct access to a paved county primary road or a paved state highway.
 - I. A fence of no less height than five (5) feet, but no higher than seven (7) feet shall be erected around the park.

Sec. 10.1105. General Requirements.

- A. No campers, boats or other large equipment shall be stored upon a mobile home site but a separate storage area shall be provided by the mobile home park for such purposes.
- B. Each mobile home shall have a safe and unobstructed primary exit, and an emergency exit.
- C. All electrical service conduits shall be underground.
 - 1. Each mobile home site shall be provided with underground electrical service.
 - 2. Wiring shall comply with recommended standards of the local utility company and the Macomb Township Building Code and Michigan State Electrical Code.
- D. Plans and specifications for water and sewage shall have written approval of Macomb Township, Macomb County Health Department and Michigan State Health Department. Said written approval shall be submitted to the Township Clerk.
 - 1. A certificate of approval from each of these agencies must also be submitted to the Township Clerk after final inspection of the completed facilities.
 - 2. No mobile home park shall be constructed unless it shall be connected to a public sewer system, if available, or in the alternative, parcel to be developed shall have a private system for sewage treatment that shall conform to Township Ordinances.
 - 3. A central water supply system connected to a public water supply with water supplied to each mobile home site shall be provided.
 - 4. Fire hydrants shall be provided within five hundred (500) feet of each mobile home site.
- E. Street and yard lights sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night shall be provided, and shall be effectively relative to buildings, trees, walks, steps and ramps. A light intensity of .05 foot candle is recommended.
- F. Each mobile home lot shall be provided with approved garbage containers.
 - 1. The containers shall be kept in a sanitary condition at all times.
 - 2. It shall be the responsibility of the park owner to insure that garbage containers do not overflow.
 - 3. Exterior property areas shall be maintained free from organic and inorganic material that might become a health hazard, accident or fire hazard.

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4. Facilities for cleaning refuse receptacles shall be provided in a central location approved by Macomb Township.
- G. Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number so located within the park as to satisfy applicable regulations of the Michigan State Fire Code.
1. No open fires shall be permitted at any place which may endanger life or property.
 2. No fire shall be left unattended at any time.
 3. Fire extinguishers shall bear the underwriter's label and be of such type approved for such service by the Commissioner of the State Police.
 4. Each fire extinguisher shall be periodically examined and kept at all times in a usable condition in compliance with regulations of the fire department.
- H. All fences along mobile home lot lines shall be of uniform height and not to exceed thirty (30) inches in height and shall be constructed so as to provide fireman access to all sides of each mobile home.
- I. No business of any kind shall be conducted in any mobile home.
- J. The grounds of a mobile home park shall be graded to drain property and to satisfactorily meet the approval of the Township Engineer, the Macomb County Drain Commissioner and the Macomb County Road Commission.
- K. Skirting on each mobile home shall be required.
1. Enclosed canopies and skirting and the method of installation shall be first approved by the Building Official.
 2. The use of an awning of fabricated factory built aluminum or fiberglass, which space may be screened in shall be permitted.
 3. The screened area shall not be greater than nine (9) feet in width.
- L. There shall be no storage of any kind underneath any mobile home and each mobile home shall be maintained in a clean and presentable condition at all times.
- M. All cooking and fuel services shall be provided through electricity or gas from public utility mains or from a central storage tank within the mobile home park.
- N. Each mobile home lot shall be provided with a stand consisting of a solid concrete apron with an eight (8) inch in width and forty two (42) inch in depth concrete footing encompassing the complete width and length of the mobile home and all attachments to it.
- Such apron shall be five (5) inches in thickness and shall consist of (twenty-five hundred) 2,500 pound concrete. Tie downs shall be provided as per the Township Building Code and approved by the Township Building Official.
- O. Each mobile home shall be jacked up and placed on a uniform approved jack or uniform concrete block piers twelve (12) inches by sixteen (16) inches in length and cemented in place, which shall be supplied by the mobile home park. All mobile homes shall have their wheels removed and placed under the trailer.
- P. Each mobile home site shall be provided with one (1) utility storage building which shall be at least seven (7) feet in width, eight (8) feet in depth but not to exceed one hundred twenty (120) square feet and eight (8) feet in height. There shall be a minimum of four (4) feet clearance between storage buildings and any mobile home. All storage buildings shall be uniform as to location throughout the mobile home park. All storage buildings shall be kept clean and shall be maintained in good condition. Each storage building shall be provided with four (3) inch by twenty-four (24) inch rat wall on a four (4) inch thick concrete floor and shall

consist of twenty-five hundred (2,500) pound test concrete. All storage buildings shall be anchored to concrete in method approved by Macomb Township Building Official.

Sec. 10.1106. Permits.

- A. In addition to the foregoing regulations, all mobile home parks shall comply with the provisions of Act 243, Public Acts of 1959, as amended, and all amendments thereto are incorporated herein and made a part hereof by reference.
- B. A permit shall be required for each mobile home which shall hereafter be located or relocated in an approved Mobile Home Park on an approved mobile home site.

Application for such permit shall be made within five (5) days after such location or relocation by the owner of the mobile home or his agent who shall pay to the Township Building Department a fee, in the amount necessary, to defray the cost of inspection. Compliance with this requirement shall be joint and several responsibilities of the Mobile Home Park owner subject thereto and the person, firm, partnership or corporation operating the Mobile Home Park wherein said mobile home is located or relocated.

Sec. 10.1107. Surety bond.

A surety bond shall be required by the Township Board to insure that the ultimate erection of the mobile home park buildings and structures and that the development of the site shall be in accordance with the approved plans and proposals. Such bond shall be in an amount equal to the estimated cost of the site improvements.

Sec. 10.1108. Inspection fees.

Inspection fees shall be required to defray cost of inspections of the mobile home units within the park. The amount of said fees shall be established by a separate resolution by the Township Board.

ARTICLE XII COMMUNITY FACILITIES DISTRICT (CF)

Sec. 10.1201. Intent.

The purpose of this district is to provide for the development of Community Facilities District needed by the community for serving the basic human needs of its people. It is intended that the uses abut major roads and serve as transitional uses between residential and commercial districts.

Sec. 10.1202. Uses permitted.

No structure or part thereof, shall be erected, altered or used, and no land shall be used except for one or more of the following purposes:

- A. Nursery schools, day care centers and similar uses.
 - 1. Any such use shall not be permitted in the interior of any residential block.
 - 2. The use shall be screened from existing or zoned adjacent residential properties by a six (6) foot high masonry wall.
 - 3. The lot shall be provided with an outdoor play area with a minimum of five thousand (5,000) square feet. Said play area shall be defined on the required site plan and fenced.

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4. Adequate and safe drop-off and pick-up areas shall be provided on the site.
- B. Funeral homes, mortuaries, not including crematories, subject to the following:
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. Adequate ingress and egress shall be provided to said major thoroughfare.
 3. No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of the district when said property line abuts any single-family residential district.
 4. Loading and unloading area used by ambulances, hearses or other such service vehicles shall be obscured from all residential view by a wall six (6) feet in height.

Sec. 10.1203. Special Land uses permitted.

Buildings, structures and parts thereof may be erected, altered or used and land may be used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land uses permit review procedures at Section 10.2401 of this Ordinance.

- A. General hospitals (except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious diseases) subject to the following conditions:
1. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area, and providing a minimum of one thousand five hundred (1,500) square feet of lot area per bed.
 2. All ingress and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred twenty (120) feet as indicated on the Master Thoroughfare Plan.
 3. Ambulance delivery and services areas, when visible from adjacent land zoned for residential purposes, shall be obscured from view by a wall at least six (6) feet in height.
 4. The minimum distance between any structure and a property line shall be seventy-five (75) feet.
 5. No hospital shall be permitted unless its size is at least fifty (50) in-patient beds.
 6. 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 the State of Michigan and the regulations of any administrative agency required thereby.
- B. Nursing, convalescent homes or hospices, subject to the following conditions:
1. All such facilities shall be developed only on sites consisting of at least five (5) acres in area.
 2. There shall be provided at least one thousand (1,000) square feet of lot area per bed.
 3. Licensing shall be in accordance with the State of Michigan and/or appropriate authority or jurisdiction.
- C. Housing for older persons, subject to General Provisions, Section 10.0352 of this Ordinance.
- D. All uses in the R-2-L District under Special Land uses permitted Section 10.0803 except for 10.0803A, 10.0803B and 10.0803I.

(Ord. No. 10-39, § 1, 6-24-09)

Sec. 10.1204. Site plan review.

All proposed structures, or use of land or structure, shall be subject to the provisions of Section 10.2402.

Sec. 10.1205. Site limitations.

A. *Minimum size of each parcel:*

1. Area: One (1) acre.
2. Width: One hundred fifty (150) feet.
3. Depth: Two hundred fifty (250) feet.
4. Ratio: Depth of lot shall not exceed three (3) times the width.
5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.

B. *Maximum height of any structure:*

1. In stories: Two (2)
2. In feet: Twenty-five (25) feet.

C. *Minimum building floor area:* Eight hundred (800) square feet.

D. *Minimum yard setback:*

1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	127 feet
150' major road	100 feet
120' major road	85 feet
86' collector road	68 feet
70' industrial road	60 feet
60' local road	55 feet

In the case of the M-59 (Hall Road) and Gratiot Avenue, setback shall be twenty-five (25) feet except for permanent structures which shall be seventy (70) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:

- A. Abutting agricultural and residential zones or uses: Fifty (50) feet.
- B. Abutting all other zones or uses: Twenty-five (25) feet.

3. Rear yard:

- A. Abutting agricultural and residential zones or uses: Fifty (50) feet except as otherwise required in this Ordinance.

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- B. Abutting all other zones or uses: Seventy-five (75) feet except as otherwise required in this Ordinance.
 - E. *Maximum lot coverage*: Thirty (30) per cent.
 - F. *Distance between buildings*: Twenty-five (25) feet.
 - G. *Screening requirements*: All uses abutting a residential use or zone shall provide an eight (8) foot wide greenbelt or a six (6) foot high wall. All parking lots located twenty-five (25) feet or less from a residential use or zone shall provide a six (6) foot high masonry wall.
 - H. *Off-street parking requirements*: Uses on the site shall meet the requirements of this Zoning Ordinance as to off-street parking spaces, Section 10.0323.
 - I. Reserved.
 - J. *Lighting requirements*: All exterior lighting shall be directed and deflected so as not to shine on the abutting property as per Section 10.0340.
 - K. *Sidewalks*: Sidewalks shall be provided as per Section 10.0404L.
 - L. *Trash areas*: Trash areas shall be provided as per Section 10.0404M.
 - M. *Ground cover*: Ground cover and landscaping shall be provided as per Section 10.0404N.
 - N. *Roof screening*: Roof screening shall be provided as per Section 10.1006N.
- (Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-40, § 1, 7-22-09)

ARTICLE XIII OFFICE - LOW RISE DISTRICT (O-1)

Sec. 10.1301. Intent.

The purpose of this district is to provide low density professional and business offices and similar activities employing a predominately clerical staff which is not engaged in retail sales on the premises of articles or products of a tangible nature and where no heavy or noisy machinery is utilized in the operation of the business. The development of office districts may well provide transition uses between commercial development and residential uses, if otherwise developed in accordance with standards of this ordinance.

Sec. 10.1302. Uses permitted.

No structure or part thereof shall be erected, altered or used and no land shall be used except for one or more of the following purposes:

- A. Professional and business offices and similar activities employing a predominantly clerical staff which is not engaged in retail sales on the premises of articles or products of a tangible nature and where no heavy or noisy machinery is utilized in the operation of the business. Permitted uses shall include the following:
 - 1. Abstract office.
 - 2. Accountant.
 - 3. Advertising.
 - 4. Appraiser.

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5. Architect.
 6. Bank and/or trust company.
 7. Bonding company.
 8. Brokerage house.
 9. Building contractor office (not including equipment or material storage).
 10. Building and loan association.
 11. Buildings, office.
 12. Business college.
 13. Chiropodist.
 14. Chiropractor.
 15. Christian Science Practitioner.
 16. Collection agency office.
 17. Commission house, office only.
 18. Credit reporting bureau.
 19. Credit unit office.
 20. Dentist.
 21. Detective agency.
 22. Doctor.
 23. Electric light and power company or telephone company, office and building.
 24. Engineer office.
 25. Finance companies, loan offices.
 26. Insurance office.
 27. Lawyer.
 28. Office service (stenographic service, letter preparation, addressing and mailing, duplication, multigraphing, mimeographing, machine tabulation, research and statistical).
 29. Osteopath.
 30. Real estate sales office.
 31. Medical or dental clinics.

Sec. 10.1303. Special Land uses permitted.

Buildings, structures and parts thereof, may be erected, altered or used and land may be used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land use permit procedures at Section 10.2401 of this ordinance.

All uses in Section 10.1203D, Special Land uses permitted.

Sec. 10.1304. Site plan review.

All proposed structures, or use of land or structure, shall be subject to the provisions of Section 10.2402.

Sec. 10.1305. Site limitations.

A. *Minimum size of each parcel:*

1. Area: Fifteen thousand (15,000) square feet.
2. Width: One hundred (100) feet.
3. Depth: One hundred fifty (150) feet.
4. Ratio: Depth not to exceed three (3) times the width.
5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.

B. *Maximum height of any structure:*

1. In stories: Two (2).
2. In feet: Twenty-five (25) feet.

C. *Minimum building floor area:* Eight hundred (800) square feet.

D. *Minimum yard setback:*

1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	127 feet
150' major road	100 feet
120' major road	85 feet
86' collector road	68 feet
70' industrial road	60 feet
60' local road	55 feet

In the case of the M-59 (Hall Road) and Gratiot Avenue, setback shall be twenty-five (25) feet except for permanent structures which shall be seventy (70) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:
 - A. Abutting agricultural and residential zones or uses. Fifty (50) feet.
 - B. Abutting all other zones or uses. Twenty-five (25) feet.
3. Rear yard: Fifty (50) feet.

E. *Maximum lot coverage:* Thirty (30) per cent.

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- F. *Distance between buildings:* Twenty-five (25) feet.
 - G. *Screening requirements:* All uses abutting a residential use or zone shall provide an eight (8) foot wide greenbelt or a six (6) foot high wall. All parking lots located twenty-five (25) feet or less from a residential use or zone shall provide a six (6) foot high masonry wall.
 - H. *Off-street parking requirements:* Uses on the site shall meet the requirements of this Zoning Ordinance as to off-street parking spaces, Section 10.0323.
 - I. Reserved.
 - J. *Lighting requirements:* All exterior lighting shall be directed and deflected so as not to shine on the abutting property as per Section 10.0340.
 - K. *Sidewalks:* Sidewalks shall be provided as per Section 10.0404L.
 - L. *Trash areas:* Trash areas shall be provided as per Section 10.0404M.
 - M. *Ground cover:* Ground cover shall be provided as Section 10.0404N.
 - N. *Roof screening:* Roof screening shall be provided as per Section 10.1006N.
- (Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-40, § 1, 7-22-09)

ARTICLE XIV OFFICE - HIGH RISE DISTRICT (O-2)

Sec. 10.1401. Intent.

The purpose of this district is to provide high density professional and business offices and similar activities employing a predominately clerical staff which is not engaged in retail sales on the premises of articles or products of a tangible nature where no heavy or noisy machinery is utilized in the operation of the business. Said business must be adjacent to major roads and boulevards. The development of high rise office districts may well provide transition uses between intense commercial development and multiple family development.

Sec. 10.1402. Uses permitted.

No structure of part thereof shall be erected, altered or used and no land shall be used except for one or more of the following purposes:

- A. All uses in Section 10.1202 (O-1) District.
- B. Hotels and motels.

Sec. 10.1403. Special Land uses permitted.

Buildings, structures and parts thereof may be erected, altered or used, and land may be used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land use permit procedures at Section 10.2401 of this ordinance.

- A. General hospitals subject to conditions of 10.1303A.
- B. Nursing, convalescent homes or hospices, subject to the conditions of Section 10.1303B.
- C. Restaurants where incidental to the principal uses on the site.
- D. All uses under Special Land uses permitted, Section 10.1303.

(Ord. No. 10-39, § 1, 6-24-09)

Sec. 10.1404. Site plan review.

All proposed structures, or use of land and structure, shall be subject to the provisions of Section 10.2402 of this ordinance.

Sec. 10.1405. Site limitations.

A. *Minimum size of each parcel:*

1. Area: Five (5) acres.
2. Width: Three hundred (300) feet.
3. Depth: Three hundred (300) feet.
4. Ratio: Depth shall not exceed three (3) times the width.
5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.

B. *Maximum height of any structure:*

1. In stories: Ten (10).
2. In feet: One hundred (100) feet.

C. *Minimum building floor area:* Five thousand (5,000) square feet.

D. *Minimum yard setback:*

1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	177 feet
150' major road	150 feet
120' major road	135 feet
86' collector road	118 feet
70' industrial road	110 feet
60' local road	105 feet

In the case of M-59 (Hall Road) and Gratiot Avenue, setbacks shall be seventy-five (75) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:

- A. Abutting agricultural and residential zones or uses: One hundred (100) feet.
- B. Abutting all other zones or uses: Twenty-five (25) feet, plus the height of each level of the building which exceed thirty-five (35) feet.

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- 3. Rear yard:
 - A. Abutting agricultural and residential zones or uses: One hundred (100) feet.
 - B. Abutting all other zones or uses: Fifty (50) feet, plus the height of each level of the building which exceeds thirty-five (35) feet.
 - E. *Maximum lot coverage*: Thirty (30) per cent.
 - F. *Distance between buildings*: Twenty-five (25) feet.
 - G. *Screening requirements*: All uses abutting a residential use or zone shall provide an eight (8) foot wide greenbelt or a six (6) foot high wall. All parking lots located twenty-five (25) feet or less from a residential use or zone shall provide a six (6) foot high masonry wall.
 - H. *Off-street parking requirements*: Uses on the site shall meet the requirements of this Zoning Ordinance as to off-street parking spaces, Section 10.0323.
 - I. Reserved.
 - J. *Lighting requirements*: All exterior lighting shall be directed and deflected so as not to shine on the abutting property as per Section 10.0340.
 - K. *Sidewalks*: Sidewalks shall be provided as per Section 10.0404L.
 - L. *Trash areas*: Trash areas shall be provided as per Section 10.0404M.
 - M. *Ground cover*: Ground cover shall be provided as per Section 10.0404N.
 - N. *Roof screening*: Roof screening shall be provided as per Section 10.1006N.
- (Ord. No. 10-40, § 1, 7-22-09)

ARTICLE XV LOCAL COMMERCIAL DISTRICT (C-1)

Sec. 10.1501. Intent.

The purpose of this district is to provide for the development of those commercial activities related to the needs of the residents of adjacent residential neighborhoods. It is intended that such district be located with access to paved major thoroughfares and in relation to community facilities, office districts, and emerging residential neighborhoods. The following regulations shall apply to all Local Commercial Districts:

Sec. 10.1502. Uses permitted.

No structure or part thereof, shall be erected, altered or used, and no land shall be used except for one or more of the following purposes:

- A. All uses permitted in the office - low rise district (O-1), Section 10.1302.
- B. Business activities of a local or neighborhood character, conducted within an enclosed building only, providing necessary services for day to day operation of a household, and which can be supported economically by a small neighborhood area, including the following:
 - 1. Bakery shop where no baking is done on the premises.
 - 2. Barber and beauty shop.
 - 3. Book store, camera and photographic supplies.

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4. Cigar shop.
 5. Cleaning and dyeing distribution shop (no processing).
 6. Dressmaker, custom.
 7. Drugstore.
 8. Florist, retail sales.
 9. Hobby, toy and game store.
 10. Jewelry store.
 11. Laundry, collecting shop, self-service laundry, hand laundry.
 12. Luggage and leather goods store.
 13. Newsstand.
 14. Novelty, gift and souvenir store.
 15. Sewing, needlework and piece good store.
 16. Shoe repair.
 17. Sporting goods store.
 18. Stationery store.
 19. Tailor shop catering to custom tailoring and minor cleaning and pressing activities.
 20. Funeral home, subject to the conditions as outlined in Section 10.1202B.
 21. Tanning salons.

Sec. 10.1503. Special Land uses permitted.

Buildings, structures and parts thereof may be erected, altered or used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land use permit procedures at Section 10.2401 of this Ordinance.

- A. Any use of the same general character as any of those indicated in Sections 10.1303; provided that no trade or business which is determined by the Planning Commission to be harmful to the health and safety and welfare of the Township shall be permitted.
- B. Essential services, excluding power plants.
- C. Licensed schools of commercial art, licensed private business and commercial schools, licensed correspondence and stenographic schools.
- D. Local store selling, at retail, fish, fruit, food, hardware, meats (no butchering) and vegetable, beer and wine under SDM license and dairy products.
- E. Carry-out restaurants (excluding drive-through facilities).
- F. Dry cleaning and laundry establishments, subject to the following conditions:
 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 one thousand eight hundred (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, and regulations and standards established by any federal, state or local government or authority.

Sec. 10.1504. Site plan review.

All proposed structures, or uses or land or structures shall be subject to the Site Plan Review provisions of Section 10.2402.

Sec. 10.1505. Site limitations.

A. *Minimum size of each parcel:*

1. Area: Sixteen thousand five hundred (16,500) square feet.
2. Width: One hundred (100) feet.
3. Depth: One hundred sixty five (165) feet.
4. Ratio: Depth not to exceed three (3) times the width.
5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.

B. *Maximum height of any structure:*

1. In stories: Two (2).
2. In feet: Twenty-five (25) feet.

C. *Minimum building floor area:* Seven hundred (700) square feet.

D. *Minimum yard setback:*

1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	117 feet
150' major road	90 feet
120' major road	75 feet
86' collector road	58 feet
70' industrial road	50 feet
60' local road	55 feet

In the case of the M-59 (Hall Road) and Gratiot Avenue, setback shall be fifteen (15) feet except for permanent structures which shall be seventy (70) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:

- A. Abutting agricultural and residential zones or uses: Fifty (50) feet.

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- B. Abutting all other zones or uses: Twenty-five (25) feet.
3. Rear yard: Seventy five (75) feet.
- E. *Maximum lot coverage:* Maximum lot area shall be governed by meeting the required setbacks plus the necessary structure areas, including areas for parking, servicing and driveways; provided, however, no area shall be used for a parking area where the use of such area results in headlight glare into any adjacent residential district, which cannot be corrected by adequate planting, or fencing.
- F. *Distance between buildings:* Twenty-five (25) feet.
- G. *Screening requirements:* Any parcel to be developed with a structure(s) for a permitted use or special land use pursuant to section 10.1502 or 10.1503 of this Ordinance shall provide a six (6) foot high decorative masonry wall and a twenty (20) foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area or maneuvering lane from any parcel zoned AG, R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF, or MTC or any residential use. Further, the twenty (20) foot setback area must be developed as a greenbelt approved by the Planning Commission. If a common area developed pursuant to section 17-140 of the Township Land Division Regulations exists abutting the property line of the commercial district; the screening setback of twenty feet is not required abutting the property line shard with said common area. The six-foot high decorative masonry wall shall be required regardless of the existence of an adjoining developed common area.
- H. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.
- I. Reserved.
- J. *Lighting requirements:* All exterior lighting shall be so directed and shielded so as not to shine on abutting property as per Section 10.0340.
- K. *Structure and site requirements:*
1. Loading and unloading areas as required by Section 10.0323(B) shall be provided. No part of this area shall be closer than fifty (50) feet to any property line adjacent to an agricultural or residential use or zone.
 2. No building shall be closer than fifty (50) feet to the property line of a residential use or zone.
 3. Roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not be visible from off the site.
 4. Areas of the site not used for parking, driveways and buildings shall be provided with a lawn or landscaping approved by the Planning Commission.
 5. Trash areas: Location of trash area for each business shall be identified or an acceptable plan for handling trash shall be approved by the Planning Commission.
 - a. Outside trash areas shall be a minimum of 10' x 10' and enclosed on three (3) sides with a six-foot high masonry wall with a gate and located no closer than fifteen (15) feet to any building.
 - b. Indoor trash areas shall be approved by the Fire Department.
 6. Outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
 7. Sidewalks shall be provided as Section 10.0404L.
 8. Roof screening shall be provided as per Section 10.1006N.

(Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-25, § 1, 4-28-04; Ord. No. 10-40, § 1, 7-22-09)

ARTICLE XVI GENERAL COMMERCIAL DISTRICT (C-2)

Sec. 10.1601. Intent.

The purpose of this district is to provide for the development of a range of commercial activities providing goods and services required by the total community. It is intended that these districts be located on major paved thoroughfares, accessible to as many portions of the community as possible, and on sites of sufficient size to allow for adequate off-street parking and loading facilities and community control of vehicular access to frontage roads. Because of their size and intensity of use, public sanitary sewer and water facilities should be available in such district. The following regulations shall apply to General Commercial Districts:

Sec. 10.1602. Uses permitted.

No structure, or part thereof, shall be erected, altered or used, and no land shall be used except for one (1) or more of the following purposes:

- A. Any use as a matter of right in the C-1 District and as indicated in Section 10.1502.
- B. Business and commercial activities, conducted within an enclosed building only, of a general character of large service activity and normally depending for support on more than a small neighborhood area including the following:
 - 1. Art, antique, book, curio, gift or novelty shop.
 - 2. Auction or secondhand store.
 - 3. Blueprinting or photostating.
 - 4. Broadcasting or recording studio, radio or television.
 - 5. Cafe, restaurant or tea room not serving alcoholic beverages.
 - 6. Casket sales.
 - 7. Catering establishment.
 - 8. Clothing store.
 - 9. Convenience store.
 - 10. Dairy products, retail sales.
 - 11. Standard restaurant, carry-out restaurant, or fast-food restaurant subject to no drive-through service being provided as part of the restaurant.
 - 12. Dental laboratory.
 - 13. Department store and/or variety store.
 - 14. Dress shop.
 - 15. Drygoods store.
 - 16. Floor covering and wallpaper store.
 - 17. Furniture and/or appliance store.
 - 18. Interior decorating store.

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19. Intoxicating liquor, package sales.
 20. Local store selling, at retail, fish, fruit, food, hardware, meats (no butchering) and vegetables and beer and wines under SDM license and gasoline from not more than two (2) gasoline pumps.
 21. Millinery store.
 22. Reserved.
 23. Pawn shop.
 24. Pet shop, bird store or taxidermist.
 25. Photographer.
 26. Service station with convenience store.
 - a. For proposed uses of the convenience store, such as a snack counter or carry-out food items that require a period of waiting, then parking facilities be provided as required by the ordinance.
 - b. For those uses of the convenience store that are used as a snack counter or for carry-out food items an additional entrance must be provided. The purpose of this requirement is to provide easy access to a separate parking facility, that will not conflict with the patrons of the gasoline service portion of the store.
 - c. That for those uses of the convenience store that are used as a snack counter or for carry-out food items a separate parking facility must be provided on the side or rear of the building and in a fashion that will not conflict with the traffic generated by the patrons of the gasoline service portion of the site.
 - d. That no outside loud speaker system(s) amplifying voices or announcements or advertising products for sale shall be allowed.
 - e. That no outside storage or display of merchandise for sale shall be allowed.
 27. Supermarket.
 28. Weaving, custom.
 29. Retail businesses which maintain for operation on the premises, amusement machines but not an amusement machine center.
 30. Retail sales and display of fireworks as a permitted use subject to the following conditions:
 - a. Consumer fireworks retail sales facility from a permanent building shall be permitted provided a certificate of zoning compliance and certificate of occupancy are issued in accordance with Macomb Township rules.
 - b. Consumer fireworks retail sales (CFRS) from temporary facilities such as tents, stands, canopies and membrane structures may be permitted provided that:
 - 1) The Zoning Administrator issues a certificate of zoning compliance.
 - 2) The peddlers, solicitors and vendors regulations located in the Township Code of Ordinances have been satisfied.
 - 3) The temporary facility shall obtain a certificate of occupancy from the Zoning Administrator.

(Ord. No. 10-20, § 1, 4-23-03; Ord. No. 10-38, § 1, 3-26-08; Ord. No. 10-47, § 1, 6-13-12)

Sec. 10.1603. Special Land uses permitted.

Buildings and structures and parts thereof may be erected, altered or used and land may be used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land Use permit procedures at Section 10.2401 of this Ordinance.

- A. Any use of the same general character as those indicated in Section 10.1503; provided that no trade or business which is determined by the Planning Commission to be harmful to the health, safety and welfare of the Township shall be permitted.
- B. Business and commercial activities similar to and including the following:
 - 1. Auditorium.
 - 2. Ballroom.
 - 3. Bowling alley or billiard or pool hall.
 - 4. Cafe or restaurant serving alcoholic beverages.
 - 5. Car wash, self service.
 - 6. Carnival or circus or amusement enterprise of a similar type; provided the nearest point of such location is not less than two hundred fifty (250) feet from a public road nor less than five hundred (500) feet from any lot of record upon which a dwelling is located.
 - 7. Cleaning establishment using not over ten (10) cleaning units neither of which shall be rated more than one thousand (1,000) pounds capacity and using cleaning fluid or none-explosive and non-flammable nature at temperatures below 138.2 degrees Fahrenheit, and which meets requirements for Class IV Cleaning Establishments as stated in National Fire Code.
 - 8. Club or lodge (non-profit fraternal or religious association).
 - 9. Community auction sales area.
 - 10. Dance hall.
 - 11. Dancing school with more than one (1) instructor.
 - 12. Drive-in business of retail or service nature.
 - 13. Indoor theater.
 - 14. Fairgrounds.
 - 15. Golf driving range and commercial activities incidental thereto.
 - 16. Health/recreation facility.
 - 17. Ice skating or roller skating rink.
 - 18. Ice storage of not over five (5) ton capacity.
 - 19. Medical or dental clinic or laboratory.
 - 20. Monument sales.
 - 21. Express office.
 - 22. Parking, public, for which a charge is made.
 - 23. Rescue mission or revival church.

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24. Stadium, baseball, football or any other type.
 25. Bar and/or cocktail lounge.
 26. Sales or rental of equipment and machinery; automotive parts; supplies and mechanical repair; bicycles; business machines; feed; fuel; hardware; ice; residential machinery and tools, gross weight not to exceed one thousand (1,000) pounds; office equipment; plumbing and heating; and radio and television.
 27. Bakery where baking is done on the premises but not to include wholesale distributions.
 28. Outdoor sales in conjunction with a permanent building where the use is permitted and/or approved under Section 10.1602 or 10.1603 of this Article. Further, the area designated for outdoor sales and or display of product shall be limited to the area designated on the plan approved by the Planning Commission.
 29. Shopping centers subject to the conditions of Section 10.1706.
 30. Hotels and motels. Every unit shall be a minimum of two hundred fifty (250) square feet and shall consist of a room, bathroom and closet.
 31. Bed and breakfast inn; lodging home; tourist homes.
 32. Automobile service centers, when developed as part of a large planned shopping center, designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center, subject to the following conditions:
 - a. All repair activities shall be confined to the building.
 - b. No outdoor storage is permitted.
 - c. An adequate means of waste disposal shall be provided.
 4. Adequate measure shall be taken to ensure that any noise, dust, smoke, odor, fumes or other negative environmental impacts are confined to the site.
 33. Any drive-in restaurant or restaurant with drive-through service, subject to the following conditions:
 - a. Drive-in or drive through service shall be permitted only if any drive-through service window or call box is located more than three hundred (300) feet of any property zoned AG, R-1-S, R-1-E, R-1, R-2-L, R-2-H, R-3, or separated from the zoning districts referenced in this paragraph by a street or public thoroughfare of not less than one hundred twenty (120) feet of right-of-way.
 - b. Devices and control 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. The Planning Commission shall attach any conditions pertaining to the control of smoke, odor or gases as part of its approval of the fast-food use.
 - c. Devices for electronically amplified voices or music shall be directed or muffled to prevent any such noises from being audible at any lot line. The Planning Commission shall attach any conditions pertaining to the control of amplified voices or music as part of its approval of the fast-food use.
 34. Car wash, Accessory use to automotive service station, limited to one (1) stationary automatic drive-thru car wash.
 35. Veterinary clinics or offices (outdoor facilities prohibited).

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36. Open air business uses provided that the following minimum standards are complied with:
- a. Any parcel to be developed under this Section of the Ordinance shall provide a fifty (50) foot setback area separating open air sales or display area(s) or the parking of private passenger vehicles from any property zoned R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF, O-1, O-2, C-1, C-2, C-3, MTC, or AG. Further, the fifty (50) foot setback area must be developed as a greenbelt approved by the Planning Commission. Active growing beds may be utilized for the setback area if approved by the Planning Commission.
 - b. The open storage of mulch, manure, woodchips, loose stone or other similar materials, paving block, lumber or fire wood, may be located no closer than one hundred-fifty (150) feet from any property line zoned R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF, O-1, O-2, C-1, C-2, C-3, MTC, or AG.
 - c. No sales or display of product may be permitted except within the area(s) designated on the site plan as approved by the Planning Commission.
37. Leasing of customer driven vehicles subject to the following conditions:
- a. There shall be no more vehicles available for lease on the subject parcel at any time than the total determined based on one (1) of the following calculations up to the maximum number of twenty-one (21) vehicles.
 - 1) If the proposed use is located within either a shopping center or a parcel with more than one (1) commercial use; the total square footage of building area for the proposed use is divided by one hundred fifty (150) less five (5) spaces for employee and customer parking.
 - 2) If the proposed use is located in either a shopping center or a parcel with more than one (1) commercial use up to twenty-one (21) vehicles may be stored for lease if the subject parcel has available a number of spaces that exceeds the minimum required pursuant to Section 10.0323 of the zoning ordinance. The applicant must submit a site plan in accordance with Section 10.2402 of the zoning ordinance in order for the planning commission to evaluate the impact of the additional lease spaces upon the subject parcel. The site plan at a minimum must demonstrate that there are sufficient spaces for all other uses existing in the center in accordance with Section 10.0323 and the number of spaces to be allocated based on paragraph (1) above.
 - 3) If the proposed use is located as a stand-alone use on a parcel up to twenty-one (21) vehicles may be stored for lease provided that the site plan submitted by the applicant is in accordance with Section 10.2402 and further; meets all the zoning ordinance requirements for the applicable zoning district and Section 10.0323 for parking and loading spaces including five (5) spaces for employee and customer parking for the leasing use.
 - b. Vehicles available for lease shall be limited to automobiles, vans, mini-vans, sports utility vehicles (SUVs) and pick-up trucks rated not to exceed four thousand (4,000) lb payload. There shall be no leasing of trailers, box-trucks, parcel vans, cargo vans, tow-dollies, flat beds, tractors, limousines, extended vehicles, farm vehicles or chauffer driven vehicles.
 - c. Vehicle maintenance on-site shall be conducted exclusively within the building and limited to hand washing, waxing, interior cleaning; windshield wiper change and wiper fluid refill. Any of the services listed under "Automobile repair garage" or "Automobile service center" as found in the Definitions Article of this Ordinance are prohibited. The vehicular door to access the service area must remain closed at all times.

- d. The subject parcel for the proposed use must have available a minimum of five (5) parking spaces for customer and employee parking as referenced in subparagraph 37-a. above.
- e. The location(s) of the spaces for the parking of the leased vehicles must be noted on the site plan to be approved by the planning commission. All spaces and maneuvering lanes must be designed to meet the minimum standards as specified in Section 10.0323 of the zoning ordinance.
- f. All signs proposed for either the location of vehicles on-site or the availability of leased vehicles shall conform to the Township Sign Ordinance; Section 20 of the Code of Ordinances.

(Ord. No. 10-20, § 1, 4-23-03; Ord. No. 10-38, § 1, 3-26-08; Ord. No. 10-44, § 1, 10-27-10)

Sec. 10.1604. Site plan review.

All proposed structures, or uses or land or structures shall be subject to the Site Plan Review provisions of Section 10.2402.

Sec. 10.1605. Site limitations.

A. *Minimum size of each parcel:*

- 1. Area: Forty thousand (40,000) square feet.
- 2. Width: Two hundred (200) feet.
- 3. Depth: Two hundred (200) feet.
- 4. Ratio: Depth not to exceed three (3) times the width.
- 5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township. Parcels in existence at the time of the adoption of this Ordinance, which do not meet the standards of this section, shall be allowed, but be subject to all other conditions for development.

B. *Maximum height of any structure:*

- 1. In stories: Two (2).
- 2. In feet: Twenty-five (25) feet.

C. *Minimum building floor area:* Seven hundred (700) square feet.

D. *Minimum yard setback:*

- 1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	117 feet
150' major road	90 feet
120' major road	75 feet

86' collector road	58 feet
70' industrial road	50 feet
60' local road	55 feet

In the case of the M-59 (Hall Road) and Gratiot Avenue, setback shall be fifteen (15) feet except for permanent structures which shall be seventy (70) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:
 - A. Abutting agricultural and residential zones or uses: Fifty (50) feet.
 - B. Abutting all other zones or uses: Twenty-five (25) feet.
3. Rear yard: Seventy five (75) feet.
- E. *Maximum lot coverage:* Maximum lot area shall be governed by meeting the required setbacks plus the necessary structure areas, including areas for parking, servicing and driveways; provided, however, no area shall be used for a parking area where the use of such area results in headlight glare into any adjacent residential district, which cannot be corrected by adequate planting, or fencing.
- F. *Distance between buildings:* Twenty-five (25) feet.
- G. *Screening requirements:* Any parcel to be developed with a structure(s) for a permitted use or special land use pursuant to Section 10.1602 or Section 10.1603 of this Ordinance shall provide a six (6) foot high decorative masonry wall and a forty (40) foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area or maneuvering lane from any parcel zoned AG, R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF, or MTC or any residential use. Further, the forty (40) foot setback area must be developed as a greenbelt approved by the Planning Commission. If a common area developed pursuant to Section 17-140 of the Township Land Division Regulations exists abutting the required screening referenced above the required screening setback may be reduced to twenty (20) feet. The six-foot high decorative masonry wall shall be required regardless of the existence of an adjoining developed common area.
- H. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.
- I. Reserved.
- J. *Lighting requirements:* All exterior lighting shall be so directed and shielded so as not to shine on abutting properties as per Section 10.0340.
- K. *Structure and site requirements:*
 1. Loading and unloading areas as required by Section 10.0323B shall be provided. No part of this area shall be closer than fifty (50) feet to any property line adjacent to a residential or agricultural use or zone.
 2. No building shall be closer than fifty (50) feet to the property line of a residential use or zone.
 3. Roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
 4. Areas of the site not used for parking, driveways and buildings shall be provided with a lawn or landscaping approved by the Planning Commission.
 5. Trash areas: Location of trash area for each business shall be identified or an acceptable plan for handling trash shall be approved by the Planning Commission.

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- a. Outside trash areas shall be a minimum of 10' x 10' and enclosed on three (3) sides with a six-foot high masonry wall with a gate and located no closer than fifteen (15) feet to any building.
 - b. Indoor trash areas shall be approved by the Fire Department.
 6. Outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
 7. Sidewalks shall be provided as per Section 10.0404L.
 8. Roof screening shall be provided as per Section 10.1006N.

(Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-25, § 1, 4-28-04; Ord. No. 10-40, § 1, 7-22-09)

ARTICLE XVII COMMERCIAL (SHOPPING CENTER) DISTRICT (C-3)

Sec. 10.1701. Intent.

The purpose of this district is to provide for harmonious development of pre-designed retail and service activity centers with the community. It is intended that due to the unique traffic generation and attraction characteristics of such centers that these districts be located at major thoroughfare intersections including freeway interchanges, and on adequate sites allowing proper consideration of traffic flow to and from such district. Because of their intensity of use and high person per activity characteristics these districts should be served by public sanitary sewer and water facilities. The following regulations shall apply to all commercial (shopping center) Districts:

Sec. 10.1702. Uses permitted.

No structures, or parts thereof shall be erected, altered or used, and no land shall be used except for one or more of the following purposes:

- A. Any use permitted as a matter of right within the C-1 Local Commercial District, as indicated in Section 10.1502.
- B. The following uses permitted in the C-2, General Commercial District:
 1. Art, antique, curio, gift or novelty shop.
 2. Art gallery.
 3. Cafe, restaurant or tea room not serving alcoholic beverages.
 4. Catering establishment.
 5. Clothing store.
 6. Department store and/or variety store.
 7. Dress shop.
 8. Dry goods store.
 9. Floor covering and wallpaper store.
 10. Furniture and/or appliance store.
 11. Interior decorating store.

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12. Intoxicating liquor, package sales.
 13. Jewelry store.
 14. Millinery store.
 15. Paint, glass and wallpaper store.
 16. Pet shop, bird shop or taxidermist.
 17. Pawn shop.
 18. Photographer.
 19. Food stores or supermarkets.
 20. Weaving, custom.
 21. The following general sales and service uses: Business and office supplies and equipment; hardware; and appliances.
 22. Restaurants, bars and lounges serving alcoholic beverages.
 23. Indoor theaters.

Sec. 10.1703. Special Land uses permitted.

Buildings and structures and parts thereof may be erected, altered or used and land may be used for one or more to the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land use permit procedure at Section 10.2401 of this Ordinance.

- A. Any use of the same general character as those permitted in Section 10.1603; provided that no trade or business which is determined by the Planning Commission to be harmful to the health, safety and welfare of the Township shall be permitted.
- B. Flea market.
- C. Car wash - automatic drive-through.
- D. Drive-in theaters.
- E. Service station.
- F. Outdoor retail sales of plant material not grown on the site, lawn furniture, playground equipment and garden supplies when the operation is clearly secondary to retail sales taking place within the building.
- G. Leasing of customer driven vehicles subject to Section 10.1603 of this ordinance.

(Ord. No. 10-44, § 1, 10-27-10)

Sec. 10.1704. Site plan review.

All proposed structures, or use of land or structures, shall be subject to the provisions of Section 10.2402.

Sec. 10.1705. Site limitations.

- A. *Minimum size of each parcel:*
 1. Area: Five (5) acres.

2. Width: Three hundred (300) feet.
 3. Depth: Three hundred (300) feet.
 4. Ratio: Depth not to exceed three (3) times the width.
 5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.
- B. *Maximum height of any structure:*
1. In stories: Two and one-half (2½).
 2. In feet: Thirty five (35) feet.
- C. *Minimum building floor area:* Seven hundred (700) square feet.
- D. *Minimum yard setback:*
1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	117 feet
150' major road	90 feet
120' major road	75 feet
86' collector road	58 feet
70' industrial road	50 feet
60' local road	55 feet

In the case of the M-59 (Hall Road) and Gratiot Avenue, setback shall be fifteen (15) feet except for permanent structures which shall be seventy (70) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:
 - A. Abutting agricultural and residential zones or uses: One hundred (100) feet.
 - B. Abutting all other zones or uses: Twenty-five (25) feet.
 3. Rear yard: One hundred (100) feet.
- E. *Maximum lot coverage:* Maximum lot area shall be governed by meeting the required setbacks plus the necessary structure areas, including areas for parking, servicing and driveways; provided, however, no area shall be used for a parking area where the use of such area results in headlight glare into any adjacent residential district, which cannot be corrected by adequate planting, or fencing.
- F. *Distance between buildings:* Thirty (30) feet.
- G. *Screening requirements:* Any parcel to be developed with a structure(s) for a permitted use or special land use pursuant to Section 10.1702 or Section 10.1703 of this Ordinance shall provide a six-foot high decorative masonry wall and a fifty-foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area or maneuvering lane from any parcel zoned AG, R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF, or MTC or any residential use. Further, the fifty (50) foot setback area

must be developed as a greenbelt approved by the Planning Commission. If a common area developed pursuant to Section 17-140 of the Township Land Division Regulations exists abutting the required screening referenced above the required screening setback may be reduced to thirty (30) feet abutting the property line shared with said common area. The six (6) foot high decorative masonry wall shall be required regardless of the existence of an adjoining developed common area.

- H. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.
- I. Reserved.
- J. *Lighting requirements:* All exterior lighting shall be so directed and shielded so as not to shine on abutting property as per Section 10.0340.
- K. *Structure and site requirements:*
 - 1. Loading and unloading areas as required by Section 10.0323B shall be provided. No part of this area shall be closer than fifty (50) feet to any property line adjacent to a residential or agricultural use or zone.
 - 2. No building shall be closer than one hundred (100) feet to the property line of a residential use or zone.
 - 3. Roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
 - 4. Areas of the site not used for parking, driveways and buildings shall be provided with a lawn or landscaping approved by the Planning Commission.
 - 5. Trash areas: Location of trash area for each business shall be identified or an acceptable plan on handling trash for the site be approved by the Planning Commission.
 - a. Outside trash areas shall be a minimum of 10' x 10' and enclosed on three (3) sides with a six-foot high masonry wall with a gate and located no closer than fifteen (15) feet to any building.
 - b. Indoor trash areas shall be approved by the Fire Department.
 - 6. Sidewalks shall be provided as per Section 10.0404L.
 - 7. Roof screening shall be provided as per Section 10.1006N.
 - 8. Outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.

(Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-25, § 1, 4-28-04; Ord. No. 10-40, § 1, 7-22-09)

Sec. 10.1706. Shopping center development requirements.

The general plan for a shopping center shall include specific evidence and facts showing that it has considered and made provisions for, and the development shall be executed in accordance with the following essential conditions:

- A. The proposed development shall be constructed in accordance with an overall plan, shall be designed as a single architectural unit with appropriate landscaping, and shall provide initially for the construction of a minimum of fifty thousand (50,000) square feet of floor area, and not less than three (3) of the permitted or Special Land Uses listed in this Article.
- B. All buildings shall be arranged in a group or groups.
- C. Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue construction to or interference with normal traffic flow. All

points of vehicular access to and from public street shall be located not less than three hundred (300) feet from the intersection of any public street lines with each other.

- D. No part of any access/egress/ingress drive or service drive may be located closer than one hundred (100) feet of any property line adjacent to a residential district.
- E. Any property to be developed under this section of the ordinance shall provide a six (6) foot high decorative masonry wall and a fifty (50) foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area or maneuvering lane from any property zoned AG, R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF, or MTC or any residential use. Further, the fifty (50) foot setback area must be developed as a greenbelt approved by the Planning Commission. If a common area developed pursuant to Section 17-140 of the Township Land Division Regulations exists abutting the required screening referenced above the required screening setback may be reduced to thirty (30) feet. The six-foot high decorative masonry wall shall be required regardless of the existence of an adjoining developed common area.

(Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-25, § 1, 4-28-04)

ARTICLE XVIII GENERAL HIGHWAY COMMERCIAL DISTRICT (C-4)

Sec. 10.1801. Intent.

The purpose of this district is to provide for the development of intensive commercial uses of a Township-wide nature designed to provide for the total range of retail goods and services with adequate provision for off-street parking. It is intended that this district will be located with access to major paved thoroughfares, super highways and freeways.

Sec. 10.1802. Uses permitted.

No structures, or parts thereof shall be erected, altered or used, and no land shall be used except for one or more of the following purposes:

- A. All uses permitted as a matter of right in the C-1, C-2 and C-3 Districts, as indicated in Section 10.1502, 10.1602 and 10.1702 respectively.
- B. All Special Land uses permitted as indicated in Section 10.1603.
- C. The following uses permitted as a matter of right within this district are the following:
 - 1. Kennel for boarding only of dogs, cats and other household pets.
 - 2. Veterinary clinics or offices.
 - 3. Automobile repair garages.
 - 4. Service station.
 - 5. Automobile dealerships.
 - 6. Drive-in restaurants.
 - 7. Car wash, automatic drive-through.
 - 8. Ice storage.

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9. Amusement parks, including fad-type facilities such as go-cart tracks, slides, miniature golf putting course, trampoline centers, skateboard tracks, etc.
 10. Amusement machine center.
 11. Health club.

Sec. 10.1803. Special Land uses permitted.

Building and structures and parts thereof may be erected, altered or used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land use permit procedures at Section 10.2401 of this Ordinance.

- A. Any use of the same general character as any of those indicated in Sections 10.1703; provided that no trade or business which is determined by the Planning Commission to be harmful to the health and safety and welfare of the Township shall be permitted.
- B. Nightclub.
- C. Open-air business uses, including outdoor space for sale or rental of automobiles, agricultural implements, boats or mobile homes.
- D. Adult Business: Include adult arcade, adult book store or video arcade, adult cabaret, adult merchandise stores, adult motion picture theaters, nude body painting or modeling studios, escort services and peep shows which incorporate in their business name or otherwise described their business as "adult", "adult entertainment", "adults only" or any other derivative or synonym subject to the following conditions:
 1. Adult uses must be located more than five hundred (500) feet from the following zoning districts; AG, R-1-S, R-1-E, R-1, R-2-L, R-2-H, R-3 and CF.
 2. The site must be located more than one thousand (1,000) feet to a site having an adult business designation under this Ordinance or further than 1,000 feet to the property line of any public or private educational institution licensed by the State of Michigan to provide instruction for any grade level, kindergarten through 12, inclusive.
- E. Car wash, automatic mechanical.
- F. Massage parlors.

Sec. 10.1804. Site plan review.

All proposed structures, or uses or land or structures shall be subject to the Site Plan Review provisions of Section 10.2403.

Sec. 10.1805. Site limitations.

- A. *Minimum size of each parcel:*
 1. Area: Forty thousand (40,000) square feet.
 2. Width: Two hundred (200) square feet.
 3. Depth: Two hundred (200) feet.
 4. Ratio: Depth not to exceed three (3) times the width.

5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.

B. *Maximum height of any structure:*

1. In stories: Two (2).
2. In feet: Twenty-five (25) feet.

C. *Minimum building floor area:* Seven hundred (700) square feet.

D. *Minimum yard setback:*

1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road

definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	117 feet
150' major road	90 feet
120' major road	75 feet
86' collector road	58 feet
70' industrial road	50 feet
60' local road	55 feet

In the case of the M-59 (Hall Road) and Gratiot Avenue, setback shall be fifteen (15) feet except for permanent structures which shall be seventy (70) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:

- A. Abutting agricultural and residential zones or uses: One hundred (100) feet.
- B. Abutting all other zones or uses. Twenty-five (25) feet.

3. Rear yard: One hundred (100) feet.

E. *Maximum lot coverage:* Maximum lot area shall be governed by meeting the required setbacks plus the necessary structure areas, including areas for parking, servicing and driveways; provided, however, no area shall be used for a parking area where the use of such area results in headlight glare into any adjacent residential district, which cannot be corrected by adequate planting, or fencing.

F. *Distance between buildings:* Thirty (30) feet.

G. *Screening requirements:* Any parcel to be developed with a structure(s) for a permitted use or special land use pursuant to Section 10.1802 or Section 10.1803 of this Ordinance shall provide a six (6) foot high decorative masonry wall and a fifty (50) foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area or maneuvering lane from any parcel zoned AG, R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF, or MTC or any residential use. Further, the fifty (50) foot setback area must be developed as a greenbelt approved by the Planning Commission. If a common area developed pursuant to Section 17-140 of the Township Land Division Regulations exists abutting the required screening referenced above the required screening setback may be reduced to thirty (30) feet

abutting the property line shared with said common area. The six (6) foot high decorative masonry wall shall be required regardless of the existence of an adjoining developed common area.

H. *Off-street parking requirements:* As per Section 10.0323A of this Ordinance.

I. Reserved.

J. *Lighting requirements:* All exterior lighting shall be so directed and shielded so as not to shine on abutting property as per Section 10.0340.

K. *Structure and site requirements:*

1. Loading and unloading areas as required by Section 10.0323(B) shall be provided. No part of this area shall be closer than fifty (50) feet to any property line adjacent to a residential or agricultural use or zone.
2. No building shall be closer than one hundred (100) feet to the property line of a residential use or zone.
3. Roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
4. Areas of the site not used parking. Driveways and buildings shall be provided with a lawn or landscaping approved by the Planning Commission.
5. Trash areas: Location of trash area for each business shall be identified or an acceptable plan for handling trash be approved by the Planning Commission.
 - a. Outside trash areas shall be a minimum of 10' x 10' and enclosed on three (3) sides with a six (6) foot high masonry wall with a gate and located no closer than fifteen (15) feet to any building.
 - b. Indoor trash areas shall be approved by the Fire Department.
6. Outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
7. Sidewalks shall be provided as per Section 10.0404L.
8. Roof screening shall be provided as per Section 10.1006N.

(Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-25, § 1, 4-28-04; Ord. No. 10-40, § 1, 7-22-09)

ARTICLE XIX WAREHOUSE DISTRICT (WH)

Sec. 10.1901. Intent.

The purpose of this district is to provide for the development of a warehousing district for indoor and outdoor storage of commercial and industrial materials which are not toxic, volatile, hazardous, etc. on property which has direct access to major thoroughfares which direct heavy trucking directly to freeways and major state highways. No manufacturing is permitted.

Sec. 10.1902. Uses permitted.

(All uses shall be conducted within an enclosed building except for on-site delivery vehicles.)

No structure or part thereof shall be erected, altered or used and no land shall be used except for one (1) or more of the following purposes:

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- A. Wholesaling, warehousing and storage of all kinds of manufactured and processed goods including agricultural products, minerals whether mined or manufactured, and other goods of whatever nature.
 - B. Public utility buildings, telephone exchange buildings, gas regulator stations, transformer stations and substations.
 - C. Governmentally owned and operated buildings and uses.
 - D. Mover's terminal, garage and storage.
 - E. Draying, freight or truck terminals.
 - F. Distribution plants, parcel delivery service.
 - G. Ice and cold storage plants.
 - H. Self-service storage facility (mini-warehouse).
 - I. Buildings and uses accessory to the principal buildings and uses.
 - J. Light truck and equipment rental facilities.
 - K. Warehousing and storage of fireworks.

(Ord. No. 10-47, § 1, 6-13-12)

Sec. 10.1903. Special Land uses permitted.

Buildings and structures and parts thereof may be erected, altered or used for one (1) or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the special land use permit procedures at Section 10.2401 of this Ordinance.

- A. Commercial radio, telephone, TV antennas and towers.
- B. Building materials storage.
- C. Contractors' equipment storage.
- D. Freight yard.
- E. Amusement parks, baseball, circuses.
- F. Retail lumber yards in a WH district for the sale of lumber and other building materials including rough and dressed lumber, flooring, molding, doors, sashes, frames and other millwork and cabinets. The building materials may include roofing, glass, siding, shingles, wallboard, paint, tile, insulation, garage doors, fencing and hardware.
- G. Accessory uses and accessory outside storage customarily incidental to any of the above uses. Outside storage and parking shall be limited to currently licensed cars, trucks and recreation vehicles, 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 be within the yard setback requirements.
 - 2. A chain link or masonry wall, not less than six (6) feet nor more than eight (8) feet high, shall enclose the storage area.
 - 3. Any change of approved storage material or equipment will require a new approval by the Planning Commission.
- H. Industrial medical clinics.

Sec. 10.1904. [Uses prohibited.]

Uses expressly prohibited under this article including the following:

- A. Junk yards including the storage of wrecked motor vehicles or mobile equipment.
- B. Used auto parts and used building materials.
- C. Storage of loose materials, including soil, stone, sand, gravel, coal, cinders and similar materials.
- D. Storage of combustible or odiferous material.
- E. Incubation, raising, killing or storage of poultry and animals.

Sec. 10.1905. Site plan review.

All proposed structures, or uses or land or structures shall be subject to the site plan review provisions of Section 10.2402.

Sec. 10.1906. Site limitations.

- A. *Minimum size of each parcel:*
 - 1. Area: Five (5) acres.
 - 2. Width: Three hundred (300) feet.
 - 3. Depth: Three hundred (300) feet.
 - 4. Ratio: Depth not to exceed three (3) times the width.
 - 5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.
- B. *Maximum height of any structure:*
 - 1. In stories: Two and one-half (2½).
 - 2. In feet: Thirty-five (35) feet.
- C. *Minimum building floor area:* Seven hundred (700) square feet.
- D. *Minimum yard setback:*
 - 1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	127 feet
150' major road	100 feet
120' major road	85 feet
86' collector road	65 feet
70' industrial road	60 feet
60' local road	55 feet

In the case of the M-59 (Hall Road) and Gratiot Avenue, setback shall be twenty-five (25) feet except for permanent structures which shall be seventy (70) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:
 - A. Abutting agricultural and residential zones: One hundred (100) feet.
 - B. Abutting all other zones. Twenty-five (25) feet.
3. Rear yard:
 - A. Abutting agricultural and residential zones or uses: One hundred (100) feet.
 - B. Abutting all other zones or uses: Fifty (50) feet.
- E. *Maximum lot coverage:* Fifty (50) per cent.
- F. *Distance between buildings:* Twenty-five (25) feet.
- G. *Screening requirements.* Any parcel to be developed with a structure(s) for a permitted use or special land use pursuant to Section 10.1902 or Section 10.1903 of this Ordinance shall provide a six (6) foot high decorative masonry wall and a forty (40) foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area or maneuvering lane from any parcel zoned or developed AG, R-1-S, R-1. R-1-E, R-2-L, R-2, R-2-H, R-3, CF or MTC or any residential use. The forty (40) foot setback area must be developed as a greenbelt approved by the Planning Commission. If a common area developed pursuant to Section 17-140 of the Township Land Division Regulations exists abutting the required screening referenced above the required screening setback may be reduced to twenty (20) feet. The six (6) foot high decorative masonry wall shall be required regardless of the existence of an adjoining developed common area.
- H. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.
- I. Reserved.
- J. *Lighting requirements:* All exterior lighting shall be directed and deflected so as not to shine on the abutting property as per Section 10.0340.
- K. *Structure and site requirements:*
 1. No loading or unloading shall be permitted on the site side yard adjacent to an agricultural or residential use or zone.
 2. Loading and unloading areas shall be provided as required in Section 10.0323B and no part shall be closer than fifty (50) feet to any property line adjacent to a residential use or zone.
 3. All buildings shall have an exterior construction of masonry or other fire-resistance material.
 4. Trash areas shall be provided as per Section 10.1805K.5.
 5. Sidewalks shall be provided as per Section 10.0404L.
 6. Ground cover shall be provided as per Section 10.0404M.

(Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-30, § 1, 6-14-06; Ord. No. 10-40, § 1, 7-22-09)

ARTICLE XX INDUSTRIAL RESEARCH DISTRICT (MR)

Sec. 10.2001. Intent.

The industrial research district MR provides for the development of industrial facilities for testing, research, laboratories, etc. which are related to industry but which does not produce odors, noise and vibrations associated with the manufacturing process.

Sec. 10.2002. Uses permitted.

No structure or part thereof shall be erected, altered or used and no land shall be used except for one or more of the following purposes:

- A. Educational, research and design facilities, charged with the principal function of research and development of new products and processes and technical training.
- B. Industrial, scientific or commercial research, development and testing laboratories.
- C. Executive and administrative offices for concerns whose plants or other facilities are not permitted in the MR district.
- D. Radio and television broadcasting stations, excluding towers.
- E. Accessory uses customarily incidental to any of the above uses.

Sec. 10.2003. Special Land uses permitted.

Buildings and structures and parts thereof, may be erected, altered or used, and land may be used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land use permit procedures at Section 10.2401 of this Ordinance.

- A. Utility and public service facilities and uses needed to service the immediate vicinity, but excluding any outside storage.
- B. Ambulance service dispatch centers.
- C. The assembly of professional and scientific instruments, electrical or electronic machinery, and appliances and machines such as photographs, radios, television sets, office computing and accounting machines, and similar equipment.
- D. Printing, publishing, photographic processing, or allied industries.
- E. Warehouse and wholesale establishments used in conjunction with any of the principal uses permitted in Sections 10.2002 and 10.2003.
- F. Limited retail sales of products customarily incidental to the principal uses permitted in Sections 10.2002 and 10.2003, but not to exceed ten (10) per cent of the floor area of the entire building.
- G. Industrial medical clinics.

Sec. 10.2004. Accessory uses permitted.

Accessory uses and buildings which are customarily incidental or specifically related to the principal permitted use enumerated in Sections 10.2002 and 10.2003.

Sec. 10.2005. Industrial park requirements.

As per Section 10.2106 of this Ordinance.

Sec. 10.2006. Site plan review.

All proposed structures, or uses or land or structures shall be subject to the Site Plan Review provisions of Section 10.2402.

Sec. 10.2007. Site limitations.

A. *Minimum size of each parcel:*

1. Area: Two (2) acres for acreage parcels; one (1) acre for platted lots.
2. Width: One hundred fifty (150) feet.
3. Depth: Two hundred fifty (250) feet.
4. Ratio: Depth not to exceed three (3) times the width.
5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.

B. *Maximum height of any structure:*

1. In stories: Two (2).
2. In feet: Thirty-five (35) feet.

C. *Minimum building floor area:* Seven hundred (700) square feet.

D. *Minimum yard setback:*

1. Front and street side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for both buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	127 feet
150' major road	100 feet
120' major road	85 feet
86' collector road	68 feet
70' industrial road	60 feet
60' local road	55 feet

In the case of the M-59 (Hall Road) and Gratiot Avenue, setback shall be twenty-five (25) feet except for permanent structures which shall be seventy (70) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:

- A. Abutting agricultural and residential zones or uses: One hundred (100) feet.
- B. Abutting all other zones or uses: Twenty-five (25) feet.

3. Rear yard:

- A. Abutting agricultural and residential zones or uses: One hundred (100) feet.

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- B. Abutting all other zones or uses: Fifty (50) feet.
- E. *Maximum lot coverage:* Fifty (50) per cent.
- F. *Distance between buildings:* Twenty-five (25) feet.
- G. *Screening requirements.* Any parcel to be developed with a structure(s) for a permitted use or special land use pursuant to Sec. 10.2002 or Sec. 10.2003 of this ordinance shall provide a six (6) foot high decorative masonry wall and a forty (40) foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area or maneuvering land from any parcel zoned or developed AG, R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF or MTC or any residential use. Further, the forty (40) foot setback area must be developed as a greenbelt approved by the Planning Commission. If a common area developed pursuant to Sec. 17-140 of the Township Land Division Regulations exists abutting the required screening referenced above the required screening setback may be reduced to twenty (20) feet. The six (6) foot high decorative masonry wall shall be required regardless of the existence of an adjoining developed common area.
- H. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.
- I. Reserved.
- J. *Ground cover:* Ground cover shall be provided as per Section 10.0404M.
- K. *Structure and site requirements:*
1. No loading or unloading shall be permitted on the site side yard adjacent to an agricultural use or zone.
 2. Loading and unloading areas shall be provided as required in Section 10.0323B and no part shall be closer than fifty (50) feet from any property line adjacent to a residential use or zone.
 3. All buildings shall have an exterior construction of masonry or other fire resistant material.
 4. All trash areas are to be provided as per Section 10.1805K.5.
 5. All uses shall be conducted wholly within an enclosed building except for on-site delivery vehicles.
 6. Storage of materials shall not be permitted unless its accessory to the principal use and approved by Planning Commission, Fire Department and the State. In no case shall underground storage be closer than one hundred (100) feet to residential property nor thirty (30) feet from the property line of any other use or zone.
 7. Sidewalks shall be provided as per Section 10.0404L.
- L. *General regulations and limitations on uses:*
1. *Noise.* Noise shall not exceed sixty (60) decibels measured at the site line and as measured at any site line which is adjacent.
 2. *Odors and gases.* No obnoxious odors or gases shall be emitted which may be harmful to public health and/or safety.
 3. *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.
 4. *Exterior lighting.* During business hours after sunset, the parking areas shall be adequately lighted for safety of users and security of adjacent property owners. All lighting shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences as per Section 10.0340.

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5. *Vibration.* Shall not cause a ground displacement exceeding .003 inch as measured at any site line of the premises and not detectable at any residential district boundary.
 6. *Smoke.* Emission of smoke shall not exceed the number 2 standard as established by the Ringelmann Chart for periods aggregating four (4) minutes in any thirty (30) minutes or as required by state and federal laws.
 7. *Dirt, dust and fly ash.* The emission of dirt, dust and fly ash shall not exceed .3 grains per cubic foot of flue gas as measured at stack temperature of 500 degrees Fahrenheit with not to exceed fifty (50) per cent excess air. No haze shall be caused by such emission which would impair visibility.
 8. *Radioactive materials.* No radioactive materials shall be emitted in excess of standards established by the U.S. Bureau of Standards for human safety.
 9. *Power.* Power utilized in any industrial activity shall be derived only from electrical energy or smokeless fuels containing less than twenty (20) per cent volatile content on a dry basis. Bituminous coal shall be fired only by mechanical equipment.
 10. *Electrical radiation.* Electrical radiation shall not adversely affect any point any operations or 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.
 11. *Waste.* All sewage and industrial wastes shall be handled, stored, treated, and/or disposed of in compliance with all Federal and State of Michigan laws and regulations.
 12. *[Explosives.]* Storage of explosives are prohibited.

(Ord. No. 10-18, § 1, 4-28-04; Ord. No. 10-30, § 1, 6-14-06; Ord. No. 10-40, § 1, 7-22-09)

ARTICLE XXI LIGHT INDUSTRIAL DISTRICT (M-1)¹

Sec. 10.2101. Intent.

The Light Industrial (M-1) Zoning District provides lands for light industrial and accessory uses that do not create nuisances that adversely impact adjacent non-industrial development. Light Industrial activities include light manufacturing, warehousing, compounding, assembling, fabrication or treatment of articles or materials other than heavy manufacturing and raw materials processing. Complementary uses may be considered in the M-1 district if the Township determines they do not negatively impact existing or future light industrial development and are harmonious with adjacent land uses. M-1 districts should access County primary roads, State trunk-lines, railroads, public utilities, and municipal services, including fire protection services. The following regulations apply to M-1 Zoning Districts:

(Ord. No. 10-66, 6-12-19)

¹Editor's note(s)—Ord. No. 10-66, adopted June 12, 2019, repealed the former Art. XXI, §§ 10.2101—10.2107, and enacted a new Art. XXI as set out herein. The former Art. XXI pertained to similar subject matter and derived from Ord. No. 10-18, 4-28-04; Ord. No. 10-24, 4-28-04; Ord. No. 10-30, 6-14-06; Ord. No. 10-38, 3-26-08; Ord. No. 10-40, 7-22-09; Ord. No. 10-41, 12-22-09; Ord. No. 10-45, 3-28-12; Ord. No. 10-60, 4-13-16; Ord. No. 10-64, 7-11-18.

Sec. 10.2102. Principal Permitted Uses.

No building or land in the M-1 District, except as otherwise provided in this ordinance, may be used or erected except for the following uses, subject to Macomb Township Planning Commission approval and the Site Plan Requirements and Procedures in Section 10.2402:

- A. All uses permitted in Section 10.1902 of the Warehouse District (WH).
- B. All uses permitted in Sections 10.2002 and 10.2003 of the Industrial Research District (MR).
- C. Manufacturing, compounding, processing and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, (except fish, meat, fowl, vegetables, vinegar and yeast).
- D. Manufacturing, compounding, assembling or treatment of articles or merchandise from the following prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns and paint not requiring a boiling process.
- E. Manufacturing musical instruments, toys, novelties, rubber or metal stamps.
- F. Manufacturing pottery, figurines, or similar ceramic products using previously pulverized clay.
- G. Manufacturing and maintaining electric and neon signs, billboard, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves, etc.
- H. Blacksmith shop or machine shop, wrought iron shop, and automatic screw machines.
- I. Laundry, cleaning and dyeing works, and carpet or rug cleaning.
- J. Electrical, plumbing, sheet metal fabrication, and building trades' workshops and offices.
- K. All uses permitted in Section 10.1302 of the Office, Low Rise District (O-1).
- L. Accessory uses or buildings.

(Ord. No. 10-66, 6-12-19)

Sec. 10.2103. Special Land Uses Permitted.

Buildings and lands and parts thereof may be erected, altered or used for one (1) or more of the following purposes subject to the approval of the Macomb Township Planning Commission, the Site Plan Requirements and Procedures in Section 10.2402 and the Special Land Use Permit procedures in Section 10.2401.

- A. All Special Land Uses permissible in the Warehouse District (WH) Section 10.1903.
- B. Heliports.
- C. Indoor gun and/or archery ranges.
- D. Industrial medical clinics.
- E. Indoor recreation and training/fitness facilities subject to the following conditions:
 - 1. Uses are limited to recreation or training for the sports and activities listed on the special land use application and approved by the Planning Commission.

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2. There must be no activity or event permitted unrelated to the approved application such as: trade shows, craft fairs, car shows, theater performances of any kind, banquets, seminars, religious services or individual games of skill such as paint-ball or skateboarding, unless otherwise approved by the Township as a 'Special Event' under Section 10.0349.
 3. The space or areas set aside for public viewing including any seating or bleachers must be limited to those areas approved by the Planning Commission as part of the Special Land Use application. The intent of this section is to provide adequate space for parents, guardians, spouses, or friends to wait or watch safely away from the activity.
 4. There must be safe access between parking areas and the building.
 5. Parking for any use considered under this subsection must be calculated based on a holding capacity for the building as determined by the Township Fire Marshal and the Township Planning Commission. The Planning Commission must review the report from the Fire Marshal and require no less than the number of spaces stipulated in the Fire Marshal's report.
 6. Special land uses under this subsection cannot share parking with adjoining developments; the parking required must be on the same property as the special land use.
- F. Automobile repair garage or automobile service center subject to the following:
1. The subject property cannot be closer than one hundred (100) feet to a residential zoning district.
 2. All repair activities must be confined to the building interior.
 3. Service bay doors cannot face an adjoining residential zoning district or use without adequate screening, as determined by the Planning Commission.
 4. If the development includes outdoor storage for damaged vehicles awaiting repair, the outdoor on-site storage area must meet the following criteria:
 - a. The area must be separate from the required customer parking onsite.
 - b. The area must be enclosed with a six-foot high masonry wall or vinyl-coated chain link fence and landscape screen.
 - c. The area must be paved with concrete or asphalt.
 - d. The outdoor storage area must have a Township Fire Department-approved gate and locking system.
 - e. All repair/damaged vehicles brought to the subject property must be placed in the approved outdoor storage area.
 5. Storing unrepairable vehicles or 'parting out' disassembled vehicles is prohibited.
 6. Outdoor audio devices are not permitted on-site.
- G. Meat processing/meat packaging is permissible provided that all on-site processing involves carcasses that arrive without hide, skin, or feathers. Further waste materials (bone, lard, entrails, tallow, etc.) processing is prohibited under this Article and all waste materials must be disposed in accordance with Michigan Department of Agriculture and Rural Development, Food and Dairy laws.
- H. All uses permitted in the General Commercial District (C-2), Section 10.1602, that service or enhance the industrial district by providing dining opportunities, retail sales, service or sale uses, uses requiring increased indoor ceiling height, uses offering workforce training or similar type uses. Such uses must have:

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1. Adequate parking, as determined by the Planning Commission.
 2. Safe access between parking areas and the building.
 3. Compatibility with existing surrounding uses.

(Ord. No. 10-66, 6-12-19)

Sec. 10.2104. Prohibited Uses.

Uses expressly prohibited in M-1 districts include:

- A. Junk yards including the storage of wrecked motor vehicles or mobile equipment.
- B. Used auto parts and used building materials.
- C. Storage of loose materials, including soil, stone, sand, gravel, coal, cinders and similar materials.
- D. Storage of combustible, odiferous, flammable, explosive, or discarded material or equipment.
- E. Incubation, raising, killing or storage of poultry and animals.

(Ord. No. 10-66, 6-12-19)

Sec. 10.2105. Industrial Park Provisions.

- A. The minimum land area for an industrial park is ten (10) acres.
- B. The development of an industrial park must be in accordance to an overall plan for development of the park approved by the Township under Chapter 17, Land Use Division Regulations.
- C. The developer must provide a sanitary sewage system of sufficient size and design to collect all sewage from structures within the industrial park and connect with the Township system, if available. If sewers are not available, the park sanitary sewer system must be designed so as to dispose of all sewage and must be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, the Macomb County Health Department, the Macomb County Department of Public Works, and Macomb Township.
- D. The developer must provide a storm water management system of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within and draining into the industrial park. The industrial park's system must be designed and constructed to conform with the statutes, ordinances, and regulations of the State of Michigan, Macomb County (Department of Public Works and/or Department of Roads), and Macomb Township.

(Ord. No. 10-66, 6-12-19)

Sec. 10.2106. Site Limitations.

- A. Minimum size of each property:
 1. Area: Two (2) acres for acreage parcels. One (1) acre for subdivided lots/units.
 2. Width: One hundred fifty (150) feet.
 3. Depth: Two hundred fifty (250) feet.
 4. Ratio: Depth must not exceed three (3) times the width.

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- 5. The area, width and depth of properties excludes proposed right-of-way of abutting roads as shown in the Macomb Township Master Thoroughfare Plan.
 - B. Maximum height of any building:
 - 1. In stories: Two and one-half (2½).
 - 2. In feet: Forty-five (45) feet.
 - C. Minimum principal building floor area: Seven-hundred (700) square feet.
 - D. Minimum yard setbacks:
 - 1. Front and street-side minimum setbacks, for all buildings and parking areas, must meet the following table and all applicable standards in Section 10.0311. M-59 (Hall Road) and Gratiot Avenue setbacks are twenty-five (25) feet, except for permanent buildings which must be seventy (70) feet from the right-of-way line established by the Michigan Department of Transportation.

The Macomb Township Master Thoroughfare Plan designates planned road right-of-way widths.

PLANNED RIGHT-OF-WAY	SETBACK FROM ROAD CENTER LINE
204' major road	127' feet
150' major road	100' feet
120' major road	85' feet
86' collector road	68' feet
70' industrial road	60' feet
60' local road	55' feet

- 2. Side yard:
 - a. Abutting agricultural and residential zones or uses: One hundred (100) feet.
 - b. Abutting all other zones or uses: Twenty-five (25) feet.
- 3. Rear yard:
 - a. Abutting agricultural and residential zones or uses: One hundred (100) feet.
 - b. Abutting all other zones or uses: Fifty (50) feet.
- E. Screening requirements. Any development under Sections 10.2102, 10.2103, or 10.2105 of this ordinance must provide a six (6) foot high decorative masonry wall and a thirty (30) foot landscape buffer separating any building or parking/maneuvering area from any parcel zoned or developed AG, R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF, or MTC or any residential use. If a landscaped common area developed according to the Township Land Division Regulations abuts the required landscape buffer referenced above, then the required landscape buffer may be reduced to ten (10) feet. A six (6) foot high decorative masonry wall is required regardless of an adjoining landscaped common area.
- F. Off-street parking requirements: See Section 10.0323.
- G. Building and site requirements:
 - 1. No loading or unloading area is permitted in side yards adjacent to agricultural or residential uses or zones.
 - 2. Loading and unloading areas must be provided per Section 10.0323B and must be at least fifty (50) feet from any property line adjacent to residential uses or zones.
 - 3. All buildings must have an exterior masonry or other fire-resistant material construction.

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4. Sidewalks must be provided, Section 10.0339.
 5. Ground cover must be provided. Section 10.0404M.
 6. All trash areas must be designated on the site plan. Outdoor trash areas must be enclosed and at least fifteen (15) feet away from buildings. Section 10.1805(K)5.
 7. Outdoor storage of supplies, vehicles, pallets, shipping racks, containers, equipment, raw material, finished or unfinished material produced on the premises or similar items related to the approved use(s) on the site must be on the approved site plan. Outdoor storage areas must not contain junk or other prohibited uses or items under this article. Outdoor storage area(s) greater than one thousand (1,000) square feet require special land use approval. The Township further regulates outdoor storage area(s) as follows:
 - a. Outdoor storage areas must be in side or rear yards.
 - b. Outdoor storage areas must meet required yard setbacks. If the subject property abuts a residential zoning district or, then the outdoor storage area must be at least one hundred (100) feet from the property line.
 - c. A chain link fence or masonry wall at least six (6) feet tall but no more than eight (8) feet tall must enclose the storage area. The Planning Commission may require a masonry wall or chain link fence based on the potential for adverse impacts associated with the outdoor storage materials.
 - d. Items stored in the outdoor storage area must not be taller than the wall or fence.
 - e. The Planning Commission must approve changes to outdoor stored material or equipment in approved outdoor storage areas.

H. Performance Standards:

1. No otherwise allowed use is permitted within the M-1 district that does not conform to the following use, occupancy and operation standards:
2. Indoor Activity. All uses must be conducted within an enclosed building except for on-site delivery vehicles and approved accessory outdoor storage.
3. Noise. Noise must not exceed sixty-five (65) decibels, measured at any property line.
4. Odors and gases. Obnoxious odors or gases that may be harmful to public health and/or safety are not permitted.
5. Glare and heat. Glare and heat from arc welding, acetylene torch cutting or similar processes must be shielded in such a manner as to prevent any danger, sight line, or reflection to persons outside of any building where such operation is being conducted.
6. Exterior lighting. All parking areas must be adequately lit for safety and security of users and adjacent property owners. All exterior lighting must be shielded to prevent spillage onto neighboring properties and light pollution per Section 10.0340.
7. Vibration. Vibrations must not cause ground displacement exceeding 0.003" inch as measured at any property line of the premises and must not be detectable at any residential district boundary.
8. Smoke. Emission of smoke must not exceed the number 2 standard established by the Ringelmann Chart for periods aggregating four (4) minutes in any thirty (30) minutes or as required by state and federal requirements.
9. Air Pollution. The emission of dirt, dust, fly ash or any other air pollution must comply with Michigan Department of Environmental Quality, Air Quality Division Permit Requirements.

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10. Radioactive materials. No radioactive materials may be emitted in excess of United States Department of Energy standards for human safety.
 11. Power. Power utilized in any industrial activity must be derived only from electrical energy or smokeless fuels containing less than twenty (20) percent volatile content on a dry basis. Bituminous coal must be fired only by mechanical equipment.
 12. Electrical radiation. Electrical radiation must not adversely affect any operations or 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.
 13. Waste. All sewage and industrial wastes must be handled, stored, treated, and/or disposed of in compliance with all Federal, State of Michigan, and Macomb County laws and regulations.
 14. Flammable liquids, etc. Bulk storage of flammable liquids, liquefied petroleum, gases and explosives must not be located less than thirty (100) feet from the property line and stored in accordance with the International Fire Code, 2009 Edition, including Appendix A.
 15. Other materials. Storage of materials as per Section 10.2007.K.6.
- I. Requirements for and limitations on equipment and machinery:
1. Automatic screw machines. Such machines must be equipped with noise silencers or other sound absorbing devices and must not be located closer than three hundred (300) feet to any non-industrial zoned district.
 2. Stamping machines, punch presses, press breaks and hydraulic presses must not be located closer than three hundred (300) feet to non-industrial zones or residential uses. All such machines must be placed on shock absorbing mountings on suitable reinforced concrete footings. No such machine must be loaded beyond such capacity as prescribed by the machine manufacturer.
 3. Steam or board hammers and hot forgings are not permitted.

(Ord. No. 10-66, 6-12-19)

ARTICLE XXII HEAVY INDUSTRIAL DISTRICT (M-2)²

Sec. 10.2201. Intent.

Heavy Industrial (M-2) Zoning Districts provide lands for more intensive manufacturing activities than those permitted in the M-1 District. M-2 zoning districts should access County primary roads, State trunk-lines, rail, public utilities, and municipal services, including fire protection services. These districts should have substantial buffers from residential areas. The following regulations apply to M-2 Heavy Industrial Districts:

(Ord. No. 10-66, 6-12-19)

²Editor's note(s)—Ord. No. 10-66, adopted June 12, 2019, repealed the former Art. XXII, §§ 10.2201—10.2205, and enacted a new Art. XXII as set out herein. The former Art. XXII pertained to similar subject matter and derived from Ord. No. 10-24, 4-28-04; Ord. No. 10-30, 6-14-06; Ord. No. 10-38, 3-26-08; Ord. No. 10-40, 7-22-09; Ord. No. 10-41, 12-22-09; Ord. No. 10-64, 7-11-18.

Sec. 10.2202. Principal Permitted Uses.

No building or land in the M-2 District, except as otherwise provided in this ordinance, may be used or erected except for the following uses, subject to Macomb Township Planning Commission approval and the Site Plan Requirements and Procedures in Section 10.2402:

- A. Any permitted use in the M-1 District, Section 10.2102.
- B. The following activities involving the manufacturing, assembly, processing, storage, packing and/or treatment of raw materials or previously processed material:
 - 1. Acetylene gas manufacture.
 - 2. Ammonia, bleaching powder or chlorine manufacture.
 - 3. Automobile assembly and battery manufacture.
 - 4. Boiler works.
 - 5. Brick, tile or clay products manufacture.
 - 6. Chemical manufacture.
 - 7. Dye manufacture.
 - 8. Food processing, smoking, curing or canning.
 - 9. Freight classification yards.
 - 10. Metal foundry or fabrication plant.
 - 11. Oil drilling and production of oil, gas or hydrocarbons.
 - 12. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
 - 13. Power plants.
 - 14. Railroad repair shop.
 - 15. Rolling mills.
 - 16. Rubber manufacture.
 - 17. Soap manufacture.
 - 18. Storage, sorting, collecting or baling of rags, paper, iron or junk.
 - 19. Tar or tar products manufacture or distilling.
 - 20. Wholesale storage of petroleum.
 - 21. Wool pulling or scouring.
- C. Industrial park, subject to the following conditions:
 - 1. Permitted uses include all principal permitted uses within M-2 zoning districts. Special land uses may be permitted subject to Section 10.2401.
 - 2. The minimum land area for an industrial park is twenty (20) acres.
 - 3. The minimum lot size in an industrial park is two (2) acres.
 - 4. Such development must comply with all industrial park requirements in, Section 10.2105 unless otherwise specified herein.

(Ord. No. 10-66, 6-12-19)

Sec. 10.2203. Special Land Uses Permitted.

Buildings and lands and parts thereof may be erected, altered or used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission, the Site Plan Requirements and Procedures in Section 10.2402, and the Special Land Use Permit procedures in Section 10.2401.

- A. Any use in Section 10.2103 provided that the Planning Commission determines it is not harmful to the health, safety and welfare of the Township may be permitted.
- B. The following activities involving the manufacturing, assembly, processing, storage, packing and/or treatment of raw materials or previously processed material:
 - 1. Acid manufacture.
 - 2. Blast furnace or coke ovens.
 - 3. Cement, lime, gypsum or plaster of Paris manufacture.
 - 4. Distillation of bones, coal, tar or wood.
 - 5. Drop forge industries using power hammers.
 - 6. Fat rendering.
 - 7. Manufacture or storage of explosives.
 - 8. Automobile impound lot.
 - 9. Glue manufacture.
 - 10. Heavy truck and construction equipment rental facilities.
 - 11. Meat packing plants.
 - 12. Paper and pulp manufacture.
 - 13. Sawmill.
 - 14. Slaughter of animals and killing of poultry.
 - 15. Smelting of tin, copper, zinc or iron ores.
 - 16. Stockyards.
 - 17. Tanning, curing, or storing raw hides.
 - 18. Airports.
 - 19. Outdoor gun/archery range.
 - 20. Industrial medical clinics.
 - 21. Truck terminals.
 - 22. Truck repair facilities.
- C. Automobile wrecking, disassembly, separation, and/or junk yards if carried on wholly within a building or provides for the following:

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1. All junk yards must have at least a one hundred (100) feet buffer at property and right-of-way lines. The buffer must include a minimum four (4) feet berm with evergreen and other suitable plantings and used for no other purpose.
 2. All junk yards be enclosed on all sides by a solid masonry wall at least as tall as the stored objects, but in no case less than eight (8) feet.
 3. No storage or processing of junk may be viewable by virtue of terrain from residences within one (1) mile of any property line.
- D. Auto collision shops, painting, upholstering, or rebuilding, conditioning, body and fender work, tires recapping or retreading, as regulated in Section 10.2103.G of this ordinance.

(Ord. No. 10-66, 6-12-19)

Sec. 10.2204. Site Limitations.

- A. Minimum size of each parcel:
1. Area: Two (2) acres for acreage parcels; one (1) acre for subdivided lots/units.
 2. Width: Two hundred (200) feet.
 3. Depth: Three hundred (300) feet.
 4. Ratio: Depth must not exceed three (3) times the width.
 5. The area, width and depth of properties excludes proposed right-of-way of abutting roads as shown in the Macomb Township Master Thoroughfare Plan.
- B. Maximum height of any building:
1. In stories: Two and one-half (2½).
 2. In feet: Forty-five (45) feet.
- C. Minimum building floor area: Seven hundred (700) square feet.
- D. Minimum yard setback:
1. Front and street-side setbacks, for both buildings and parking areas must be maintained in accordance with the following table and applicable provisions of Section 10.0311. M-59 (Hall Road) and Gratiot Avenue setbacks are one hundred (100) feet as measured from the right-of-way line established by the Michigan Department of Transportation.

For reference, the street or road right-of-way are those defined in the Macomb Township Master Thoroughfare Plan.

PLANNED RIGHT-OF-WAY	SETBACK FROM ROAD CENTER LINE
204' major road	202' feet
150' major road	175' feet
120' major road	160' feet
86' collector road	143' feet
70' industrial road	60' feet
60' local road	130' feet

2. Side yard:

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- a. Abutting agricultural and residential zones or uses: One hundred (100) feet.
 - b. Abutting all other zones or uses: Fifty (50) feet.
3. Rear yard:
- a. Abutting agricultural and residential zones or uses: One hundred (100) feet.
 - b. Abutting all other zones or uses: Fifty (50) feet.
- E. Screening requirements. Any development under Sections 10.2102 or 10.2103 of this ordinance must provide a six (6) foot high decorative masonry wall and a thirty (30) foot landscape buffer separating any building or parking/maneuvering area from any parcel zoned or developed AG, R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF, or MTC or any residential use. If a landscaped common area developed according to the Township Land Division Regulations abuts the required landscape buffer referenced above, then the required landscape buffer may be reduced to ten (10) feet. A six (6) foot high decorative masonry wall is required regardless of an adjoining landscaped common area.
- F. Off-street parking requirements: Per Section 10.0323.
- G. Building and site requirements:
1. No loading or unloading is permitted adjacent to an agricultural or residential use or zone.
 2. Loading and unloading areas must be provided as required in Section 10.0323B. No part can be closer than one-hundred (100) feet to any property line adjacent to a residential use or zone.
 3. All buildings must have an exterior construction of masonry or other fire-resistant material.
 4. All trash areas must be designated on the site plan. Outdoor trash areas must be enclosed and at least fifteen (15) feet away from buildings. Section 10.1805(K)5.
 5. Sidewalks must be provided as per Section 10.0339.
 6. Ground cover must be provided as per Section 10.0404M.
 7. Outdoor storage of supplies, vehicles, pallets, shipping racks, containers, equipment, raw material, finished or unfinished material produced on the premises or similar items related to the approved use(s) on the site must be on the approved site plan. Outdoor storage areas must not contain junk or other prohibited uses or items under this article. Outdoor storage area(s) greater than one thousand (1,000) square feet require special land use approval. The Township further regulates outdoor storage area(s) as follows:
 - a. Outdoor storage areas must be in side or rear yards.
 - b. Outdoor storage areas must meet required yard setbacks. If the subject property abuts a residential zoning district or, then the outdoor storage area must be at least one hundred (100) feet from the property line.
 - c. A chain link fence or masonry wall at least six (6) feet tall but no more than eight (8) feet tall must enclose the storage area. The Planning Commission may require a masonry wall or chain link fence based on the potential for adverse impacts associated with the outdoor storage materials.
 - d. Items stored in the outdoor storage area must not be taller than the wall or fence.
 - e. The Planning Commission must approve changes to outdoor stored material or equipment in approved outdoor storage areas.
- H. Performance Standards: No otherwise allowed use is permitted within the M-2 district that does not conform to the following use, occupancy and operation standards:

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1. Noise. Noise must not exceed seventy (70) decibels measured at the site line and as measured at any site line which is adjacent.
 2. Odors and gases. Obnoxious odors or gases that may be harmful to public health and/or safety are not permitted.
 3. Glare and heat. Glare and heat from arc welding, acetylene torch cutting or similar processes must be shielded in such a manner as to prevent any danger, sight line, or reflection to persons outside of any building where such operation is being conducted.
 4. Exterior lighting. All parking areas must be adequately lit for safety and security of users and adjacent property owners. All exterior lighting must be shielded to prevent spillage onto neighboring properties and light pollution per Section 10.0340.
 5. Vibration. Must not cause a ground displacement exceeding .003 inch as measured at any site line of the premises and not detectable at any residential district boundary.
 6. Smoke. Emission of smoke must not exceed the number 2 standard as established by the Ringelmann Chart for periods aggregating three (3) minutes in any fifteen (15) minutes or as required by state and federal laws.
 7. Air pollution. The emission of dirt, dust, fly ash or any other air pollution must comply with Michigan Department of Environmental Quality, Air Quality Division Permit Requirements.
 8. Radioactive materials. No radioactive materials may be emitted in excess of United States Department of Energy standards for human safety.
 9. Power. Power utilized in any industrial activity must be derived only from electrical energy or smokeless fuels containing less than twenty (20) percent volatile content on a dry basis. Bituminous coal must only be fired by mechanical equipment.
 10. Electrical radiation. Electrical radiation must not adversely affect any point of any operations or 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.
 11. Waste. All sewage and industrial wastes must be handled, stored, treated, and/or disposed of in compliance with all Federal, State of Michigan, and Macomb County laws and regulations.
 12. Flammable liquids, etc.
 - a. Bulk storage of flammable liquids, liquefied petroleum gases and explosives must be in accordance with the International Fire Code, 2009 Edition, including Appendix A.
 - b. Above ground. Not permitted unless a special permit is obtained by the Macomb Township Fire Department assuring that all state and local codes are met. All tanks must be at least one hundred (100) feet from all property lines and screened by a twenty (20) foot greenbelt and explosion resistant barrier as required.
 - c. Underground storage permitted provided that storage tanks for explosives must be located not less than one hundred fifty (150) feet from any site line of the premises and liquefied petroleum gas and flammable liquid storage tanks must be at least thirty (30) feet from all property lines.
- I. Requirements for and limitations on equipment and machinery:
1. Automatic screw machines must be equipped with noise silencers or other sound absorbing devices and must not be closer than three hundred (300) feet and undetectable to non-industrial zoning districts.

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2. Stamping machines, punch presses, press breaks and hydraulic presses must not be closer than three hundred (300) feet and undetectable to non-industrial zoning districts or residential uses. All such machines must be placed on shock absorbing mountings located on suitable reinforced concrete footings. No machine may be loaded beyond the machine manufacturer's prescribed capacity.
 3. Hammers, steam or board and hot forgings must not be closer than one thousand (1,000) feet and undetectable 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 in an appropriately sound and vibration reducing enclosed building.

(Ord. No. 10-66, 6-12-19)

ARTICLE XXIII SPECIAL LAND DEVELOPMENT DISTRICT (SLD)

Sec. 10.2301. Intent.

The Special Land Development District (SLD) is designed to address uses, which may be temporary, because of their unique characteristics and/or effects upon public health, safety, welfare or morals.

Sec. 10.2302. Permitted uses.

No structure or part thereof shall be erected, altered or used and no land shall be used except for one or more of the following purposes:

- A. Mining and extraction.
 1. All extraction operations shall be only allowed subject to the provisions of this Ordinance and subject further to the satisfactory preparation of the land for an approved special land use.
 2. Sand and gravel mining or extraction, similar removal operations, quarry excavating and land stripping may be permitted only in this district.
 3. Such use shall be located on a site of not less than forty (40) acres.
- B. Concrete and asphalt crushing plants, rock crushing, subject to the following:
 1. Such use shall be located on a site of not less than ten (10) acres.
 2. Such site shall (except for frontage on a public street) abut only land located within an M-2 district. No portion of the site shall be located closer than one thousand five hundred (1,500) feet from any residentially zoned properties. The entire site shall be enclosed on all sides within a decorative skirting masonry wall of at least eight (8) feet in height and of sufficient strength and durability to serve as a retaining wall.
 3. All driveways and surface roads on the premises shall be paved with concrete.
 4. All materials brought in to be recycled and/or crushed shall be stored on concrete pads at a height not to exceed fifteen (15) feet. Sprinklers with automatic timers shall be installed to keep materials awaiting processing moist and free from a generation of fugitive dust.
 5. The facility and all of its operations shall comply with all of the performance standards set by the applicable federal, state, county and local statutes, regulations, rules, orders and ordinances. Systems shall be employed to contain and process all emitted or discharged materials from the facility in an environmentally sound manner.

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6. The crushing plant and associated equipment shall be constructed with materials so as to enclose all equipment (except vehicles) which generate significant levels of noise.
 7. No equipment utilized for crushing shall be located less than two hundred (200) feet from any property line on the premises.
 8. Exterior storage shall be limited to the storage of products that are to be, or have been, crushed; and operable vehicles and equipment used at the facility.
- C. Concrete and asphalt plants, subject to the following:
1. Such use shall be located on a site of not less than ten (10) acres.
 2. Such site shall abut only land located within an M-2 District. No portion of the site shall be located closer than one thousand three hundred twenty (1,320) feet from any residentially zoned property.
 3. Screening along the perimeter of the site shall be required as determined by the Planning Commission in order to minimize any adverse effect on adjacent property owners.
 4. All driveways and service roads on the premises shall be paved with concrete.
 5. All areas of the site, which are not paved for parking, driveways, loading or operation, shall be landscaped and maintained.
 6. All aggregate and bulk materials shall be stored in concrete bunkers. Such storage shall not exceed fifteen (15) feet in height. The bunkers shall be equipped with sprinklers operated by automatic timers to keep materials moist and to control fugitive dust.
 7. The plant shall be constructed so as to enclose all equipment except vehicles which do not generate significant levels of noise.
 8. The facility and all of its operations shall strictly comply with all applicable federal, state, county and local statutes, regulations, rules, order and ordinances.

Systems shall be employed to contain and process all discharged materials from the facility in an environmentally sound manner.
 9. The facility shall be equipped with an approved waste water recycling system to avoid contaminated water or liquids from being discharged to ground water, surface water or storm sewers. This shall include a wash-out, wash-down system to recover and recycle particles of cement and/or asphalt and other by-products processed from trucks used to transfer the product. The drainage system shall be designed and constructed in a way to prevent contaminated water, liquids or sediments from entering the storm or sanitary sewer in an untreated form.
 10. The facilities shall be equipped with approved air pollution control with system to ensure that no offensive smoke, dirt particles or odors are discharged into the environment that would be a nuisance to neighboring property owners or other residents of the Township.
 11. No part of the structure which is utilized to manufacture or process the product shall be located less than one hundred (100) feet from any property line on the premises.
 12. All on-site and off-site utilities and improvements required by the Township shall be installed in accordance with applicable Township standards prior to operation.
 13. Exterior storage shall be limited to the storage of aggregate and bulk material in bunkers, operable vehicles, and equipment used to transport the materials for processing at the facility.

No inoperable vehicles and equipment shall be stored on the property. This provision shall not prohibit maintenance and repair of vehicles or equipment in an enclosed building.

- D. Accessory uses permitted: Accessory buildings and uses customarily incidental to the principal permitted uses are permitted, including the following:
1. Operations required to maintain or support any use permitted above on the same lot at the permitted use, such as maintenance shops, power facilities, government facilities, public utilities and medical facilities.
 2. Sleeping quarters for security and maintenance personnel. Such quarters shall not be constructed as permanent housekeeping facilities or units for family living, except as may be permitted in conjunction with an approved mini-warehouse.
 3. Accessory buildings and uses, including special plants to treat industrial wastes.

Sec. 10.2303. Special Land uses permitted.

Buildings and structures and parts thereof may be erected, altered or used and land may be used for one or more of the following purposes subject to the approval of the Macomb Township Planning Commission and subject to the Special Land use permit procedures at Section 10.2401 of this ordinance.

- A. Refuse and garbage incinerators, subject to the following:
1. Such use shall be located on a site of not less than twenty (20) acres.
 2. Such site shall (except for frontage on a public street) abut only land located within an M-2 District, and one property line shall abut a railroad right-of-way.
 3. Screening along the perimeter of the site shall be required as determined by the Planning Commission.
 4. All roads on the premises shall be paved with concrete or a bituminous hard surface.
 5. Adequate standing and parking facilities shall be provided on the site so that no packer or other collection vehicles at any time stands on a public right-of-way awaiting entrance to the site.
 6. No part of the structure in which any incinerator furnace is housed shall be located less than two hundred (200) feet from any property line on the premises or less than four hundred (400) feet from any public street or highway right-of-way.
 7. Emission of smoke, dirt, dust and fly ash shall be controlled through the use of electrostatic precipitators or other equipment of equal or better efficiency, which shall meet all applicable federal, state or local air pollution control regulations.
 8. Loaded packer or other collection vehicles shall be unloaded and the loads placed in the incinerator within one hour after the vehicles arrival on the premises.
 9. The proposed plan of operation shall be approved by the Macomb County Health Department and Michigan Department of Natural Resources prior to issuance of a certificate of compliance.
 10. The storage and disposal of ash shall be regulated by the appropriate county, state or federal authorities. No ash shall be stored closer than one hundred (100) feet to any property line.
 11. No portion of the site shall be located within one thousand three hundred twenty (1,320) feet from any residential zoning district.
- B. Refuse transfer and recycling stations, subject to the following:
1. Such use shall be located on a site of not less than ten (10) acres.

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2. Such site shall (except for frontage on a public street) abut only land located within an M-2 District.
 3. Screening along the perimeter of the site shall be required as determined by the Planning Commission.
 4. All areas adjacent to the transfer point, such as tipping floor, the turning area, and the area supporting the trailer while it is being packed, shall be paved with concrete.
 5. Adequate standing and parking facilities shall be provided on the site so that no packers or other collection vehicles at any time stand on a public right-of-way awaiting entrance to the site. The standing and parking facilities shall be paved with concrete.
 6. No part of the structure in which any transfer operation is housed shall be located less than fifty (50) feet from any property line on the premises.
 7. Emission of smoke, dirt, dust and fly ash shall be controlled through the use of electrostatic precipitators or other equipment of equal or better efficiency, which shall meet all applicable federal, state and local air pollution control regulations.
 8. The transfer facility and the adjacent area shall be kept clean and free of litter.
 9. Sewage, solid or liquid and other liquids or dangerous substances in quantities considered to be detrimental to the operation of the transfer facility shall be excluded. An exception may be considered when the type of material, the equipment and method of handling have been submitted for approval. This provision in no way precludes the right of the transfer facility operator to exclude any material as a part of his operational standards.
 10. All salvage and transfer operations shall be conducted wholly within an enclosed building.
 11. If refuse is to remain at the transfer facility beyond the working day, such material shall be stored in a leakproof, fly and rodent resistant structure or container.
 12. Equipment adequate in size and quantity, and in an operational condition, shall be available at all times. If, for any reason, the transfer facility is rendered inoperable for more than twenty-four (24) hours, an alternate method, as approved by the City, shall be available to handle the refuse.
 13. No refuse shall be burned at the transfer facility. Arrangements shall be made for adequate fire protection and extinguishing of accidental fires. Refuse which is burning, or at a temperature which is likely to cause a fire, or is of highly flammable or explosive nature, shall not be acceptable in the transfer facility.
 14. The proposed plan of operation shall be approved by the Macomb County Health Department, or other applicable agencies, prior to the issuance of a certificate of compliance.
 15. All roads on the premises shall be paved with concrete or a bituminous hard surface.
 16. No portion of the site shall be located within one thousand three hundred twenty (1,320) feet from any residential zoning district.
 17. A sufficient number of containers shall be available to preclude excessive refuse storage in the building awaiting transfer. No overflow containers shall be permitted.
- C. Fertilizer manufacturing, commercial and composting, subject to the following conditions:
1. Such use shall be located on a site of not less than forty (40) acres.
 2. No portion of the site shall be located within one thousand three hundred twenty (1,320) feet from any residential zoning district.

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3. All roads on the premises shall be paved with concrete or a bituminous hard surface.
 4. The proposed plan of operation shall be approved by the Macomb County Health Department, the Michigan State Department of Natural Resources (DNR) and other applicable agencies, prior to the issuance of a certificate of occupancy.
 5. No refuse shall be burned on the site.
 6. All toxic, radioactive and other dangerous substances considered to be detrimental to public health shall be prohibited.
 7. Any structures on the site shall be located no closer than one hundred (100) feet from the property line.
 8. Adequate standing and parking facilities shall be provided on the site so that no vehicles at any time stand on a public right-of-way awaiting entrance to the site. The standing and parking facilities shall be paved with concrete.
 9. All vehicles on the site shall be stored within enclosed buildings.
 10. The petitioner shall submit as a part of the application, the following:
 - a. An environmental impact statement addressing the impact the site will have on the water, soil and air of the surrounding community.
 - b. The method and time frame of the operation.
 - c. A reclamation plan.
 - d. A reuse plan.
 - e. A traffic plan depicting the roads utilized within the Township and time and frequency of use.
 11. The public road system utilized within the Township for the transport route to be hard surfaced.

(Ord. No. 10-6, § 1.4, 12-8-99)

Sec. 10.2304. Site limitations.

- A. *Minimum size of each parcel:*
 1. Area: As stated in each use requirements.
 2. Width: Five hundred (500) feet.
 3. Depth: Five hundred (500) feet.
 4. Ratio: Depth not to exceed three (3) times the width.
 5. The area, width and depth of parcels as noted above shall be determined excluding the proposed right-of-way of any abutting streets as noted in the Master Thoroughfare Plan for Macomb Township.
- B. *Maximum height of any structure:* Forty (40) feet.
- C. *Minimum building floor area:* Seven hundred (700) square feet.
- D. *Minimum yard setback:*
 1. Front and street - side setbacks shall be provided in accordance with Section 10.0311.

Front and street - side setbacks, for excavations, buildings and parking areas shall be maintained in accordance with the following dimensions as measured from the center line of the street upon which the property is located. For reference, the street or road definitions are those defined in the Macomb Township Master Thoroughfare Plan.

ROAD OR STREET	SETBACK FROM CENTER LINE
204' major road	202 feet
150' major road	175 feet
120' major road	160 feet
86' collector road	143 feet
70' industrial road	135 feet
60' local road	130 feet

In the case of M-59 (Hall Road) and Gratiot Avenue, setbacks shall be one hundred (100) feet as measured from the right-of-way line as established by the Michigan Department of Transportation.

2. Side yard:
 - A. Abutting agricultural and residential zones or uses: Five hundred (500) feet.
 - B. Abutting all other zones or uses: One hundred (100) feet.
3. Rear yard:
 - A. Abutting agricultural and residential zones or uses: Five hundred (500) feet.
 - B. Abutting all other zones or uses: One hundred (100) feet.
- E. *Maximum lot coverage:* Fifty (50) per cent.
- F. *Distance between buildings:* Twenty-five (25) feet.
- G. *Screening requirements:* All uses shall provide an eight (8) foot high chain link fence and a twenty (20) foot wide greenbelt on all sides. All sites fronting on a public right-of-way shall provide a front yard setback as required by the zoning district and be developed in accordance with the standards of this ordinance.
- H. *Off-street parking requirements:* As per Section 10.0323 of this Ordinance.
- I. Reserved.
- J. *Lighting requirements:* All external lighting shall be directed and deflected so as not to shine on abutting properties as per Section 10.0340.

(Ord. No. 10-40, § 1, 7-22-09)

ARTICLE XXIV ADMINISTRATION

Sec. 10.2400. Planned Unit Development.

- A. *Purpose and 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. A PUD shall include the application, site plans, elevations and other accepted drawings, and a development agreement. The specific objectives of this Section are to:

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- Require 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.
 - Preserve significant natural resources.
 - Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities.
 - Require the preservation of useful open space.
 - Permit flexibility in the placement, lot area and building type regulations, while assuring the application of sound site planning standards.

B. *General Requirements.* These Planned Unit Development (PUD) regulations shall apply to all proposed PUD projects. Where there are conflicts between the PUD regulations and general zoning, subdivision, or other Township regulations or requirements, the PUD regulations shall apply for the project.

1. A PUD project may be permitted in any zoning district subject to Township approval.
2. A PUD project shall follow the same public hearing procedure as a special land use. The public hearing shall be held by the Planning Commission during the formal PUD application phase.
3. All requirements of the underlying zoning district including but not limited to, setbacks, uses and density/area regulations shall be met by the proposed PUD unless specifically waived by the Planning Commission and Township Board. In waiving these requirements the Township will, at a minimum, consider the criteria outlined in this Ordinance.
4. A minimum of fifteen (15) percent of the net developable area of the land shall be irrevocably dedicated as open space.

C. *PUD Process.*

1. *Concept Review.* Prior to the formal submission of a PUD application, the applicant shall submit an application/site plan for concept review to the Township Planning Department. The plan shall show the entire PUD concept in schematic form, indicating generalized land use areas and their relationship to each other, circulation patterns and generalized existing site characteristics.
 - a. The Planning Commission shall review the plan with the applicant and offer comments and suggestions related to the proposed development scheme.
 - b. No formal action will be taken by the Commission at this phase. The concept phase is only intended to help the applicant determine if the project has merit.
 - c. Upon completion of the concept phase, the applicant may proceed with a formal submission of the PUD application.
2. *PUD General Design Application.*
 - a. *Application.* The owner of the property shall submit a Macomb Township PUD application to the Township Planning Department. The application/submittal package shall include all information necessary to satisfy the terms and conditions of the Zoning Ordinance.
 - b. *Development Agreement.* An application for a PUD shall include a development agreement for review and consideration by the Planning Commission. The final development agreement must be approved by the Township Board. The development agreement shall include, at a minimum, the following:
 - (1) The permitted uses of the property.
 - (2) The permitted density and/or intensity of the proposed use.

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- (3) Provisions for reservations or dedications of land for public purposes, if applicable.
 - (4) Terms, conditions, restrictions and requirements upon which approval is based, including phasing requirements, architectural standards, landscape standards, requirements for on-site or off-site improvements and contributions to improvements for public facilities, if applicable.
 - (5) A time frame for commencement and completion of improvements associated with the PUD, including both public infrastructure improvements and internal site improvements, along with the means of insuring that all public improvements are constructed and maintained.
 - (6) A statement indicating that, except as otherwise provided by the agreement, regulations governing permitted uses of land, density, design, improvement and construction standards and specifications applicable to development of the land shall be the regulations in force at the time.
 - (7) Any other development issues determined necessary by the Township.
- c. *General Design Plan.* The applicant shall provide a general site plan including:
- (1) Residential designs which include the general street layout and the number and type of dwelling units proposed for each phase.
 - (2) Non-residential designs which include at least the general building footprint, street layout, square footage of each structure, and the location and number of parking spaces.
 - (3) Environmental data as may be pertinent to the development.
 - (4) A phasing plan, if applicable. Phasing shall be provided in such a manner to ensure compliance with the overall PUD.
 - (5) A description of all landscaping, lighting and architectural themes and materials used for each building including architectural renderings.
 - (6) A coordinated sign package, if applicable.
3. *Final Site Plan and Amendment Procedure.* Upon approval of the PUD General Design Application, the applicant may submit for approval of each phase of the PUD under the standard applicable review procedures.
- a. A final site plan may be submitted for a portion or all of the PUD area with the General Design Plan or after PUD approval, in whole or by phase. If submitted with the General Design Plan, a separate application and plan shall be submitted for site plan and clearly labeled as "Final Site Plan."
 - b. Each phase of the project shall be in compliance with the approved PUD. The PUD shall not be amended without a majority vote of approval by the full Township Board (four (4) votes), after review and recommendation by the Planning Commission. All amendments to the site plan and/or development agreement shall follow the same review procedures as outlined for the initial PUD approval.
 - c. Adopted standards of the PUD property shall not be permitted to appeal specific standards of the Zoning Ordinance to the ZBA unless otherwise stated in the development agreement.
- D. *Criteria and Decision.*
1. *Criteria For Approval.* Upon receipt of a formal application for a PUD, the Planning Commission shall review the application to determine if:

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- a. The proposal meets the eight (8) standards for special land use.
 - b. A suitable development agreement (as determined by the Township Attorney) has been provided.
 - c. The Planning Commission shall determine that the PUD provides benefits that outweigh a conventional development.
 - d. The following more specific list shall also be considered by the Planning Commission. This list shall not be deemed all inclusive and should act as a guideline for applicants proposing a PUD.
 - (1) *Residential Design.*
 - (a) A significant amount of passive and/or active open space has been provided throughout the site. Additional consideration will be given towards the provision of open space along major roads abutting the development.
 - (b) A substantial number of dwelling units within the development abut dedicated open space.
 - (c) Trailways have been located throughout the open space and link the internal sidewalk/walking path system of the housing development with the open space areas.
 - (d) The development provides open space in a manner which encourages the future linkage of open space to adjacent parcels.
 - (e) Dwelling units have side, rear, or alley entry garages, or other configurations not opening directly to the street.
 - (f) The applicant has provided an architectural theme which promotes varied architectural designs and floor plans. Architectural features such as cupolas, dormers and gables are encouraged along with the design of porches and the use of brick and stone building materials.
 - (2) *Commercial/Industrial Design.*
 - (a) A compatible architectural theme has been provided that provides architectural treatments and maintains durable materials.
 - (b) Significant landscaping/open space areas have been provided that enhance/preserve the natural environment of the area.
 - (c) Appropriate buffering has been provided that complements/protects/surrounding residential neighborhoods.
 - (d) The buildings have been designed at such a scale that the overall character of the area has not been compromised.
 - (e) Shared driveways, parking areas and connectivity between uses has been taken into account.
 - (f) Parking has been provided for in the side or rear yard of the site and does not act as a focal point for development.
 - (g) Pedestrian accessibility has been planned for and is an integral part of the overall design.
2. *Decision and Approval PUD General Design.*
- a. The Planning Commission shall recommend to the Township Board approval or denial of the PUD.

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- b. The Township Board shall consider the recommendations of Township Staff and the Planning Commission. If no comments are offered to the Commission within two (2) weeks of distribution, the plans shall be placed on the next available Board Meeting Agenda. If comments are received, the comments will be returned to the Commission to be discussed and/or amended by the applicant and the Commission. The Board shall then make a decision to approve or deny the PUD.

(Ord. No. 10-57, § 1, 5-13-15; Ord. No. 10-60, § 1, 4-13-16)

Sec. 10.2401. Conditional Rezoning.

- A. *Purpose and Intent.* The township board may, from time to time, on recommendation from the planning commission, on its own motion, or on petition, amend, supplement, modify, or change this ordinance in accordance with the authority of Act No. 110 of the Public Acts of Michigan of 2006, as amended, in accordance with the following procedural outline:
 - 1. A petition for amendment to this ordinance by an owner, or other person having a sufficient legal or countable interest, may be presented to the township board. Such petition shall be accompanied with a fee in an amount established by resolution by the township board and shall be used to defray the expense of publishing required notices and related expenditures. Should no public hearing be held thereon, the fee shall be refunded to the petitioner.
 - 2. All amendment proposals not originating with the planning commission shall be referred by the township board to the planning commission for a recommendation before any action is taken by the township board.
 - 3. The planning commission shall study the proposed ordinance amendment and make written recommendation addressing all legal and statutory requirements to the township board for approval, conditional approval, or disapproval. In the course of such study, the planning commission shall hold a public hearing on the proposed amendment as required by the provisions of Public Act 110 of the Public Acts of Michigan of 2006, as amended.
 - 4. An owner of land may voluntarily offer in writing and the township board may approve, certain use and development of land as a condition to the approval of a rezoning consistent with the provisions of Section 405 of Public Act No. 110 of 2006 (M.C.L. 125.3405) and in accordance with the following:
 - a. *Procedure.* Except as otherwise provided herein, the application, review, and approval of a conditional rezoning request shall follow the same procedures as established by the township board and as provided by Public Act No. 110 of 2006 (M.C.L. 125.3101 et seq.) for all rezoning requests without an offer of conditions.

A written offer of conditions may be submitted either at the time an application for rezoning is filed or at a later time during the rezoning process. An applicant may voluntarily amend or withdraw all or part of the offer of conditions at any time during the rezoning process, provided that if such amendment or withdrawal occurs subsequent to the planning commission's public hearing on the original request, the rezoning application shall be referred back to the planning commission for a new public hearing and recommendation.

Notice of the public hearing shall be given as required by state law. An offer of more restrictive conditions may not require a new public hearing.

- b. *Conditions.* An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- c. *Approval.* Upon approval of a conditional rezoning request, the applicant shall submit a formal written statement of conditions as approved by the board which shall be incorporated by

attachment as an inseparable part of the ordinance adopted by the township board. The statement of conditions shall:

1. Be in a form recordable with the Macomb County Register of Deeds and include a statement acknowledging that it is recorded.
2. Contain a legal description of the land to which it pertains.
3. Acknowledge that upon the rezoning taking effect, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the statement of conditions.
4. Contain a provision acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land. Any person who establishes a development or commences a use upon such land shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions.
5. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
6. Specify that failure to comply with any of the conditions set forth in the statement of conditions shall constitute a violation of this zoning ordinance and shall be punishable accordingly.
7. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.

B. *Recording.* The approved statement of conditions shall be filed by the township clerk with the Macomb County Register of Deeds. The township board shall have the ability to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the township or to any subsequent owner of the land. An approved conditional rezoning shall be designated on the zoning map in a manner that identifies that the property is subject to a statement of conditions.

C. *Effect.* The following shall apply to approved conditional rezoning requests:

1. Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the township board if (1) it is demonstrated to the township board's reasonable satisfaction that there is a strong likelihood that the development and or use of will commence within the period of extension and proceed diligently thereafter to completion and (2) the township board finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
2. If approved development and/or use of the rezoned land does not occur within the time frame specified under section 10.2401.C.1., then the land shall revert to its former zoning classification as set forth in Section 405(2) of Public Act No. 110 of 2006 (M.C.L. 125.3405) subrelates any action taken as provided in subparagraph A. The reversion process shall be initiated by the township board requesting that the planning commission proceed with consideration of the rezoning of the land to its former

zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other zoning requests.

3. When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to section 10.2401.C.2. or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township clerk shall record with the Macomb County Register of Deeds a notice that the statement of conditions is no longer in effect.
4. During the time period for commencement of an approved development or use specified pursuant to section 10.2401.C.1. or during any extension thereof granted by the township board, the township shall not add to or alter the conditions in the statement of conditions.
5. The statement of conditions may be amended thereafter in the same procedure as set forth for the original conditional rezoning approval.
6. Nothing in the statement of conditions nor in the provisions of this Section shall be deemed to prohibit the township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and Public Act No. 110 of 2006 (M.C.L. 125.3101 et seq.).

(Ord. No. 10-67, § 1, 7-2-20)

Editor's note(s)—Ord. No. 10-67, § 1, adopted July 2, 2020, renumbered the former § 10.2401 as § 10.2402.

Sec. 10.2402. Special Land Use Permit Review Procedures.

- A. *Intent.* These Special Land Use Permit Review Procedures are instituted to provide an opportunity to use a parcel of land for an activity which, under usual circumstances, would be detrimental to other permitted land uses and, thus, which could not be permitted within the same district, but which use can be permitted under certain circumstances unique to the proposed location. Such use would be subject to conditions and provide protection to adjacent land uses. These procedures are adopted to provide guidelines for the Township Planning Commission to follow in formulating any decision over which the Commission has jurisdiction.
- B. *Procedures.*
 1. An application for the approval of a Special Land Use permit shall be made to the Township Planning Department accompanied by the necessary fees and documents as provided herein.
 2. The application shall be accompanied by a site plan containing all information required for site plan review and approval as set forth in Section 10.2402 of this ordinance.
 3. The application shall be referred to the Township Planning Commission for its review and action in accordance with the provisions of this Section and Section 10.2402.
 4. Upon receipt of an application for a Special Land Use Permit, the Commission shall hold a public hearing, at which time the application will be considered.
 - a. Notice of the public hearing shall be published in a newspaper of general circulation in the township.
 - b. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.

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- c. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the township.
 - d. If the name of the occupant is not known, the term, "occupant" may be used in making notification under this subsection.
 - e. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval and shall do all of the following:
 - 1. Describe the nature of the request;
 - 2. Indicate the property that is the subject of the request;
 - 3. Include a listing of all existing street addresses within the property; street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - 4. State when and where the request will be considered.
 - 5. Indicate when and where written comments will be received concerning the request.
 - f. The notice shall indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the property being considered for a special land use regardless of whether the property or occupant is located within the township.
 - [g.] A decision on the Special Land Use shall not be made unless notification of the public hearing on the Special Land Use request has been made in accordance with this Section.
5. At the meeting or public hearing on the Special Land Use application, the Commission shall review such application in light of any specific standards set forth in the Ordinance.
- a. In addition to such specific standards, the Commission shall not approve an application for a Special Land Use permit unless it has been established, definitively, that:
 - 1. The proposed Special Land Use shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.
 - 2. The proposed use shall be of such a nature that vehicular and pedestrian traffic shall not be 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 paid to minimizing child-vehicle interfacing.
 - 3. The proposed use shall be designed, with respect 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 whether by reason of dust, noise, fumes, vibration, smoke or lights to others.
 - 4. The proposed use shall be such that the proposed location and height of buildings or structures, and the 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 the value of the land and/or buildings.

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5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to 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 designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.
 8. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.
- b. The Commission except for housing for older persons as defined in this Ordinance, which shall be decided upon by the Township Board following a recommendation from the Planning Commission, may deny, approve or approve with conditions, a request for special land use permit. The decision on a special land use request shall be incorporated in a statement containing the conclusions relative to the special land use under consideration specifying the basis for the decision and listing any conditions imposed.
 - c. Reasonable conditions may be imposed pursuant to the issuance of a Special Land Use permit and may include conditions necessary to accomplish the following: (i) to ensure that the public services and/or facilities that will be affected by a proposed land use or activity will be capable of accommodating the increased service and/or facility loads caused by the land use or activity; (ii) to protect the natural environment and conserve natural resources and energy; (iii) to ensure compatibility with adjacent uses of land; and (iv) to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
 1. Be designed to protect: (a) natural resources; (b) the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration; (c) residents and landowners immediately adjacent to the proposed land use or activity; and (d) the Township as a whole.
 2. Relate to the valid exercise of the Townships police power.
 3. Be necessary according to the stated intent and purpose of this Ordinance.
 4. Relate to the standards established in this Ordinance for the land use activity under consideration, and ensure compliance with those standards required.
 - d. The approval of a Special Land Use Permit, together with any and all conditions imposed, shall be recorded in the minutes of the Planning Commission, and a notice of the Special Land Use Permit shall be recorded with the County Register of Deeds. A Special Land Use Permit shall remain unchanged except upon the mutual consent of the Commission and the land owner. The Township shall maintain a record of conditions which have been changed.

(Ord. No. 10-37, § 1, 7-11-07; Ord. No. 10-39, § 1, 6-24-09; Ord. No. 10-60, § 1, 4-13-16)

Editor's note(s)—Ord. No. 10-67, § 1, adopted July 2, 2020, renumbered the former § 10.2402 as § 10.2403.

Sec. 10.2403. Site Plan Requirements and Procedures.

- A. *Intent.* Site plan review is required: (i) To provide the Township Planning Commission with the opportunity to review the proposed use of a site in relation to surrounding uses, accessibility, pedestrian and vehicular

circulation, spatial relationships, off-street parking, public utilities, general drainage, environmental characteristics, location of trash areas, site vegetation, screening and buffering, developmental characteristics and other site elements which may have an effect upon public health, safety and general welfare, and (ii) To allow the Township Planning Commission to evaluate compliance with the Township Zoning Ordinance, other Township Ordinances and planning documents.

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.*

- a. *Access.* 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, taking into consideration such issues as proper driveway alignment, driveway spacing and internal connectivity between sites. 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.
- b. *Circulation.* On-site circulation shall be clearly indicated on the plan. Access lanes, maneuvering lanes, parking stalls, stacking lanes, loading/unloading bays and doors, shall be designed in a manner that promotes the general safety, convenience, and interaction of both vehicles and pedestrians. The relationship to and the impacts upon adjacent properties shall also be considered.

2. *Relationship to Surrounding Property.* All site development features shall be arranged to minimize the potential for negatively impacting surrounding property. In making this determination, 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, maneuvering, or service areas.
- c. Excessive visual pollution caused from lighting and debris.
- d. The building structure and use shall be generally consistent in size, scale, and intensity with the adjacent uses.
- e. 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 all natural features on-site. The site buildings and improvements shall not encroach into the physical characteristics of the site, such as wetlands, floodplains and natural drainage ways, and shall minimize the impact on environmental features, including, but not limited to, woodlands, slopes and sensitive soils. The proposed development shall not needlessly have an adverse impact on the natural environment of the site or the surrounding area. In no way shall natural drainage ways or other natural water retention bodies be altered in a manner that reduces or significantly alters the current drainage location, patterns or volumes.

4. *Infrastructure.* The Planning Commission shall consider the Township Engineer's evaluation of the adequacy public or private utilities proposed to serve the site, including water, sanitary sewers and storm water retention.

C. *Review Qualification.*

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1. A site plan shall be submitted for review and approval by the Planning Commission whenever one (1) or more of the following conditions apply:
 - a. Whenever a building permit is required for the erection or structural alteration of a building (other than single-family homes, one (1) two-family structure, farm buildings or accessory structures to these residential uses).
 - b. For the construction, use or establishment of a new or additional parking or storage area.
 - c. For all special land uses,
 - d. For any substantial change in use or class of use when referred by the Building Official.
 - e. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities.
 2. Technical Changes.
 - a. The Township Planner may submit a technical change of a site plan, subdivision plat or site condominium plan to the Technical Committee for review and action. A technical change is a minor revision to an approved plan that does not change the character, nature, intent or use of the original plan. A technical change may also pertain to the zoning ordinance, land division regulations, and other ordinances for land development, including, but are not necessarily limited to: landscaping improvements, parking lot design, minor dimensional revisions, temporary changes to sales trailers and models and associated parking, and the addition of outdoor equipment and storage.
 - b. The Technical Committee shall be comprised of the Township Planner, Building Official, Township Engineer, and any other departments or consultants at the discretion of the Township Planner as it relates to the minor revisions being reviewed. The Technical Committee may waive, upon unanimous consent, the site plan/subdivision plat/condominium plan submission requirement when the proposed minor revision is based on the standard in Section 10-2403.C.2.a above. All technical change revisions shall comply with the applicable standards of the Zoning Ordinance.
 - c. The Technical Committee may approve or deny any technical change. If denied, the applicant shall be notified of the reasons for such denial and directed to proceed with a full site plan/subdivision plat/condominium plan submission or other applicable zoning process. If approved, the plans shall be forwarded for engineering review, if applicable, or directly to the Building Department for building permit processing.
- D. *Submission Requirements.* A required site plan shall include the entire site under the control or ownership of the applicant with all areas proposed for improvement and all unplanned areas also included. All site plans submitted for consideration shall include the following information:
1. *General Site Data.*
 - a. 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 it, and shall consist of one (1) or more sheets necessary to adequately provide the required data.
 - b. The dimensions of all improvements and yards shall be labeled in a manner that clearly indicates the plan's compliance with the applicable Zoning Ordinance standards and requirements.
 - c. North point and scale should customarily be provided at one (1) inch = twenty (20) feet or one (1) [inch] = thirty (30) feet. For large-scale development, one (1) inch = fifty (50) feet may be acceptable, provided all important typical areas and ordinance requirements are thoroughly detailed in clearly recognizable form and presented at the customary scale.

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- d. Complete legal description.
 - e. Size of the site expressed in acres.
 - f. Location map (four (4) inches = one (1) mile) showing major roads, nearby cross-streets and property lines, where necessary.
 - g. Zoning of site and all surrounding property.
 - h. Proposed address, if available.
 - i. Location of existing structures and improvements. (Indicate any structure or improvement proposed for removal.)
 - j. Location of proposed structures and improvements.
 - k. Yards/setbacks and dimensions between buildings and other site improvements.
 - l. Existing improvements (buildings, parking, driveways, sidewalks, signs, fences, walks, etc.) within two hundred (200) feet of all property lines.
 - m. Topography at one-foot contours and grid shots at fifty-foot intervals (existing and proposed).
 - n. Benchmarks.
 - o. Drawings dated and issued for site plan review.
2. *Building Plans.*
- a. All architectural building elevations (front, sides and rear).
 - b. Type of surface material and design of all exterior surfaces.
 - c. Dimensioned floor plans (principal and accessory buildings).
 - d. Decks and/or patios (dimensions, location, height and materials).
4. *Environmental Features.*
- a. Complete landscaping plan, including ground cover, bedding materials (e.g. mulch) and the location, number, names (common and botanical) and starting size of all proposed plantings prepared and sealed by a landscape architect registered in the State of Michigan.
 - b. 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.
 - c. Whenever a tree or group of trees of three-inch caliper or greater is to be removed as part of the planned improvements, the location shall be shown on the site plan in dotted outline and noted "to be removed."
 - d. The location and types of all natural materials proposed to be included in the landscape treatment of the yard areas.
 - e. Greenbelts, walls and/or berm details. (Provide at least one (1) cross-section for each type used.)
 - f. Site irrigation (sprinklers). Indicate all areas to be irrigated
 - g. Treatment of all undeveloped areas (such as seeded, sodded, plantings, maintenance or other).
 - h. Trash receptacles and method of screening.
 - i. Site lighting details (location, height, type, intensity and shielding).

j. Freestanding sign location. (Dimension setback from the centerline of the road or highway.)

5. *Other Information.*

- a. Location of all site utilities.
- b. Site drainage characteristics and improvements.
- c. Park or recreation areas (show boundary and size in square feet).
- d. Fences (location and details).
- e. Statistical data shall be furnished, including: 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.)
- f. 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.
- g. Proposed or intended phasing shall be clearly shown and described on the site plan.

6. Where it is determined by the Planning Commission that certain requirements of this section are not necessary to the review and understanding of the site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the Commission's minutes, together with the unique circumstances and reasons for such waiver.

E. *Procedures.*

- 1. Upon receipt of an application for a Site Plan Approval, the Commission shall hold a public hearing at which time the application will be considered.
 - a. Notice of the public hearing shall be sent by first-class mail to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures located within three hundred (300) feet of the property in question. The notice shall be given not less than five (5) days nor more than fifteen (15) days before the date of the public hearing. If the name of the occupant is not known, the term Occupant may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individual partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

The notice shall:

- (1.) Describe the nature of the Site Plan request.
 - (2.) Indicate the property which is the subject of the Site Plan request.
 - (3.) State when and where the public hearing will be held and the request considered.
 - (4.) Indicate when and where written comments will be received concerning the request.
2. If approved, the site plan shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan.

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3. The Planning Commission shall approve a site plan only upon a finding that the plan contains the information required by the Zoning Ordinance and is in compliance with the Zoning Ordinance, and with any and all conditions imposed pursuant to the Zoning Ordinance, other Township Planning documents, other applicable ordinances, and State and Federal statutes.
 4. Revisions and/or amendments to the site plan must be submitted to the Planning Commission for its review and approval. Upon receipt of the revised site plan, a public hearing shall be conducted and notices thereof mailed. The Township Planning Commission shall review the changes which have been made to the site plan and, if approved, the Building Official shall be notified of the Planning Commissions' approval of the revised plan.
 5. Site plan approval shall be valid for one (1) year after the date of approval. If a valid building permit has not been obtained and construction started within one (1) year from the date of the Planning Commission approval, the approval becomes null and void unless renewed or extended by specific Planning Commission action. If approval is not extended before expiration of the one-year period, then new site plan approval shall be required before a building permit may be issued.
 6. To ensure compliance with this Ordinance and any conditions imposed hereunder, and to ensure faithful completion of the improvements within two (2) years from the date of the site plan approval the Township Planning Commission may require that a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the Township be deposited with the Township Treasurer. The amount of the bond or deposit shall be determined by the Township Engineer, and shall be in an amount sufficient to cover the cost of improvements associated with the project for which site plan approval has been granted.

The financial guarantee shall be rebated to the land owner in reasonable proportion to the ratio of the work completed on the required improvement as work progresses. In order to obtain the final release of a bond, an as-built drawing, sealed by a professional, registered and licensed by the State of Michigan, shall be submitted for review and approved by the Township.

(Ord. No. 10-38, § 1, 3-26-08; Ord. No. 10-53, § 1, 2-26-14; Ord. No. 10-60, § 1, 4-13-16; Ord. No. 10-69, § 1, 9-22-21)

Editor's note(s)—Ord. No. 10-67, § 1, adopted July 2, 2020, renumbered the former § 10.2403 as § 10.2404.

Sec. 10.2404. Zoning Board of Appeals.

- A. *Preamble.* There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 184, Public Acts of 1943, as amended, in such a manner that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured, and substantial justice done.
- B. *Powers and Duties.* The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The zoning board of appeals shall also hear and decide on matters referred to the zoning board of appeals or upon which the zoning board of appeals is required to pass under the zoning ordinance. It shall hear and decide appeals from and review any administrative order, requirement, decision or determination made by an administrative official or body charged with enforcement of the zoning ordinance. For special land use decisions, an appeal may be taken to the Zoning Board of Appeals only if provided for in the zoning ordinance. The concurring vote of a majority of the members of the zoning board of appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body to decide in favor of the applicant on a matter upon

which the zoning board of appeals is required to pass under the zoning ordinance, or to grant the variance in the zoning ordinance.

C. *Establishment of Zoning Board of Appeals.*

1. The first member shall be a member of the Township Planning Commission, appointed by the Township Board.
2. The second member may 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 term of each member shall be for three (3) years, except that of the members first appointed, two (2) shall serve for two (2) years and the remaining members for three (3) years. A successor shall be appointed not more than one (1) 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. Members of the Zoning Board of Appeals shall be removable by the Township Board for nonperformance of duty, or for misconduct in office, upon the filing of written charges and after a public hearing has been held. 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 misconduct in office.
6. The Township Board may appoint two alternate members for the same term as regular members to the Zoning Board of Appeals. The alternate member may be called as specified in the Zoning Ordinance to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals, or is absent for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision of 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.
7. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board are present.

- D. *Meetings.* Meetings of the 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 Board of Appeals shall adopt its own rules of procedure and shall 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, which shall be a public record.

(Ord. No. 10-37, § 1, 7-11-07)

Editor's note(s)—Ord. No. 10-67, § 1, adopted July 2, 2020, renumbered the former § 10.2404 as § 10.2405.

Sec. 10.2405. Appeals Procedure.

These appeals procedures are instituted to provide a process whereby appeals from an order, requirement, decision, or determination made by an administrative official or commission charged with the enforcement of the Township Zoning Ordinance, (except the issuance of a variance which shall follow the procedures of Section 10.2405 of this Ordinance), shall be heard and decided.

- A. *Procedures.* An appeal shall specify the grounds for the appeal, and shall be filed both with the administrative official or body from whom the appeal is taken, and with the Board of Zoning Appeals.
1. The administrative official or body from whom the appeals is taken shall forthwith transmit to the Board all papers constituting the record upon which the appeal is taken.
 2. An appeal stays all proceedings in furtherance of the action from which it is appealed, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed through the use of a restraining order. Restraining orders otherwise may be granted, either by the Board or by the Circuit Court, when notice is first provided to the administrative official or body from whom the appeal is taken, and when adequate cause for the issuance of the restraining order has been demonstrated.
 3. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township.
 4. The Board shall fix a reasonable time for the hearing of the appeals, give due notice thereof to the parties, and decide the appeal within a reasonable time. At the hearing, a party may appear in person or by agent or by attorney. The Board of Appeals may reverse, affirm or modify, wholly or partly, the order, requirement, decision, or determination and to that end shall have all the powers of the officer or body from whom the appeal was taken, and may also issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Zoning Ordinance, the Board in passing upon appeals may vary or modify any of its rules or provisions so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. The decision of the Board shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to the Circuit Court.
 5. The concurring vote of a majority of the members of the Board shall be necessary to reverse an Order, requirement, decision or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass under, or to implement any variance of the Zoning Ordinance.
 6. The Board shall state specifically the grounds for each such determination, and these statements shall be recorded in the minutes of the Board.

Editor's note(s)—Ord. No. 10-67, § 1, adopted July 2, 2020, renumbered the former § 10.2405 as § 10.2406.

Sec. 10.2406. Variance Review Procedures.

- A. An application for a hearing shall be made, by the owner of record of the property, to the Township Planning Department, accompanied by the necessary fees and documents as provided in this Ordinance.
- B. The application shall be accompanied by a site plan drawn to the scale of a maximum of 1" = 20' and a minimum of 1" = 50' shall be placed on a standard sheet, and shall contain the following information:
1. Dimensional elements for which a variance is requested.

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2. Dimensional relationships of the subject lot to the structures located on all adjacent properties.
- C. The application shall be accompanied by an affidavit executed by the applicant explaining:
1. Why compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or how conformity with such restrictions would be unnecessarily burdensome.
 2. How a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district.
 3. Could a lesser relaxation than that applied for give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 4. How relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.
- D. Notice of the public hearing for variance, interpretation of the zoning ordinance or appeal of an administrative decision, shall be provided as follows:
- a. Notice of the public hearing shall be published in a newspaper of general circulation in the township.
 - b. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - c. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the township.
 - d. If the name of the occupant is not known, the term, "occupant" may be used in making notification under this subsection.
 - e. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval and shall do all of the following:
 1. Describe the nature of the request;
 2. Indicate the property that is the subject of the request;
 3. Include a listing of all existing street addresses within the property; street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 4. State when and where the request will be considered.
 5. Indicate when and where written comments will be received concerning the request.
 - f. The notice shall indicate that a public hearing on the appeal may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the property being considered for a special land use regardless of whether the property or occupant is located within the township.
 - g. A decision on the appeal shall not be made unless notification of the public hearing on the appeal has been made in accordance with this section.
- E. Notice Requirements are the same as those required ancillary to site plan approval.
- F. The Board shall consider the application for a variance at its next regular meeting provided there is sufficient time to give the required notice.

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- G. The Board shall approve, with or without conditions, or disapprove the application and shall communicate its decision, in writing to the applicant, the Township Board, the Building Official, and the Township Planning Commission within one (1) week from the date of the meeting at which the decision was rendered.
 - H. The Board shall not approve an application for a variance unless it has established definitely that:
 - 1. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
 - 2. A grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - 3. Relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.
 - I. The approval of a variance, together with any and all conditions imposed, shall be recorded in the minutes of the Zoning Board of Appeals and a Notice of Variance shall be recorded with the County Register of Deeds.
 - J. The Building Official shall, upon receipt of the notice of approval and upon application by the applicant, collect all required fees and issue a building permit or shall render such other approval permitting the variance, subject to all conditions imposed pursuant to such approval.
 - K. The Zoning Board of Appeals shall not reconsider a variance request for which a decision has been made previously.
 - L. The decision by the Board of Appeals shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to the Circuit Court.
 - M. A variance granted under this Ordinance shall terminate if there is any change in the lot area for which the variance was granted, or if the terms and conditions of the variance are violated.
 - N. All variances granted shall be recorded with the Township Assessing Department.

(Ord. No. 10-29, § 1, 12-28-05; Ord. No. 10-37, § 1, 7-11-07; Ord. No. 10-60, § 1, 4-13-16)

Editor's note(s)—Ord. No. 10-67, § 1, adopted July 2, 2020, renumbered the former § 10.2406 as § 10.2407.

Sec. 10.2407. Zoning Ordinance Text Amendments and Map Revisions Procedures.

- A. *Initiation of Text Amendments and Map Revisions.*
 - 1. Any proposal for an amendment to the Zoning Ordinance text may be initiated by filing an application package with the appropriate fees to the Planning Department. Such application package shall contain the proposed text amendment.
 - 2. Any proposal for a map revision to the Zoning Ordinance may be initiated by an owner of an interest in a lot as to the rezoning of such lot, by filing with the Township Planning Department a petition proposing the zoning change, accompanied by a map at a scale of not less than 1" = 50' showing the subject parcel in relation to adjoining parcel of land, and accompanied by the necessary fees for such zone change.
 - 3. Any proposal for an amendment to the Zoning Ordinance text or map may be initiated by the Township Board or the Township Planning Commission, by filing with the Township Planning Department a resolution, duly adopted and proposing an amendment.
- B. *Procedures for Text Amendments.*

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1. The Township Planning Department shall give the following notice of the time and place of the Township Planning Commission meeting at which text amendment(s), map revision(s) and/or rezoning(s) will be heard:
 - (a) Notice of the public hearing shall be published in a newspaper of general circulation in the township.
 - (b) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - (c) Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the township.
 - (d) If the name of the occupant is not known, the term, "occupant" may be used in making notification under this subsection.
 - (e) The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval and shall do all of the following:
 - (i) Describe the nature of the request;
 - (ii) Indicate the property that is the subject of the request;
 - (iii) Include a listing of all existing street addresses within the property; street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - (iv) State when and where the request will be considered.
 - (v) Indicate when and where written comments will be received concerning the request.
 - (f) Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the township for the purpose of receiving the notice of public hearing.
 - (g) The notices required under this section shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.
 - (h) If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the township shall give a notice of the proposed rezoning in the same manner as set forth above.
 - (i) If eleven (11) or more adjacent properties are proposed for rezoning, the Township shall give a notice of the proposed rezoning in the same manner as set forth above, except that notice does not have to be sent by mail or personal delivery to the owner of property for which approval is being considered, nor to all persons to whom real property is assessed within three hundred (300) feet of the property nor to the occupants of all structures within three hundred (300) feet of the property, additionally, no individual addresses of properties are required to be listed.
 2. *Publication and effective date.*
 - a. The notice of ordinance adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption.
 - b. The ordinance and/or amendment(s) shall take effect upon the expiration of seven (7) days after publication as required in Section (a) or at such later date after publication as may be specified by the Township Board of Trustees.

C. *Reserved.*

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- D. *[Public hearing.]* The Township Board shall conduct a public hearing on the proposed map revision and/or rezoning and give notice of the hearing in the same manner as set forth in Section 10.2406 C.1. The Township Board may act upon the map revision and/or rezoning at the same meeting wherein the public hearing was conducted. If the Township Board tables consideration of the map revision and/or rezoning, it shall be tabled to a date certain. No additional notice or public hearing shall be required.

(Ord. No. 10-37, § 1, 7-11-07; Ord. No. 10-60, § 1, 4-13-16)

Editor's note(s)—Ord. No. 10-67, § 1, adopted July 2, 2020, renumbered the former § 10.2407 as § 10.2408.

Sec. 10.2408. Administration and Enforcement.

- A. *Administrative Official.* The Building Official designated by the Township Board shall administer and enforce this Ordinance. The Building Official may be provided with the assistance of such other persons as the Township Board may direct.

If the Building Official shall find that any of the provisions of this Ordinance are being violated, the Official shall notify, in writing, the person responsible for such violation, or the owner of record of the lot upon which such violation is taking place, indicating the nature of the violation and ordering the action necessary to correct it. The Building Official shall order discontinuance of the illegal use of any lot or structures, or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provision.

- B. *Building Permits Required.* No structure shall be erected with, moved, added to, or structurally altered without a permit therefore with said permit, issued by the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this Ordinance, unless the applicant receives a Special Land Use Permit from the Planning Commission, or a reversal, appeal or variance from the Zoning Board of Appeals, in accordance with the provisions as provided by this Ordinance.
- C. *Building Permit Application.* All applications for building permits shall be accompanied by two (2) sets of plans drawn to scale, showing the actual dimensions on the lot of structures already existing, if any, the location and dimensions of the proposed structure or alteration, and all required setbacks. The application shall include such other information as may be required by the Building Official, including data on existing or proposed structures or alterations; existing or proposed uses of the structure and lot; the number of families, housekeeping units, or rental units the structure is designed to accommodate; conditions existing on the lot; and such other information as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance. A survey sealed by a Professional Surveyor licensed in the State of Michigan must also be submitted. One (1) copy of the plan(s) shall be returned to the applicant by the Building Official after the Building Official shall have marked such copy either as approved, or disapproved, and attested to same by signing such copy. One (1) copy of the plans, similarly marked, shall be retained by the Building Official.
- D. *Pre-Enforcement Procedures for Industrial Performance Standards.* All permit applications for uses within Articles XX and XXI require compliance with the standards described in Sections 10.2107 K and 10.2015 K, and shall be controlled by requiring engineers registered with the State of Michigan to assure that the machinery to be installed meets with the aforescribed performance standards.
- E. *Certificates of Zoning Compliance for New, Reoccupied, Altered or Non-Conforming Uses.* It shall be unlawful to use, or occupy, reoccupy or permit the use or occupancy of, any structure or premises, or parts thereof, hereafter created, erected, changed, converted or wholly or partially altered or enlarged, until a Certificate of Zoning Compliance has been issued therefore by the Building Official stating that the proposed use of the structure or lot conforms to the requirements of this Ordinance.

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1. The Building Official shall maintain a record of all Certificates of Zoning Compliance issued pursuant to this Ordinance.
 2. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance and shall be punishable under the applicable provisions of this Ordinance.
- F. *[Issuance of Certificate of Zoning Compliance.]* A certificate of zoning compliance shall be issued by the Building Official upon the recommendation of a review committee, comprised of the Township Clerk, Planning Consultant, Building Official, Assessor, and Fire Inspector, or their designees. An application, together with sufficient information to determine compliance with the zoning district (as determined by the Building Official), shall be submitted to the Township Building Department. The Building Department will distribute the plans to the review committee. The review committee shall return their written comments and recommendations to the Building Department within five (5) days after receipt from the Building Department. Each member of the committee shall recommend approval, approval with conditions, or denial of the Certificate of Zoning Compliance. After receiving the recommendations from members of the review committee, the Building Official shall issue a Certificate of Zoning Compliance, a Certificate of Zoning Compliance with conditions, or a denial of the requested Certificate of Zoning Compliance to the applicant based upon the recommendations of the review committee. Any recommendations for denial of a Certificate of Zoning Compliance must state the reasons for the recommended denial. The Building Official shall issue a Certificate of Zoning Compliance only if all members of the review committee recommend approval or approval with conditions. Any conditions of approval recommended by the Planning Consultant, Building Official, Assessor, or Fire Inspector or their designee shall be incorporated into the approval with conditions issued by the Building Official.

(Ord. No. 10-55, § 1, 4-9-14)

Editor's note(s)—Ord. No. 10-67, § 1, adopted July 2, 2020, renumbered the former § 10.2408 as § 10.2409.

Sec. 10.2409. Penalties for Violation.

- A. Violation of the provisions of this Ordinance, or failure to comply with any of its requirements, including violations of conditions and safeguards required as conditions for the grant, variances, appeals, or Special Land Use Permits, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both, and, in addition, shall pay all costs and expenses involved in the case.
1. Each day such violations continue shall be considered a separate punishable offense.
 2. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and may each suffer the penalties herein provided.
 3. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

Editor's note(s)—Ord. No. 10-67, § 1, adopted July 2, 2020, renumbered the former § 10.2409 as § 10.2410.

Sec. 10.2410. Schedule of Fees, Charges and Expenses.

- A. Fees, charges and expenses shall be assessed as part of the application and review procedures contained within this Ordinance.

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- B. The Township Board shall establish a schedule of fees, charges and expenses, and shall establish a procedure for their collection.
 - 1. The schedule of fees, charges and expenses shall be available for review from the Clerks office.
 - 2. The schedule of fees, charges and expenses may be altered or amended by resolution duly adopted by the Township Board.
 - C. No action shall be taken on any application or appeal until all applicable fees, charges and expenses have been paid in full.

Editor's note(s)—Ord. No. 10-67, § 1, adopted July 2, 2020, renumbered the former § 10.2410 as § 10.2411.

Sec. 10.2411. Severability Clause.

This Ordinance and its various compositional parts, sections, subsections, provisions, sentences and clauses are hereby declared to be severable. If any part, section, subsection, provision, sentence or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

Editor's note(s)—Ord. No. 10-67, § 1, adopted July 2, 2020, renumbered the former § 10.2411 as § 10.2412.

Sec. 10.2412. Effective Date.

This Ordinance shall become effective on November 10, 1973.

Amended January 24, 1992

Amended August 29, 1992

Amended September 3, 1998

Amended March 20, 1999

ARTICLE XXV TRADITIONAL NEIGHBORHOOD DEVELOPMENT CODE³

Sec. 10.2501. Purpose and Intent.

A form-based code is established for the Macomb Town Center to provide specific regulations to achieve the following:

- A. To develop a pedestrian-oriented environment with traditional residential neighborhoods and a traditional town center with buildings containing neighborhood commercial, residential and office uses.
- B. To calm traffic, thereby creating a more pedestrian-friendly environment and preventing a clustering of auto-oriented uses.
- C. To regulate building height and placement to achieve appropriate scale along streets.

³Editor's note(s)—Ord. No. 10-43, adopted July 27, 2011, amended Art. XXV, to read as herein set out. Former Art. XXV pertained to similar subject matter, and derived from Ord. No. 10-38, Pt. II, adopted Mar. 26, 2008.

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- D. To establish clear controls on building form and placement to frame a well-defined public realm comprised of human-scale streets, neighborhoods and public spaces, all of which contribute to creating a safe, comfortable and livable environment.
 - E. To implement the Macomb Township Master Plan, and the Macomb Town Center Conceptual Plan.

Sec. 10.2502. Form-based zones.

All property in the Macomb Town Center shall be included in one of the following form-based zones. Each zone shall be located as mapped on the Regulating Plan and Conceptual Site Plan (see Appendix B):

- A. The Residential Neighborhood Zones in the Town Center support a quiet single family residential setting, intended to create a pedestrian-oriented neighborhood founded on traditional development standards.
 - 1. NE - Neighborhood Edge Zone.
 - 2. NG - Neighborhood General Zone.
 - 3. NC - Neighborhood Center Zone.
- B. The CD - Core Downtown Zone creates a traditional, small town development character and enhances a pedestrian-oriented environment. The zone accommodates a mix of retail stores, offices, entertainment, public spaces, residential uses and related activities that are mutually supporting and serve the needs of the community. The intent of this zone is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented and unified setting with shared parking.
- C. Preserve Zones provide areas for recreation and public gathering and preserve areas not prone to development. They are intended to be used as either preserves or public or common spaces.
 - 1. CS - Common Space Zone.
 - 2. RP - Rural Preserve Zone.

(Ord. No. 10-43, 7-27-11)

Sec. 10.2503. Application of Regulations.

Within the form-based zones, all requirements of the Macomb Township Zoning Ordinance shall apply, except as modified by this Article. In applying the regulations to the form-based zones, if regulations elsewhere within this ordinance conflict or appear to conflict with the regulations in this Article, the regulations of this Article shall apply.

(Ord. No. 10-43, 7-27-11)

Sec. 10.2504. Use Regulations.

- A. Uses shall be permitted based upon the zone with each use is listed in the table below. Permitted and Special Land Uses by Zone are identified as follows:

P: Permitted Use: Land and/or buildings in this Zone may be used for the purposes listed by right.

SLU: Special Land Use: Listed uses may be permitted by obtaining Special Land Use approval, subject to the standards cited in Article 24, Administration. Approval of Special Land Uses, however, shall be granted by the Township Board of Trustees, upon recommendation from the TCC.

(Supp. No. 29)

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B. Uses must also comply with the development requirements that are referenced in the right column.

USES	Town Center Zone				Additional Regulations/ Section Reference
	NE	NG	NC	CD	
Residential Uses					
Detached One-family dwelling	P	P	P	-	
One Ancillary Dwelling	P	P	P	-	
Two-Family Dwellings	-	P	P	-	
Buildings with three (3) or more dwelling units	-	-	P	P	
Home Occupations	P	P	P	P	Sec. 10.0320. Home Occupation
Civic Uses					
State-Licensed Residential Facility (caring for 6 or fewer, 24 hours a day)	P	P	P	P	
Family Child Care Home (caring for 6 or fewer, less than 24 hours a day)	P	P	P	P	
Group Child Care Home (caring for 6 to 12, less than 24 hours a day)	SLU	SLU	SLU	P	
Church or Place of Religious Worship	SLU	SLU	SLU	SLU	Subject to civic building standards Sec.10.2508
Clubs	-	-	SLU	P	
Public owned and/or operated buildings including: libraries, museums, administrative offices, police and fire department facilities, parks and recreational facilities	P	P	P	P	Subject to civic building standards Sec.10.2508
Health/Recreation Facilities and Health Clubs	-	-	SLU	P	
Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education	SLU	SLU	SLU	SLU	Subject to civic building standards Sec.10.2508
Commercial Uses					
General Retail not exceeding 2,000 sq. ft.	-	-	SLU	P	
General Retail exceeding 2,000 sq. ft.	-	-	-	P	
Personal Service Establishments	-	-	SLU	P	
Financial Institutions	-	-	SLU	P	
Medical and Dental Clinics	-	-	SLU	P	
Professional Offices	-	-	SLU	P	
Restaurants	-	-	SLU	P	
Night Clubs	-	-	-	SLU	
Drive-through uses, either as principal or accessory use	-	-	-	SLU	

(Ord. No. 10-43, 7-27-11)

Sec. 10.2505. NE - Neighborhood Edge Zone Requirements.

A. Site Layout Requirements.

NE - Neighborhood Edge Zone		
Site Layout Requirements		
Lot Width		
Minimum	75 ft.	
Maximum	85 ft.	
Building Placement		
Facade	May occupy up to 70% of lot width	
	Building must be oriented parallel to the street	
Maximum Lot Coverage	35%	
Projections		
Eaves and Awnings	≤2 ft. into any yard	
Bay Windows	≤2 ft. into side or rear yard	
Balconies	≤8 ft. into any yard	
Porches or Stoops	≤8 ft. into front yard	
ADA Compliant ramps	May project into any yard	
Parking and Driveways		
Non-residential Parking Location	Side or rear yard	
Residential Driveway Width	Front yard:	Maximum 12 ft. between front lot line and the building facade
	Side yard:	Maximum equal to garage width
Corner Lot Minimum Setbacks	20 ft. from any road right-of-way or easement	
Fences, Walls and Garden Walls		
Height	30 in. maximum where adjacent to streets, sidewalks, and parks	
	48 in. maximum, behind facade	
Design	Must meet requirements of Section 10.0344	

B. Principal Building Requirements.

NE - Neighborhood Edge Zone		
Principal Building Requirements		
Setbacks/Build-To Line		
Front Yard Build-To Line	24 ft.	
Rear Yard Setback	30 ft.	
Side Yard Setback	8 ft.	
Roof Pitch		
Minimum	4:12	
Maximum	12:12	
Building Height		
Maximum	30 ft.	
Ground Floor Elevation	2—4 ft. above grade	
	Maximum 6 ft. above curb of adjacent street	

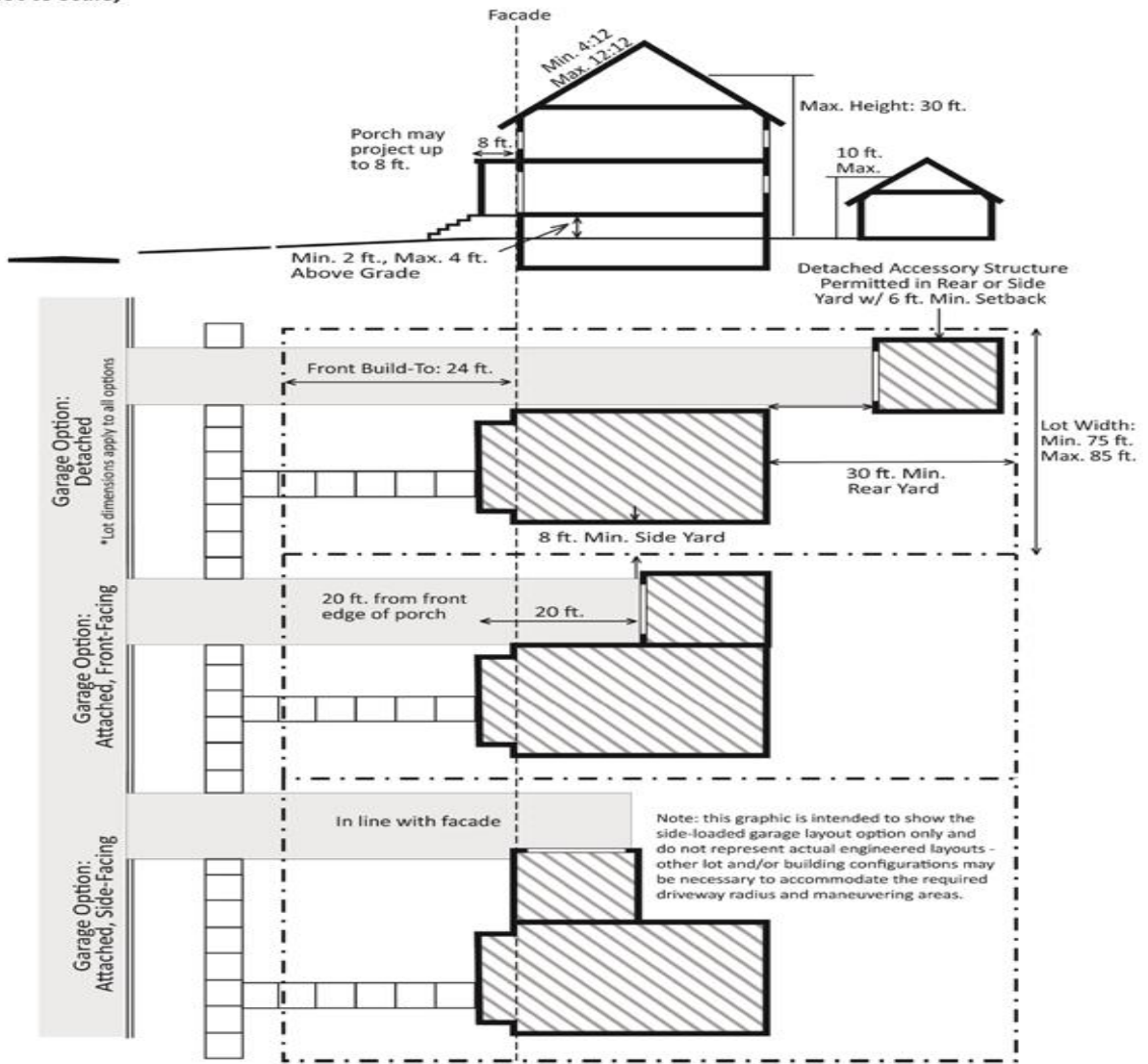
Floor Area		
Minimum	1,200 sq. ft.	
Facades		
Building Design	See also Section 10.2509	
Windows	10%—30% required transparency	
	Windows facing street must be taller than they are wide (typically 2:1)	
Entrances	At least one usable door facing front lot line	
	Second door for duplexes may face side or rear yard	
Front-facing Attached Garage	Cannot encompass more than 50% of facade width	
Attached Garage Setback	Min. 20 ft. from front of porch or stoop	
Front porch or stoop		
Each residential building shall have a front porch or stoop		
Porch Size	Minimum depth	8 ft.
	Minimum width	8 ft.
Stoop Size	Minimum depth	4 ft.
	Minimum width	5 ft.

C. *Accessory Building Requirements.*

NE - Neighborhood Edge Zone		
Accessory Building Requirements		
All Detached Buildings		
Side Setbacks	6 ft.	
Rear setbacks	6 ft.	
Building materials/colors	Shall match or complement principal building	
Detached Garages		
Number	Maximum one per lot	
Location	Side or rear yard	
Front Setback	Side-facing	In line with front facade
	Front-facing	Min. 20 ft. from front of porch or stoop
Maximum Height	15 ft.	
Maximum Size	800 sq. ft.	
Ancillary Dwellings		
Number	Maximum one per lot	
Location	Rear yard only	
Maximum Height	10 ft.	
Maximum Size	800 sq. ft.	
Other Accessory Structures		
Number	Maximum one per lot	
Location	Rear yard only	
Maximum Height	10 ft.	
Maximum Size	150 sq. ft.	

(Ord. No. 10-43, 7-27-11)

NE – Neighborhood Edge Zone Requirements
(not to scale)



Sec. 10.2506. NG - Neighborhood General Zone Requirements.

A. *Site Layout Requirements.*

NG - Neighborhood General Zone	
Site Layout Requirements	
Lot Width	
Minimum	30 ft.
Maximum	70 ft.
Building Placement	
Facade	Must occupy at least 50% of lot width Building must be oriented parallel to the street
Maximum Lot Coverage	60%

Projections		
Eaves and Awnings	≤2 ft. into any yard	
Bay Windows	≤2 ft. into side or rear yard	
Balconies	≤8 ft. into any yard	
Porches or Stoops	≤8 ft. into front yard	
ADA Compliant ramps	May project into any yard	
Driveways		
Non-residential Parking Location	Side or rear yard	
Residential Driveway Width	Front yard:	Maximum 12 ft. between front lot line and the building facade
	Side yard:	Maximum equal to garage width
Corner Lot Minimum Setbacks	20 ft. from any road right-of-way or easement	
Fences, Walls and Garden Walls		
Height	30 in. maximum where adjacent to streets, sidewalks, and parks	
	48 in. maximum in side and rear yards, behind facade	
Design	Must meet requirements of Section 10.0344	

B. *Principal Building Requirements.*

NG - Neighborhood General Zone		
Principal Building Requirements		
Setbacks/Build-To Line		
Front Yard Build-To Line	20 ft.	
Rear Yard Setback	25 ft.	
Side Yard Setback	6 ft.	
Roof Pitch		
Minimum	4:12	
Maximum	12:12	
Building Height		
Maximum	35 ft.	
Ground Floor Elevation	2—4 ft. above grade	
	Maximum 6 ft. above curb of adjacent street	
Floor Area		
Single-Family Detached Minimum	1,200 sq. ft.	
Facades		
Building Design	See Section 10.2509	
Windows	10%—30% required transparency	
	Windows facing street must be taller than they are wide (typically 2:1)	
Entrances	At least one usable door facing front lot line	
	Second door for duplexes may face side or rear yard	
Front-facing Attached Garage	Cannot encompass more than 50% of facade width	
Attached Garage Setback	20 ft. from front facade	
Front porch or stoop		
Each residential building shall have a front porch or stoop		
Porch size	Minimum depth	8 ft.
	Minimum width	8 ft.

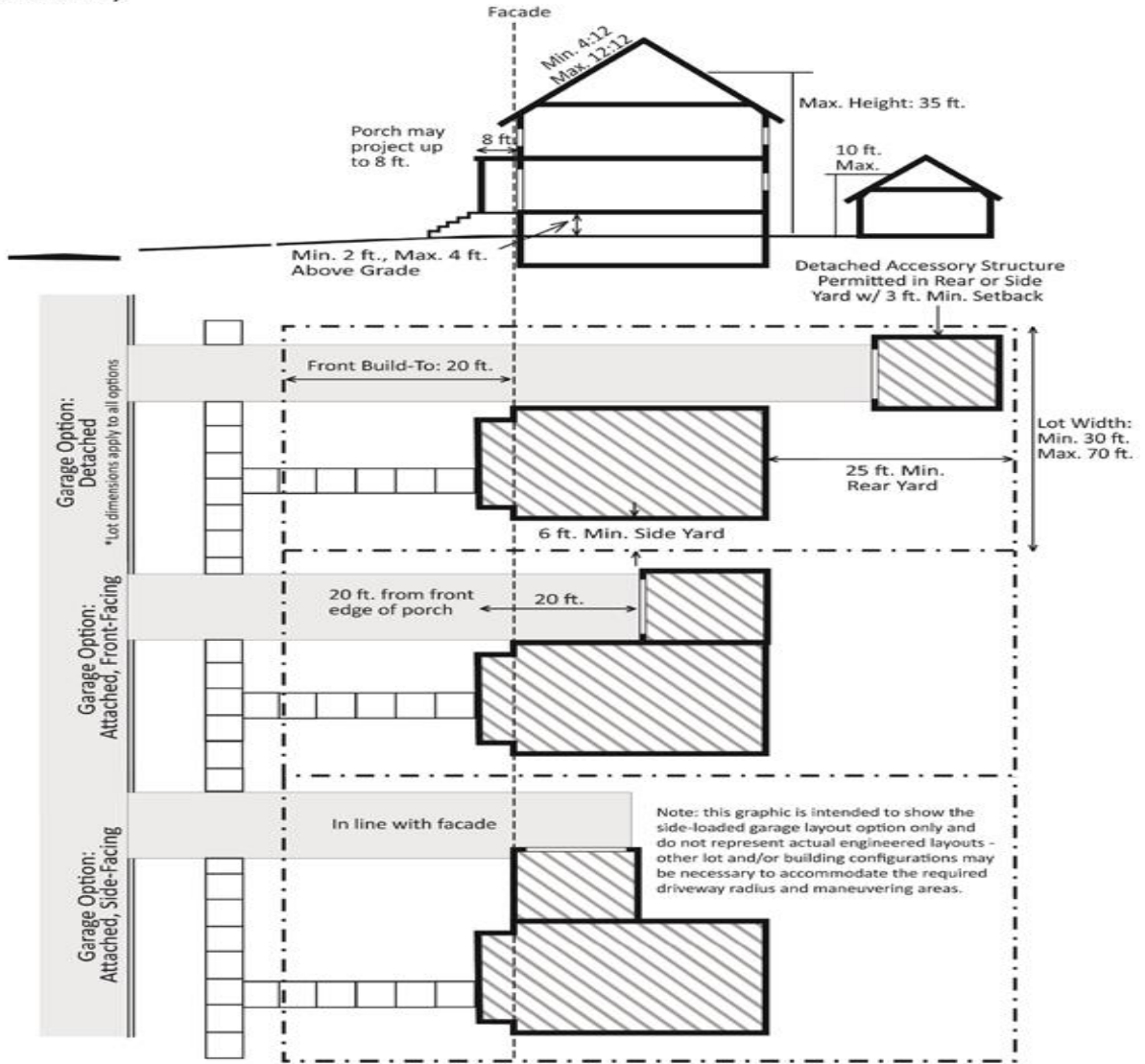
Stoop Size	Minimum depth	4 ft.
	Minimum width	5 ft.

C. *Accessory Building Requirements.*

NG - Neighborhood General Zone		
Accessory Building Requirements		
All Detached Buildings		
Side Setbacks	3 ft.	
Rear setbacks	3 ft.	
Building materials/colors	Shall match or complement principal building	
Detached Garages		
Location	Side or rear yard	
Front Setback	Side-facing	In line with front facade
	Front-facing	Min. 20 ft. from front of porch or stoop
Maximum Height	15 ft.	
Maximum Size	800 sq. ft.	
Ancillary Dwellings		
Number	Maximum one per lot	
Location	Rear yard only	
Maximum Height	10 ft.	
Maximum Size	800 sq. ft.	
Other Accessory Structures		
Number	Maximum one per lot	
Location	Rear yard only	
Maximum Height	10 ft.	
Maximum Size	150 sq. ft.	

(Ord. No. 10-43, 7-27-11)

NG – Neighborhood General Zone Dimensional Requirements
(not to scale)



Sec. 10.2507. NC - Neighborhood Center Zone Requirements.

A. Site Layout Requirements.

NC - Neighborhood Center Zone	
Site Layout Requirements	
Lot Width	
Minimum	14 ft.
Maximum	40 ft.
Building Placement	
Facade	Must occupy at least 75% of lot width
	Building must be oriented parallel to the street
Maximum Lot Coverage	75%

Projections		
Eaves and Awnings	≤2 ft. into any yard	
Bay Windows	≤2 ft. into side or rear yard	
Balconies	≤8 ft. into any yard	
Porches or Stoops	≤8 ft. into front yard	
ADA Compliant ramps	May project into any yard	
Driveways		
Non-residential Parking Location	Side or rear yard	
Residential Driveway Width	Front yard maximum:	Maximum 12 ft.
	Side yard maximum:	Equal to garage width
Corner Lot Minimum Setbacks	20 ft. from any road right-of-way or easement	
Fences, Walls and Garden Walls		
Height	30 in. maximum where adjacent to streets, sidewalks, and parks	
	48 in. maximum in side and rear yards, behind facade	
Design	Must meet requirements of Section 10.0344	

B. *Principal Building Requirements.*

NC - Neighborhood Center Zone		
Principal Building Requirements		
Setbacks/Build-To Line		
Front Yard Build-To Line	6 ft. or 12 ft.	
Rear Yard Setback	25 ft.	
Side Yard Setback	4 ft.	
Roof Pitch		
Minimum	4:12	
Maximum	12:12	
Building Height		
Minimum/Maximum	Two stories/35 ft.	
Ground Floor Elevation	2—4 ft. above grade	
	Maximum 6 ft. above curb of adjacent street	
Floor Area		
Minimum	1,200 sq. ft.	
Facades		
Building Design	See Section 10.2509	
Windows	10%—30% required transparency	
	Windows facing street must be taller than they are wide (typically 2:1)	
Entrances	At least one usable door facing front lot line	
	Second door for duplexes may face side or rear yard	
Front-facing Attached Garage	Cannot encompass more than 50% of facade width	
Attached Garage Setback	20 ft. from front facade	
Front porch or stoop		
Each residential building shall have a front porch or stoop		
Porch size	Minimum depth	8 ft.
	Minimum width	8 ft.
Stoop Size	Minimum depth	4 ft.

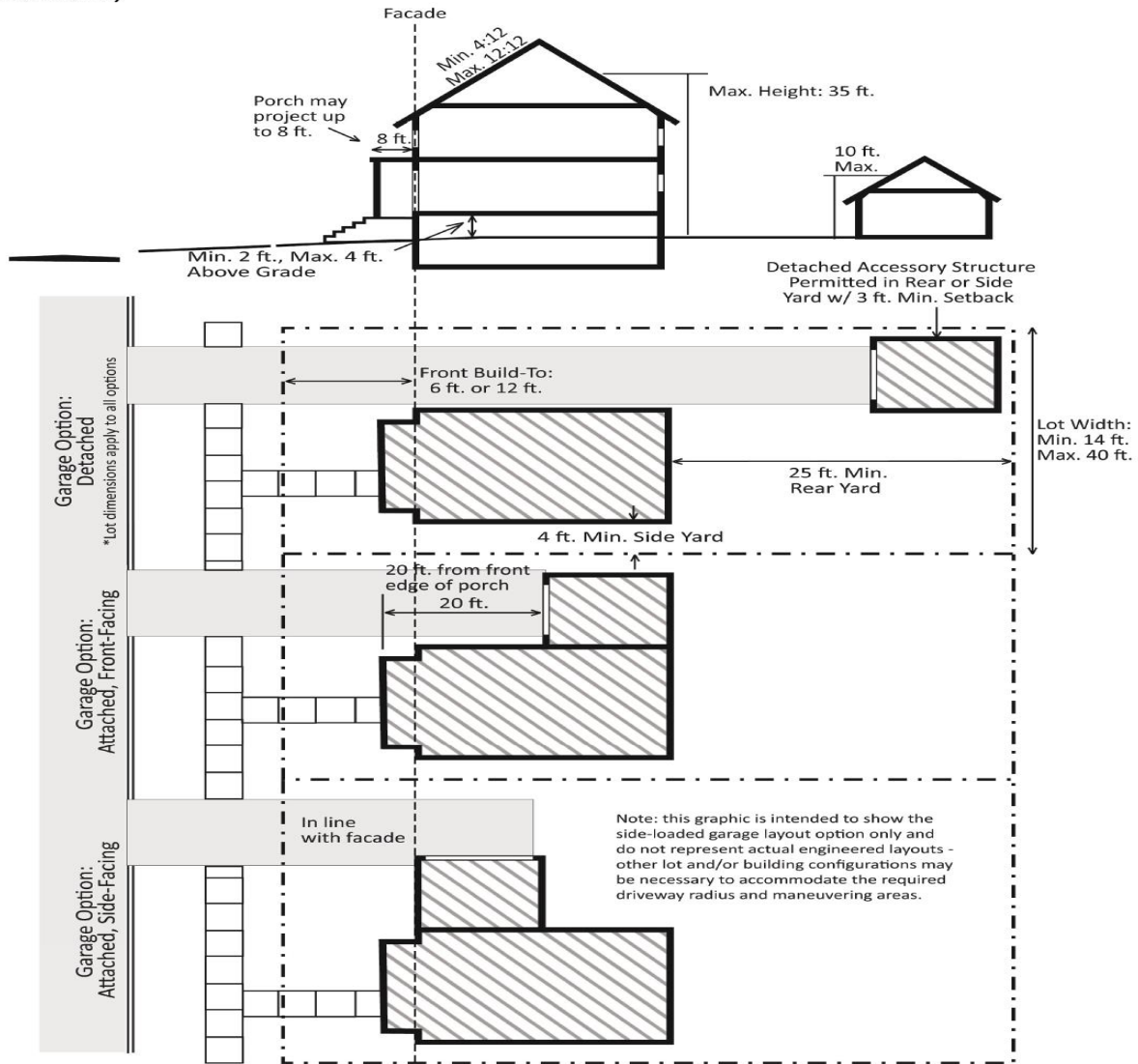
	Minimum width	5 ft.
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C. *Accessory Building Requirements.*

NC - Neighborhood Center Zone		
Accessory Building Requirements		
All Detached Buildings		
Side Setbacks	3 ft.	
Rear setbacks	3 ft.	
Building materials/colors	Shall match or complement principal building	
Detached Garages		
Location	Side or rear yard	
Front Setback	Side-facing	In line with front facade
	Front-facing	Min. 20 ft. from front of porch or stoop
Maximum Height	15 ft.	
Maximum Size	800 sq. ft.	
Ancillary Dwellings		
Number	Maximum one per lot	
Location	Rear yard only	
Maximum Height	10 ft.	
Maximum Size	800 sq. ft.	
Other Accessory Structures		
Number	Maximum one per lot	
Location	Rear yard only	
Maximum Height	10 ft.	
Maximum Size	150 sq. ft.	

(Ord. No. 10-43, 7-27-11)

**NC – Neighborhood Center Zone Dimensional Requirements
(not to scale)**



Sec. 10.2508. CD - Core Downtown Zone Requirements.

A. Site Layout Requirements.

CD - Core Downtown Zone	
Site Layout Requirements	
Notes:	
There are no minimum or maximum lot sizes.	
There are no maximum lot coverage requirements.	
Building Placement	
Facade	Must occupy at least 75% of lot width
	Building must be oriented parallel to the street
Projections	

Eaves and Awnings	≤2 ft. into any yard
Bay Windows	≤2 ft. into side or rear yard
Balconies	≤8 ft. into any yard
Porches or Stoops	≤8 ft. into front yard
ADA Compliant ramps	May project into any yard
Driveways	
Parking	At least 75% of the parking area must be in the rear yard
Access	Via rear yard or alley
Corner Lot Minimum Setbacks	30 ft. from any road right-of-way or easement

B. *Principal Building Requirements.*

CD - Core Downtown Zone	
Principal Building Requirements	
Setbacks/Build-To Line	
Front Yard/Build-To Line	0 ft. or 6 ft.
Rear Yard Setback	0 ft.
Side Yard Setback	0 ft. where adjacent to other CD zoned sites 3 ft. where adjacent to any other zone
Roof Design	
Pitched Roofs	Minimum 4:12 pitch Maximum 12:12 pitch
Flat Roofs	A minimum 42 inch tall parapet shall be installed to conceal mechanical equipment visible from the street level
Building Height	
Maximum	35 ft.
Minimum	24 ft.
Maximum Ground Floor Height	16 ft. 6 in.
Ground Floor Elevation	At grade
Minimum Floor Area for Residential Units	
Studio Units	400 sq. ft.
1 Bedroom Units	600 sq. ft.
2 Bedroom Units	800 sq. ft.
Facades	
Building Design	See Section 10.2509 Ground floors shall be designed as storefronts with windows, doorways and sign panels that are integrally designed Architectural variation through design, windows, or recesses required every 30 ft.
Window Area Requirement	Ground Floor: 60% to 75% Upper Floors: 40% to 60% Windows facing street must be taller than they are wide (typically 2:1)
Entrances	One usable door every 50 ft. of front building wall At least one usable door facing street or front lot line Entrances must be recessed

(Ord. No. 10-43, 7-27-11)

Sec. 10.2509. Building Design Standards.

A. Purpose.

1. These guidelines are not intended to discourage creative design or individuality; rather they are intended to foster a consistent image for the Macomb Town Center that will distinguish it as a special place.
2. The goal of these standards is to encourage buildings to relate to one another, building by building and site by site by incorporating traditional design principles. This term does not define a particular style or period, but is generally understood to embody architectural characteristics and elements of previous periods or styles. They are basic and transferable to all good architecture.

B. Residential Building Design Standards.

1. *Building Materials.* Durable building materials that provide an attractive, quality appearance should be used on the building exterior, such as brick, wood, cement board siding or a combination thereof. Use of EIFS (synthetic stucco), narrow plank vinyl, and metal siding shall be used only for accent details.
2. *Windows.* Windows on the front facade shall be taller than they are wide. Windows shall be vertically oriented, with proportions typically twice the height in relation to the width.

C. Civic Building Design Standards.

1. *Intent.* Civic buildings such as religious institutions, schools and municipal buildings often embody a certain character that has been shaped by our culture and experiences. Because of their unique function, character, and role as social and cultural anchors of the town center, these buildings are evaluated based on qualitative standards rather than rigid requirements. This allows the proper flexibility in site and building design required to provide for the various types and styles of buildings that fall within this category.
2. *Standards.* Reasonable flexibility in design shall be permitted for civic buildings that achieve the following:
 - a. *Setbacks.* Buildings may be setback farther than prescribed for other buildings, but shall be located to relate to adjacent public squares and the street.
 - b. *Mass.* Civic buildings may be massed as required to achieve the desired character. Civic building entrances should be located where they achieve prominence, either at the terminus of a street or vista.
 - c. *Height.* Civic building appurtenances may be permitted to exceed the maximum height, pursuant to Section 10.0311.B.1, Yard and lot area requirements.
 - d. *Architecture.* Building design should embody the type of civic building proposed. Quality building materials, building relief, and ornamental elements should be incorporated to provide the type of monumental structures desired in the Town Center.

D. Commercial Building Design Standards.

1. *Form.* Buildings must be of compatible form, scale, detail, proportion, material, color and texture to the established or desired character, without any one building becoming visually prominent through flamboyance, irregular form or marked differentiation of materials.

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2. *Transitional Architectural Elements.*
 - a. The ground and upper floors of a two-story building should be clearly distinguished from one another, which can be accomplished by a storefront cornice that also contains a consistent band for signage.
 - b. The base of a building should be clearly defined by elevating storefront windows. Virtually all storefronts typically contain a base panel below the display windows, which can be constructed of various materials. The base panel provides a strong anchor for the storefront, placing the display area at an effective viewing height and also acts as a kickplate.
 3. *Building Materials.* Durable building materials that provide an attractive, quality appearance should be used on the building exterior, such as brick, decorative masonry block, wood, cement board siding or a combination thereof. Use of EIFS (synthetic stucco), narrow plank vinyl, and metal siding shall be used only for accent details. Because of issues related to durability and damage, EIFS should only be used well above the ground plane.

(Ord. No. 10-43, 7-27-11)

Sec. 10.2510. Rural Preserve and Common Space Zones.

The following shall apply:

A. *Rural Preserve Zone.*

1. Rural Preserve Zones shall be located as shown on the Regulating Plan (see Appendix A) except boundaries may be adjusted in an effort to preserve existing wetlands and/or woodlands. Justification for adjustments shall be based on developer funded surveys/studies and/or as more accurate documentation becomes available.
2. Rural Preserve zones shall be preserved in a natural state; any proposed improvements shall be subject to the regulations of this Article.
3. Rural Preserve zones shall be designated as either common or public spaces. Ownership and maintenance shall be transferred to either a condominium association (common) or a governmental authority (public) as may be established by the Township.

B. *Common Space Zone.*

1. The Macomb Town Center was designed with four (4) general neighborhoods or quadrants. Each neighborhood is intended to contain at least one large central open space, and several smaller parks, squares and greens distributed throughout the neighborhood.
2. A minimum of three percent (3%) and a maximum ten percent (10%) of the gross site area shall be permanently designated as open space.
 - a. The Central Open Space shall be located as shown on the Regulating Plan (see Appendix A) except boundaries may be adjusted in an effort to create meaningful open spaces.
 - 1) Then central open space should be designed as a plaza, square or green.
 - 2) The total size shall be no less than one half (0.5) acres nor more than six (6) acres in size.
 - 3) Where the common spaces shown on the Regulating Plan overlap property lines, developments shall make every effort to align park boundaries and intersecting streets to existing development, or where none exist, to the location prescribed on the Regulating Plan.

- b. Other parks, squares and greens shall be distributed among the neighborhood, so that they are located roughly within six hundred (600) feet of all home sites. Such areas may range in size from one-half (0.5) acres to two (2) acres.
- C. *Required Improvements.* It is envisioned that the RP and CS zones will include a system of integrated pathways and natural areas. During the development review process, the Township may require construction of non-motorized pathways needed to complete the system or to connect to adjacent sites, public spaces or destinations.

(Ord. No. 10-43, 7-27-11)

Sec. 10.2511. Application and Review Procedures.

A. *Required Reviews.*

1. *Development of Property.*

- a. Development of property in the Macomb Town Center shall be considered a special land use, subject to the special land use standards of Section 10.2401.5.a.
- b. Approval of development plans shall be processed as described in this Section.
- c. Where applicable, developments shall also be subject to Chapter 17, Land Division Regulations of the Macomb Township Code of Ordinances.

2. *Construction.* Construction on individual parcels, lots or sites shall follow the process as prescribed by the Macomb Township Building Department. Where site plan review is required (i.e. for construction of commercial structures), it shall be reviewed according to the Final Plan review process.

B. *Submittal requirements for development of property.* Applications shall be submitted in the form required by the Macomb Township Planning Department. A site plan shall be prepared according to the requirements of Section 10.2402B. "Requirements." At a minimum, the following must be provided:

	Pre-Application Review	Preliminary Review	Final Review
Twenty (20) copies of a site plan, drawn to a minimum scale of one (1) inch equals fifty (50) feet, containing the following:	x	x	x
* Seal of the registered architect, landscape architect, community planner, land surveyor or professional engineer who prepared it		x	x
* Legal description, address and zoning classification of the particular site		x	x
* North point and size in acres		x	x
* A general location map at a scale of four (4) inches equals one (1) mile giving site location is also required on the site plan.		x	x
* Locations of the existing and proposed structures and improvements		x	x
* Locations of existing and proposed right-of-way all roads within and adjoining the site, together with the proposed zoning, existing buildings or improvements	x	x	x

on all land adjacent to the site within two hundred (200) feet.			
* The site plan shall show the locations and dimensions of individual sites for proposed structures.	x	x	x
* The site plan shall include a site illumination plan, pursuant to Section 10.0340 of this Ordinance.		x	x
* Existing and proposed topography drawn to at least two-foot contour intervals shall be shown on the site plan. Benchmarks for the elevations shown on the drawing shall be properly indicated.	x	x	x
Landscaping plan showing existing trees, and all proposed landscaping		x	x
Statistical data shall be furnished including: Number of dwelling units, size of dwelling units (e.g. one (1) bedroom, two (2) bedroom and three (3) bedrooms), if any, and the total gross acreage involved.	x	x	x
Three (3) copies of engineering plans showing details of all utilities, paving and grading			x
Association documents that incorporate the Building Design Standards of Section 10.2509 and provide for the maintenance of common open space areas. The method of transferring ownership of land within the Common Space (CS) and Rural Preserve (RP) zones shall accompany the submittal.		x	x
Affidavit of Ownership	x	x	x
A Notice of TND, in a form acceptable for recording with the Macomb County Register of Deeds, notifying all future property owners that the property is in Macomb Town Center and subject to this Town Center Planned Unit Development Article.			x

C. *Internal Preliminary Review.*

1. *Town Center Committee.* A Town Center Committee (TCC) shall be established to review, regulate, enforce, and recommend approval or denial of all proposals for the MTC as provided for herein. The TCC shall consist of the following members:
 - a. The Township Supervisor. The Supervisor shall also act as the Chair of the TCC, and may convene meetings of the TCC as needed to review applications or decide on deviations.
 - b. The Township Planner.
 - c. The Township Engineering Consultant.
 - d. The Township Legal Counsel.
 - e. The Township Sewer and Water Superintendent.
 - f. The Township Building Official.
 - g. The Township Fire Chief.
 - h. The Township Assessor.

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2. *Administrative Review.* Before action is taken on an application by TCC or Township Board, they shall be reviewed by members of the TCC to determine compliance with the requirements of this Article.
 - a. The Planning Department, upon receipt of a complete application, shall distribute the plans to each TCC member for review, written comment and recommendation for approval, approval with conditions or denial.
 - b. Applications receiving positive recommendations from all TCC members shall be forwarded to body with approval authority, as named in this Section.
 - c. Applications not receiving positive recommendations shall be returned to the applicant, along with a summary of compliance deficiencies, and/or direction to amend the plans.
- D. *Actions.* Following Internal Preliminary Review described above, applications shall be reviewed in the following steps:
1. *Pre-application Review.* Prior to the preliminary application, the applicant shall submit in writing to the Planning Department, a request for Pre-application Review with the TCC. The applicant may request more than one (1) pre-application conference. The TCC shall provide the applicant with general feedback regarding the site layout, configuration and general compliance with the requirements in this Article.
 2. *Preliminary Plan.*
 - a. The TCC shall make a recommendation to the Macomb Township Board of Trustees as to whether a proposal meets applicable regulations.
 - b. Upon receipt of a recommendation from the TCC, the Township Board shall schedule a public hearing and consider the preliminary application at its next regular meeting. The Township Board shall either reject the preliminary application and give its reasons in writing, or grant approval to the preliminary application.
 - c. Approvals shall be declared void if the Petitioner fails to file an application for Final Plan Review within one (1) year of receiving Board approval. The Township Board may, for good cause and upon request, extend the time period for one (1) additional year. If the time period expires before an extension has been granted then a new application for Preliminary Review shall be required and any prior reviews and/or approvals shall be declared void.
 3. *Final Plan.*
 - a. Final Plan approval is the second step of approval for all development applications. For construction applications, Final Plan review shall replace the site plan review process prescribed in Article XXIV required for activity subject to Site Plan Review according to Section 10.2402.
 - b. The TCC shall make a recommendation to the Macomb Township Board of Trustees as to whether a proposal meets applicable regulations.
 - c. The Macomb Township Board shall have authority to review and approve, approve with conditions, or deny a proposal.
 - d. Approval shall be valid for one (1) year. If a construction permit has not been obtained and substantial construction has not started within one (1) year from the date of Board approval it shall become null and void unless renewed or extended by specific Board action. If the time period expires before an extension has been granted then a new application for Final Review shall be required before any permits can be issued.
 - e. To help guarantee compliance with this Article and any conditions associated with approvals and to ensure faithful completion of the improvements within two (2) years from the date of Final

Plan approval the Township will require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township be deposited with the Township Planning Department, who shall record its receipt and forward it to the Treasurer. The amount of the bond or deposit shall be determined by the TCC and agreed to by the Township Board, but shall be in an amount sufficient to cover the cost of improvements associated with the project for which site plan approval has been granted.

- f. The financial guarantees may be released by the Township Board in whole or in part, upon verification by the TCC that the requirement improvements for the entire development or phase in question have been completed according to the approved site plan.

(Ord. No. 10-43, 7-27-11; Ord. No. 10-60, § 1, 4-13-16)

Sec. 10.2512. Deviations from code and plan changes and revisions.

- A. *Deviations from Town Center Regulations.* Deviations from the requirements of this Article may be requested from the Township Board during either the preliminary or final site plan review process as follows:
 - 1. A request for a deviation must be submitted in writing, accompanied by a preliminary or final site plan that clearly shows the requested deviation. A narrative shall be submitted stating the following:
 - a. Whether the deviation is necessary to improve site circulation, preserve natural features, or to provide for a higher standard of landscaping or architecture.
 - b. Whether the requested deviation preserves the purpose and intent of the Macomb Town Center.
 - c. Whether the requested deviation is necessitated by a condition related to the site, rather than simply as a means to reduce costs or as a matter of general convenience.
 - 2. The Township Board shall consider the above standards when reviewing a request for a deviation and may take other relevant factors into consideration. The Board may approve such a request if it finds that the standards of review are met and that the deviation is in the best interest of the public health, safety and welfare of Macomb Township.
- B. *Major Change to Approved Site Plan.* Requests for a major change a Final Site Plan must be submitted to the TCC for its review and recommendation to the Township Board. Upon receipt of the revised site plan and appropriate fees, the Township Planning Department shall forward the application to the TCC. The TCC shall review the changes which have been made to the site plan, make a recommendation to the Township Board, and, if approved, the Planning Department shall distribute the revised plan to all appropriate departments. A major change may cause any of the following:
 - 1. A change in the use or character of the development.
 - 2. A change in the density of dwelling units or the mix of land uses.
 - 3. Problems with traffic circulation.
 - 4. A change of more than five (5) percent in approved open space.
 - 5. A significant departure from the overall intent of the plan for Macomb Town Center.
- C. *Minor Change to Approved Site Plan.* Minor changes to the Final Site Plan may be approved by the TCC. A minor change is a technical alteration that does not change the character, nature, intent or use of the original plan. An application for a minor change may be reviewed and approved by the TCC without the necessity of approval by the Township Board. An amended site plan showing the change approved by the TCC must be filed with the Township Planning Department.

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- D. *Revision to Approved Site Plan.* A revision is a correction to the site plan that is truly minor in nature and can be reviewed and approved by staff in consultation with the TCC Chair. The following would be considered a minor revision:
1. A landscape plan that is modified to replace approved plants with similar landscaping on an equal-to or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site.
 2. Relocating a dumpster.
 3. A change in floor plans or building facades which does not alter the overall intent of the plan for Macomb Town Center and its desired character.
 4. Adjustments to underground utilities and service lines provided they are reviewed and approved by the Township engineer and "as-built" plans are provided.
 5. A minor change to site access or circulation, such as relocating curb cuts without affecting the overall intent of the site plan and neighborhood character.
 6. Changes of building materials to another of higher quality, or a slight change in the color of the exterior material.
 7. Grade change of up to one (1) foot, after review and approval by the Township engineer.
 8. Sign placement, or reduction in size of signs, consistent with the intent of the approved site plan.
 9. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
 10. Changes required or requested by the Township, County or State for safety reasons.
- E. *Appeals.* The Township Zoning Board of Appeals shall not have jurisdiction to reverse or vary any standard of this Article.

(Ord. No. 10-43, 7-27-11; Ord. No. 10-60, § 1, 4-13-16)

Sec. 10.2513. General Provisions.

- A. This Article is applicable to Macomb Town Center, generally known as Section 9 of Macomb Township. All development, change of land use and construction, reconstruction, alteration, or erection of any structure within the MTC shall be subject to the provisions of this Article.
- B. The Regulating Plan and Conceptual Site Plan, as shown in Appendix B, shall define specific zoning categories (hereinafter called "zones"), for all specified areas within MTC.
- C. Plans that have received final Township approval prior to the date of this amendment that contain deviations from code requirements shall be considered legally non-conforming.
- D. Where conflicts occur, the health and safety provisions of the Macomb Township Building and Fire Codes shall take precedence.
- E. Where conflicts occur, the provisions of the Americans with Disabilities Act (ADA) and/or the Michigan Barrier Free Code shall prevail.
- F. Where the provisions of this Article conflict with other provisions of the Macomb Township Zoning Ordinance, No. 10, and the Macomb Township Code of Ordinances, the provisions of this Article shall prevail.

(Ord. No. 10-43, 7-27-11)

Sec. 10.2514. Lighting Requirements.

- A. *Type.* Street lighting shall be "Acorn Style" pole mounted fixtures offered by Detroit Edison. Final layout and design shall be in compliance with Detroit Edison Standards and be submitted for TCC review.
- B. *Assessment District Required.* Installation and maintenance of street lighting shall be paid through a Special Assessment District, established according to procedures required by Macomb Township.
- C. *Locations.* Street lights shall be located as approved by DTE Energy; however, where feasible, lighting should be provided in the following locations:
 - 1. At least one (1) fixture shall be located at each intersection.
 - 2. In the Neighborhood Edge (NE) and Neighborhood General (NG) Zones, fixtures shall be provided on both sides of the street, spaced every two hundred sixty (260) to two hundred eighty (280) feet on-center.
 - 3. In the Neighborhood Center (NC) Zone, fixtures shall be provided on both sides of the street, spaced every one hundred five (105) to one hundred forty-five (145) feet on-center.
 - 4. In the Downtown Core (DC) Zone, fixtures shall be provided on both sides of the street, spaced every eighty (80) to one hundred (100) feet on-center.

(Ord. No. 10-43, 7-27-11)

Sec. 10.2515. Thoroughfare Requirements.

- A. The Thoroughfare Plan, Appendix B, defines the location of thoroughfares. The location, connection, and alignment for every thoroughfare shall be consistent with the Thoroughfare Plan except that a thoroughfare location may be adjusted by no more than one hundred (100) feet in either direction to accommodate existing site conditions such as a watercourse, wetlands, and woodlands. Additional modifications are subject to Township approval.
- B. A thoroughfare, rear alley, or rear lane, shall provide vehicular access to every tract and lot.
- C. A Clear Vision Zone, as described in Section 10.0313, shall be maintained at all thoroughfare intersections.

(Ord. No. 10-43, 7-27-11)

Sec. 10.2516. Landscaping Requirements.

- A. *Street Trees.* All thoroughfares shall be planted with deciduous Street Trees, as follows:
 - 1. Trees shall be planted within ten (10) feet of the front property line.
 - 2. Trees shall be at least a two and one-half (2.5) inch caliper in size.
 - 3. One (1) street tree shall be planted on both sides of thoroughfares at an average spacing of thirty-five (35) feet on-center. The Township may allow clustering of trees, and spacing adjustments if necessary.
 - 4. A street tree may be substituted by a hedge along the Frontage Line. For corner lots, a hedge located along the frontage line of the side street may be used to substitute two (2) frontage trees.
- B. *Parking lot screening.*
 - 1. *Greenbelt.* All parking lots abutting residential uses shall be buffered by a six (6) foot high masonry wall or by an eight (8) foot wide greenbelt meeting the following:

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- a. A greenbelt shall consist of a solid planting strip of evergreen trees or shrubs which are at least five (5) feet tall at the time of planting or will achieve that height within one (1) full growing season after planting. They shall be planted and maintained in a healthy growing condition.
- b. Greenbelt plantings may include the following:
 - 1) Norway Spruce, Austrian Pine or Scotch Pine.
 - 2) Shrubs may be Arborvitae or upright Junipers that are maintained as a clipped hedge.
2. Parking lots in the front yard shall be screened by a minimum thirty-six inches (36") and a maximum fifty-four inches (54") tall street wall or hedge that matches the principal structure.
3. A Clear Vision Zone, as described in Section 10.0313, shall be maintained at all thoroughfare intersections.

(Ord. No. 10-43, 7-27-11)

Sec. 10.2517. Parking Requirements.

A. Required Parking.

1. The number of required parking spaces shall be provided in the number specified in the table below. Parking shall not exceed the required amount.
2. Parking for uses not specified shall be provided according to Section 10.0323 of the Macomb Township Zoning Ordinance.
3. Mixed-use buildings may share parking per Section 10.2517B.3.
4. Required parking shall be based on gross square feet of the building, or area of use served.

USE	Parking Requirement
Residential Uses	
Detached One-family dwelling	2 spaces per principal dwelling
One Ancillary dwelling	1 space per ancillary unit
Two-Family Dwellings	2 spaces per dwelling unit
Multi-Family Dwellings	1 space for each studio or one-bedroom unit
	2 spaces for each 2 or more bedroom unit
	Parking in the CD zone may be reduced to .8 spaces per unit if on-street parking is available
Commercial Uses	
General Retail and Convenience Stores	1 space per 150 s.f.
Personal Service Establishments, including salons, dry cleaners (pick-up establishments only)	1 space per 150 s.f.
Professional Offices	4 spaces per each 1,000 s.f. of gross office space
Restaurants without drive-through	1 space per 75 s.f.

B. Parking Area Design Requirements. Non-residential parking areas shall be designed according to the following requirements:

1. *Location.* Parking lots shall be located at the rear of a building. Where visible from a thoroughfare, it shall be screened per Section 10.2516.B.2.

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2. *Cross-Connections.* Adjacent parking lots shall interconnect and curb cuts shall be shared when feasible.
 3. *Shared parking.* Where day/night or weekday/holiday schedules allow parking spaces to be used by more than one building and/or use, parking requirements may be reduced by ten percent (10%) to fifty percent (50%). The amount of reduction shall be based on a parking analysis provided by the applicant and approved by the Town Center Committee. The TCC shall make a recommendation to the Board of Trustees, who shall have final authority.
 4. *On-street Parking.* On-street parking within seven hundred fifty (750) feet from the building entrance may be considered toward fulfilling the parking requirement of a use.
 5. *Design Requirements.* Parking lots shall be designed according to the requirements of Section 10.0323 of the Macomb Township Zoning Ordinance.
 6. *Tandem Parking.* Tandem parking, located within and in front of a garage associated with a private residential unit, may be used to satisfy that unit's parking requirements. Tandem parking is expressly prohibited in all other instances.

(Ord. No. 10-43, 7-27-11)

Sec. 10.2518. Signs.

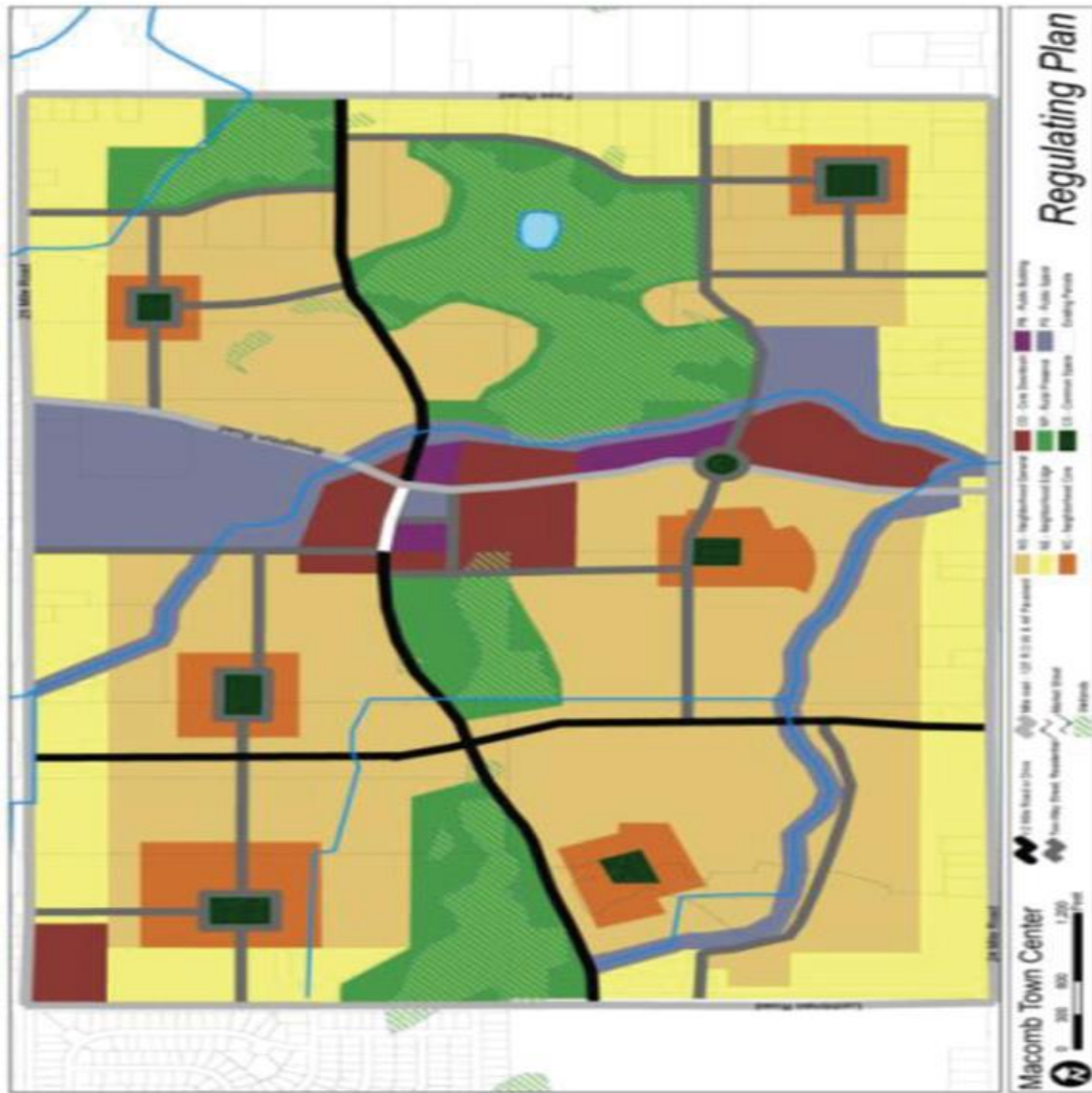
- A. *General Sign Provisions.* The following sign provisions shall apply in all zones:
 1. Wall signs shall be designed to be integral with and relate to the overall composition of a building facade including windows, doors and other architectural features.
 2. The combined size of a business identification sign shall not exceed one (1) square foot for each linear foot of building frontage associated with a use.
 3. An exterior building sign, excluding safety related signs, must only advertise a business that is transacted, or goods sold, or produced on the premises.
 4. Address numbers shall be no taller than eight inches (8") and the quantity and location shall be as required by the United States Post Service.
 5. For a home occupation, only one professionally made sign shall be permitted. Such signs must not be illuminated nor exceed (2) square feet in area and must be mounted flat against a wall. Any temporary and/or portable promotional signs, posters, or other graphic displays are prohibited.
 6. Signs and lettering shall be dimensional in nature, in that lettering shall be slightly raised above the sign surface.
- B. *Specific Sign Provisions.* The following sign provisions shall apply to office, commercial, and retail uses:
 1. Signs may be located in an external sign band or zone with a maximum vertical dimension of two (2) feet that is positioned on the front wall of a building directly above the ground floor. The sign band or zone may contain a single or multiple signs.
 2. Projecting signs that are perpendicular to a building facade are permitted. Such a sign shall extend no more than four (4) feet from a facade, be no more than one and one-half (1½) feet tall, four (4) feet wide and be no greater than six (6) square feet per side. One (1) projecting sign is allowed per business located on the first or second floor of a building provided that such signs have a minimum vertical clearance of eight (8) feet above a sidewalk and are spaced no less than twenty (20) feet apart horizontally.

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3. Stenciled or painted window signs are permitted as long as they are not taller than one and one-half (1½) feet and wider than four (4) feet.
 4. Awnings may be allowed according to the following restrictions:
 - a. The vertical edge of an awing may contain a stenciled sign that is no taller than eight (8) inches.
 - b. Only traditional awnings made of canvas or other similar material are permitted. Vinyl barrel-vault style awnings are prohibited.
 - c. Awnings may not be internally illuminated or backlit.
 5. Exterior signs may be externally illuminated but shall not be translucent, unless approved by the Macomb Township Board of Trustees. Neon signs, no more than four (4) square feet in area, are permitted inside a storefront pursuant to provisions of local ordinances and Macomb Township Board of Trustee approval.
 6. Store front windows and doors shall be covered by no more than two (2) square feet of signs, attached to the inside of the storefront, that indicate such things as accepted credit cards, hours of operations, or advertising posters. Any such signs on the outside of a storefront are prohibited.
 7. Signs that move, flash, scroll or are otherwise animated are prohibited.
 8. Temporary sale or promotional signs shall be permitted as follows:
 - a. Promotional signs not exceeding fifteen (15) square feet in area that are attached to the inside of a storefront, advertising an event or sale, shall be permitted for up to forty-five (45) days per year.
 - b. One (1) temporary sandwich board sign per business is permitted. It shall not exceed six (6) square feet per side and can only be displayed during business hours. Such signs may only be located on the sidewalk directly in front of the advertised business and positioned directly adjacent to the building so that it does not present a hazard to public health, safety and welfare. If located in a public right-of-way a temporary encroachment permit must be first secured from the Township.

(Ord. No. 10-43, (10.2517), 7-27-11)

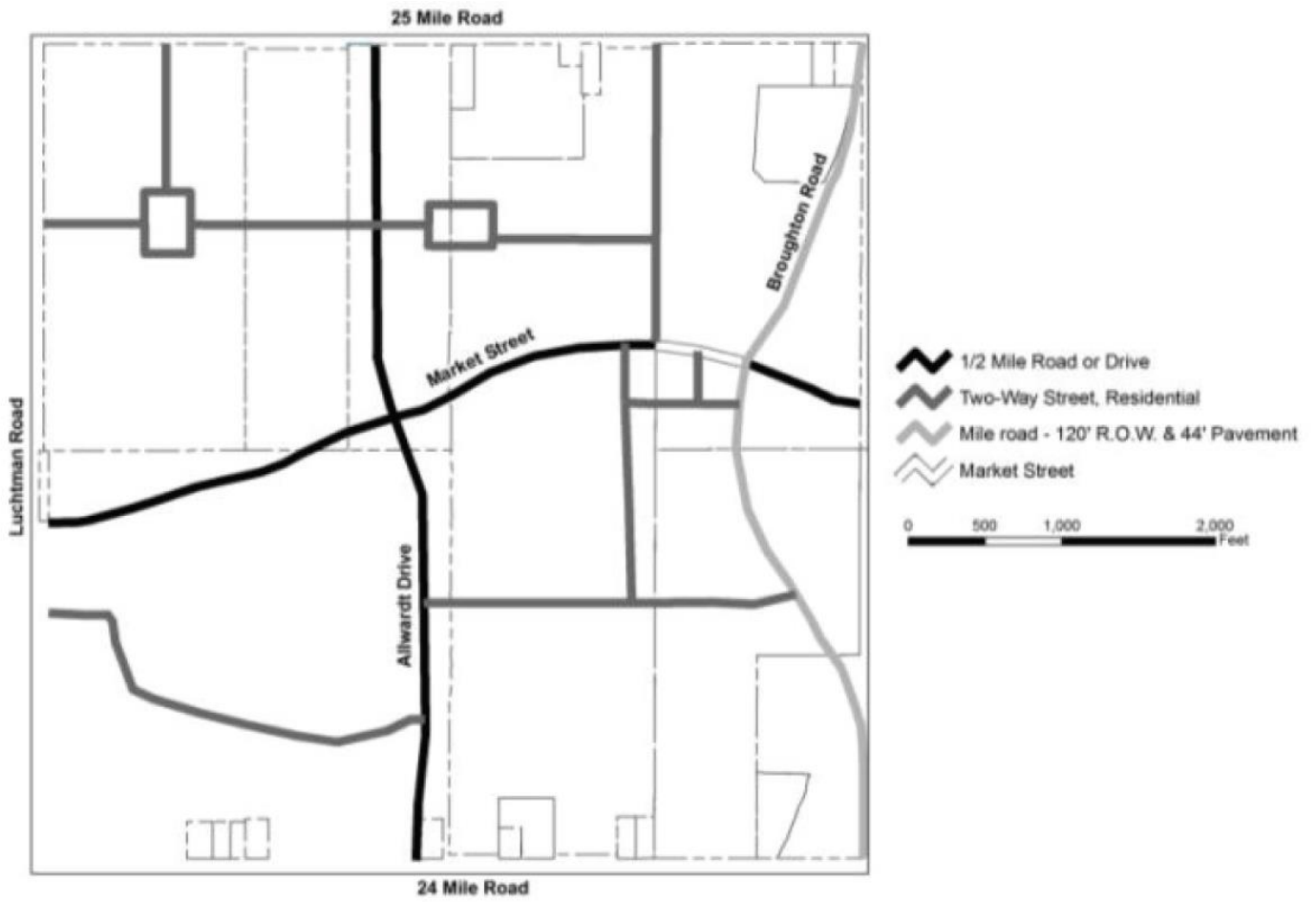
Editor's note(s)—Ord. No. 10-43, adopted July 27, 2011, supplied provisions to be added to this Code as § 10.2517. In order to maintain consistent section numbering, and ease of use, at the discretion of the editor, this section has been redesignated as § 10.2518.

APPENDIX A. REGULATING PLAN



(Ord. No. 10-43, 7-27-11)

APPENDIX B. THOROUGHFARE PLAN



(Ord. No. 10-43, 7-27-11)

APPENDIX C. ZONING CATEGORIES

Traditional Neighborhood Deve



RP	NE	NG	NC	CD
<p>Rural Preserve Zone:</p> <p>The sector with noteworthy concentrations of natural features that justify preservation. These areas are generally at the periphery of neighborhoods and adjacent to edge zones and/or general zones. They serve as passive areas for leisure, recreation, and nature preservation.</p>	<p>Neighborhood Edge Zone:</p> <p>The least dense, most purely residential sector of the neighborhood. The size varies as a proportion of the overall area depending on whether the model is more rural (village-like) or more urban (town-like).</p>	<p>Neighborhood General Zone:</p> <p>The sector that is mixed in function, while principally residential. It has a generalized character and is usually the largest area of the neighborhood.</p>	<p>Neighborhood Center Zone:</p> <p>The dense multi-functional neighborhood. It is usually at a central location, within walking distance of the surrounding, primarily residential areas.</p>	<p>Core Downtown Zone:</p> <p>The most dense commercial center comprised of business, office, retail, and institutional uses. It is usually shared by several neighborhoods. Most often it straddles thoroughfares at their most active intersection. It is usually within walking distance of a residential neighborhood.</p>
<p>Land use is restricted to passive recreation and civic uses.</p>	<p>Land use is restricted, combining residential uses with certain other uses only within the outbuilding.</p>	<p>Land use is restricted and/or limited, permitting the controlled combination of residential uses with other uses.</p>	<p>Land use is limited and/or open, encouraging the combination of residential and other uses.</p>	<p>Land use is open, encouraging the combination of residential and other uses.</p>
<p>Building types are limited to civic buildings that the township town center committee may conditionally approve.</p>	<p>Buildings are of the freestanding types: estate and house.</p>	<p>Buildings are of the medium density, attached or detached types: house, cottage, sideyard, townhouse, and apartment.</p>	<p>Buildings of the higher density, attached or detached types: cottage, sideyard, townhouse, apartment building, live work and commercial buildings, including retail and office buildings.</p>	<p>Buildings of the high density, attached or detached types: apartment building, live work and commercial buildings, including retail & office buildings.</p>
<p>Frontage types are not applicable to rural areas, however, rural areas shall have a percentage of its perimeter as frontage on a thoroughfare.</p>	<p>Frontages which weakly define the public space with generous setbacks. Frontage types are: common lawn, porch and fence.</p>	<p>Frontages which vary with medium setbacks. frontage types are: common lawn, porch and fence, and dooryard and lightcourt.</p>	<p>Frontages which define continuous streetwalls with shallow setbacks and wide pedestrian walks. frontage types: porch and fence, dooryard and lightcourt, forecourt, stoop, shopfront and awning.</p>	<p>Frontages which define continuous streetwalls with shallow setbacks and wide pedestrian walks. frontage types: arcade, shopfront and awning.</p>
<p>Streetscapes which contribute to the picturesque visual amenity and security of rural areas by limiting building to one side of a street or road opposite the rural area.</p>	<p>Streetscapes which create rural or picturesque conditions: road, and residential street, usually curvilinear.</p>	<p>Streetscapes which create a variety of conditions: road, residential street, and avenue.</p>	<p>Streetscapes which create urban conditions: residential street, market or "main" street, avenue and boulevard.</p>	<p>Streetscapes which create the most urban conditions: market or "main" street, avenue, and boulevard.</p>
<p>Thoroughfares are roads and drives. Buildings and/or rural sites may be served by lanes for service vehicles only. Pedestrian access shall be provided by paths.</p>	<p>Thoroughfares are roads and streets. buildings may be served by lanes, however, lanes are optional.</p>	<p>Thoroughfares are avenues, streets and roads. All buildings served by rear lanes, parking is required to be located to the rear of lots except parallel parking on streets.</p>	<p>Thoroughfares are avenues and streets. at building areas served by rear alleys, parking lots are located at rear of buildings with parallel parking on streets.</p>	<p>Thoroughfares are market or "main" streets and commercial streets. All buildings are served by rear alleys, parking lots located at the rear of buildings, and parallel or angled parking on streets.</p>
<p>Open space is of the most rural and natural character and is free form in shape as dictated by the configuration of the natural features contained therein.</p>	<p>Open space is organized as parks and greenbelts.</p>	<p>Open space is organized as parks and greens.</p>	<p>Open space is organized as, formal, rectilinear plazas and squares with street trees and building frontages defining and enclosing the space.</p>	<p>Open space is organized as, formal, rectilinear plazas and squares with street trees and building frontages defining and enclosing the space.</p>

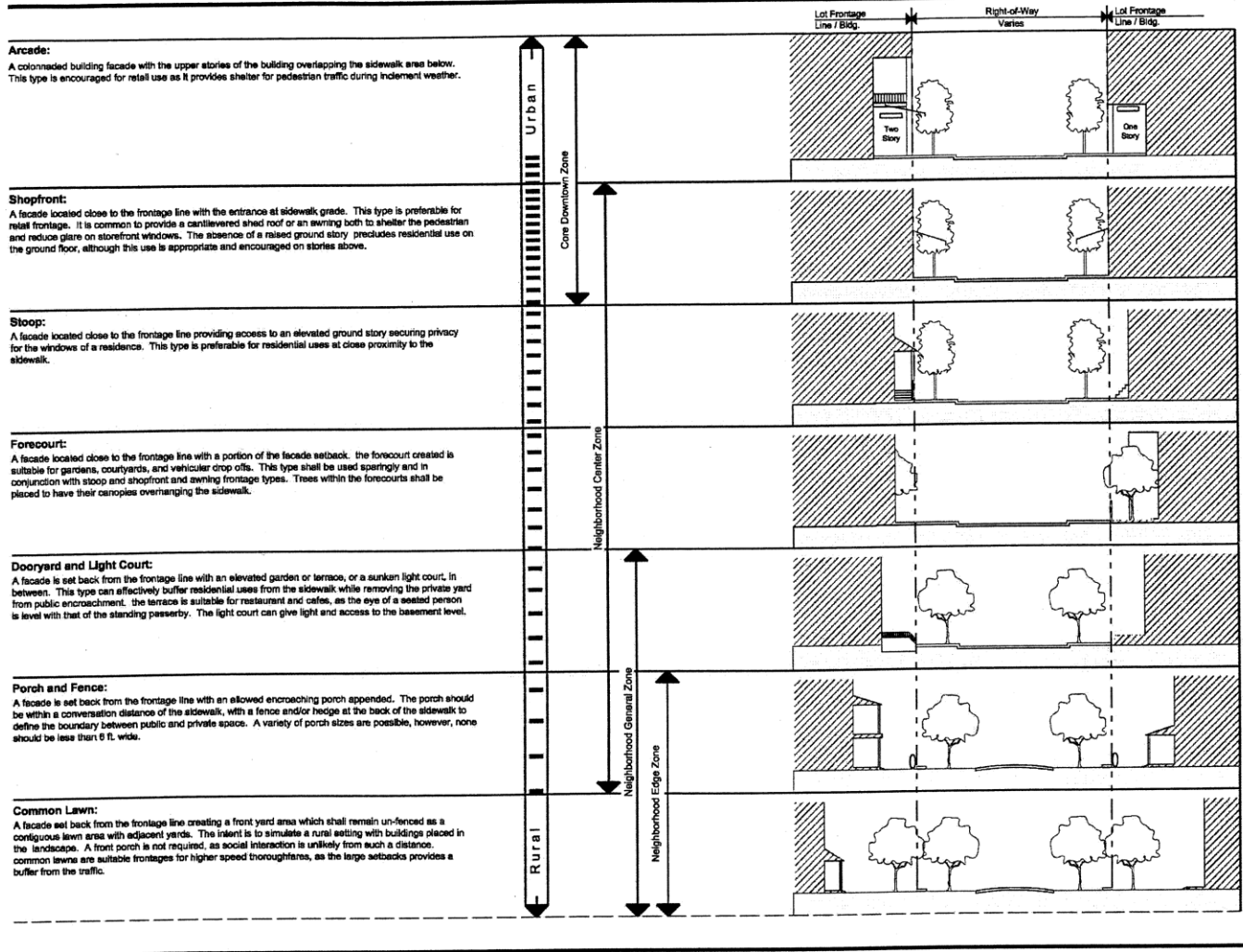
Macomb
Transect Zo
A system of wider correlation of the va common rural to urb categories calibrate neighborhood struct Edge, General, Cent
There is one addition Open Space, that co Common Space, an
Three categories (E follow the natural int neighborhood. The intensification that co neighborhoods conjo open space preserv
This integrated and transect zoning shall facilitate the planning construction, and cor variegated, mixed use center. Appendix (C) appropriate elements where conflicts occur the regulating plan at information contained

Use Type
Building Typ
Frontage Typ
Streetscape
Thoroughfare
Open Space

APPEN
Zoning C

APPENDIX D. FRONTAGE TYPES

Traditional Neighborhood De



Frontage:
The privately held building and the lot are the dimensional combination of as fences, stoops, streetscape.
The combination of public streetscape, facade define the character of the public realm. The combination of the layers of buildings. It ranges from rural as a function of elements. These elements.
See section 10.251 complete text design requirements for the

APPENDIX E. BUILDING TYPES

Traditional Neighborhood Development

Macomb

	Rural							
	Estate	House	Cottage	Sideyard House	Townhouse	Apartment Building	Live-Work	Commercial Building
Core Downtown								
Neighborhood Center								
Neighborhood General								
Neighborhood Edge								
	<p>Estate</p> <p>A single family dwelling on a very large lot of rural character, often supplemented with an out-building. The garage is located as a backbuilding or detached in the rear yard.</p>	<p>House</p> <p>A single family dwelling on a separate lot, possibly with an outbuilding and/or backbuilding. Garages are either recessed from the facade or located in the rear yard. Garages may be accessed by rear lanes.</p>	<p>Cottage</p> <p>A single family dwelling smaller than a house on a separate lot or sharing a lot with other cottages as a court. Garages are located to the rear of the lot and are required to be accessed by a rear lane or alley.</p>	<p>Sideyard House</p> <p>A single family dwelling which occupies one side of the lot, with the primary yard to the other side. If the adjacent building has a windowless wall on the lot line, the side yard becomes very private.</p>	<p>Townhouse</p> <p>A single family dwelling with common walls on the side lot lines, and the facades reading as a continuous street wall. Townhouses are the highest density type able to provide private rear yards, usually enclosed by garden walls and/or a garage outbuilding. Townhouses are required to be served by lanes or alleys.</p>	<p>Apartment Building</p> <p>A residential building containing multiple dwelling units located above and beside each other, usually sharing a common entry. Apartment buildings have various typological variations allowing them to be compatible with a variety of other uses. They can be arranged as perimeter blocks, estate type buildings, or courtyard apartments, the latter two usually compatible with houses. An apartment building may provide private open space to most dwellings with porches and balconies. Shared yard space may be provided in the form of a common courtyard fronted by dwelling units.</p>	<p>Live-Work</p> <p>A flexible building type usually with a first floor artisan, office or retail use and residential use on upper floors. Common walls occur on the side lot lines and parking and garages are required to be to the rear of the lot and served by alleys. Live-work buildings may be located along mandatory retail frontages. They are usually restricted to center and core zones.</p>	<p>Commercial Building</p> <p>A commercial building may be a single mixed-use building with retail and/or office on the first floor. Office spaces and/or apartments occupy upper stories. Common walls occur between buildings. The majority of parking is required to be located behind the buildings. Pedestrian passageways are back parking areas between buildings. Building entrances are usually restricted to center. Alley access is required.</p>

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APPENDIX F. BUILDING PROTOTYPES

Traditional Neighborhood Development

NE Estate	NE & NG House	NG & NE House	NG Cottage	NC Cottage

Build
Refer to Section 10.2510.0.

- Uses of building(s) shall be as shown above.
- Additional uses may be permitted based on subject to section 10.2510.0.

Building Footprint
Refer to Section 10.2510.0.

- Building(s) shall be sited as shown above.
- Building street facades shall conform to the percentage designations in section 10.2510.0 and the following specified terms:

A = Front yard setback
B = Side yard setback
C = Rear yard setback
D = Setback for out-building (see section 10.2510.0)

A 30' view triangle shall be shown at street corners.

Permitted Encroachments
Refer to Section 10.2510.0.

- Encroachments shall be as permitted in section 10.2510.0.
- Encroachments shall be as permitted in section 10.2510.0.
- Mandatory locations for setbacks shall be as shown and subject to the following:
 - = Optional 30' high fence
 - = Fence or garden wall
 - = Alternate location, fence

Parking
Refer to Section 10.2510.0.

- Parking spaces shall be provided as shown.
- Parking shall be provided as shown and shall be further subject to the following:
 - A = Width of attached parking area
 - B = Depth of parking area from rear setback
 - C = Attached parking area setback

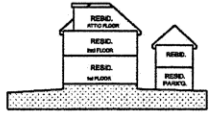
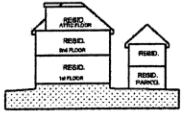
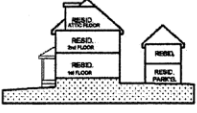
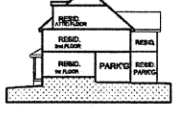
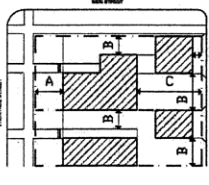
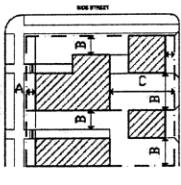
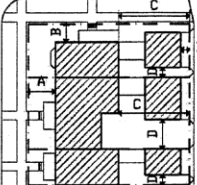
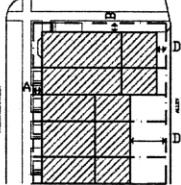
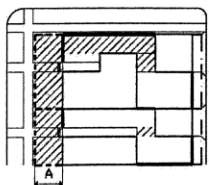
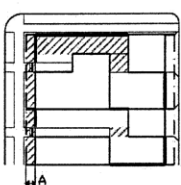
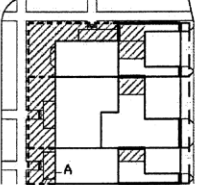
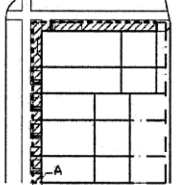
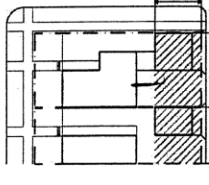
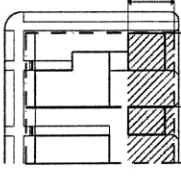
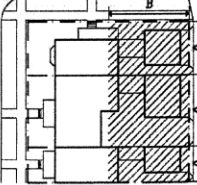
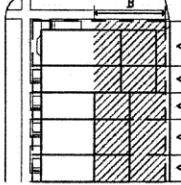
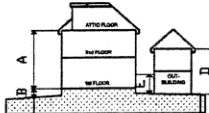
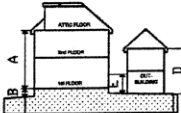

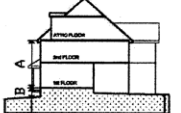
Building Height
Refer to Section 10.2510.0.

- Building heights shall be as shown.
- Building heights shall be subject to section 10.2510.0. For the following terms specified therein:
 - A = Building height of principal structure
 - B = First floor from grade at front
 - C = Back-building maximum height
 - D = Outbuilding maximum height
 - E = Fence or garden wall height

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Building T

APPENDIX F. BUILDING PROTOTYPES

Traditional Neighborhood Development

NG	Sideyard House	NC	Sideyard House	NG	Townhouse	NC	Townhouse
							
							
							
							
							

Macomb Township

Bulk
Refer to 5

- Uses of building(s) shall be as shown above.
- Additional uses may be permitted based on subject to the following:

Building
Refer to 5

- Building(s) shall be sited as shown above.
- Building street facade street frontage to the parcel shall be as shown above.
- Building placement shall be as shown above and shall meet the requirements of section 10.2510(D.1).

A = Front yard setback
B = Side yard setback
C = Rear yard setback
D = Setback for out-building

4. A 30° view triangle shall be maintained.

Permitted
Refer to 5

- Encroachments are permitted as shown above.
- Encroachments shall meet the requirements of section 10.2510(D.1) following dimensioned items:

A = maximum depth of and B = setback from frontage

- Mandatory locations for signs shall be as shown and subject to the requirements of section 10.2513.C.
- Optional 30° height shall be as shown.
- Alternate location.

Refer
Refer to 5

- Parking spaces shall be as shown above.
- Parking shall be provided as shown above and shall be further dimensioned as shown above.

A = Width of attached parking area
B = Depth of parking area
C = Attached parking area

Bulk
Refer to 5

- Building heights shall be as shown above.
- Building heights shall be as shown above and shall be further dimensioned as shown above.

A = Building height of principal building
B = First floor from grade
C = Back-siding maximum
D = Out-siding maximum
E = Fence or garden wall

APPE
Building 1

APPENDIX F. BUILDING PROTOTYPES

Traditional Neighborhood Development

CD Commercial Bldg.	NC & CD Commercial Bldg.	NG & NC Courtyard Apt. Bldg.	NC & CD Apartment Building	NC & CD Live-Work

Macomb Township

Building
Refer to Section 10.2508

- Uses of building(s) shall be as shown on the site plan or as indicated on the plat.
- Additional uses may be permitted by the Board of Zoning Appeals upon application and subject to the provisions of Section 10.2508.

Building
Refer to Section 10.2508

- Buildings shall be sited as shown on the site plan or as indicated on the plat.
- Building setback facades shall be as shown on the site plan or as indicated on the plat.
- Building placement shall be as shown on the site plan or as indicated on the plat.

A = Front yard setback
B = Side yard setback
C = Rear yard setback
D = Backset for out-building
E = A 30' view triangle shall be maintained

Permitted
Refer to Section 10.2508

- Encroachments are permitted as shown on the site plan or as indicated on the plat.
- Encroachments shall be as shown on the site plan or as indicated on the plat.

A = Maximum depth of encroachment
B = Setback from frontage line
C = Mandatory locations for the placement of encroachments as shown on the site plan or as indicated on the plat.

Parking
Refer to Section 10.2508

- Parking spaces shall be provided as shown on the site plan or as indicated on the plat.
- Parking shall be provided as shown on the site plan or as indicated on the plat.

A = Width of attached parking
B = Depth of parking area from frontage line
C = Attached parking area

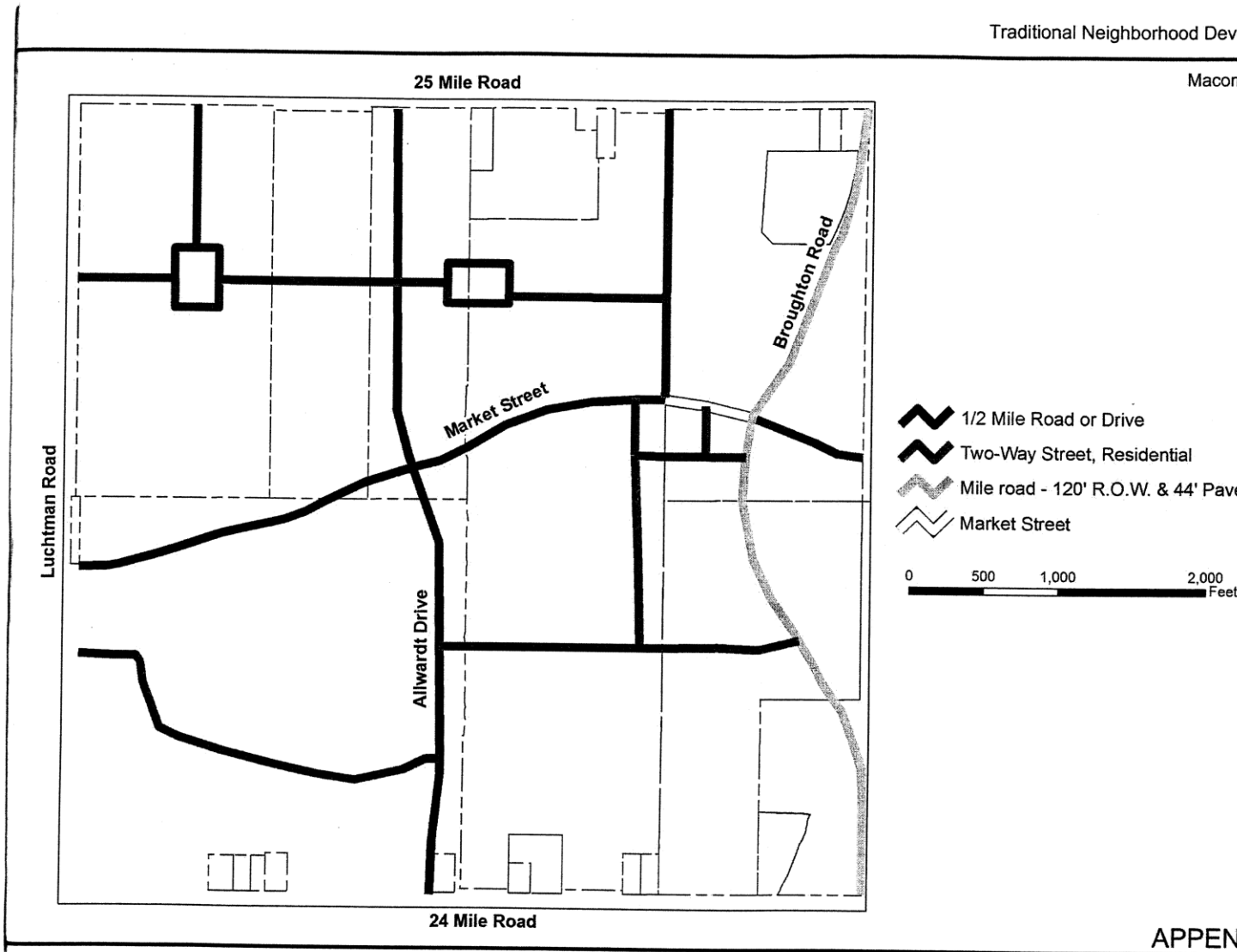
Building
Refer to Section 10.2508

- Building heights shall be as shown on the site plan or as indicated on the plat.
- Building heights shall be as shown on the site plan or as indicated on the plat.

A = Building height of principal structure
B = First floor grade at frontage line
C = Back-sloping maximum height
D = Outstanding maximum height
E = Fence or garden wall height

APPENDIX F
Building

APPENDIX G. THOROUGHFARE PLAN



APPENDIX H. THOROUGHFARE PROTOTYPES

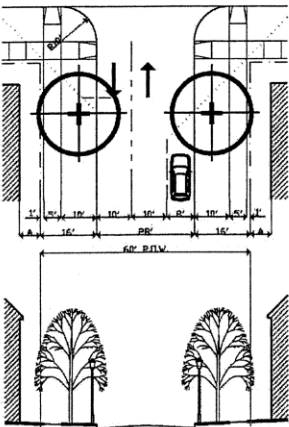
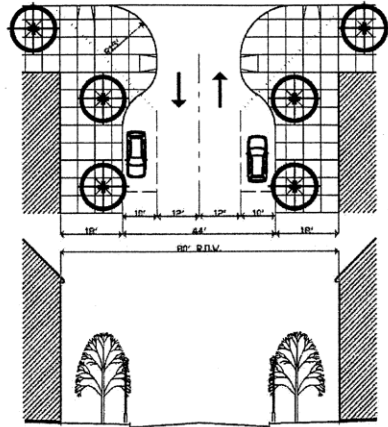
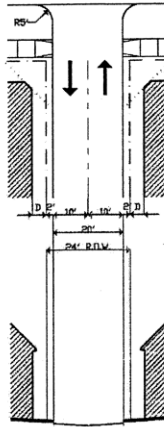
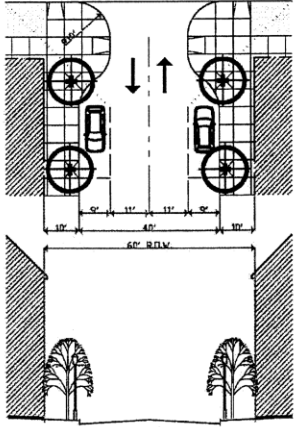
Traditional Neighborhood Deve

One-Way Lane	Two-Way Lane	Urban Road Residential	One-Way Street Residential	Two-Way Street Residential
24 ft. R.O.W. (PRIVATE)	24 ft. R.O.W. (PRIVATE)	60 ft. R.O.W.	40 ft. R.O.W.	60 ft. R.O.W.
12 ft. MIN.	20 ft. MIN.	24 ft.	16 ft.	28 ft.
6 ft. MAX.	6 ft. MAX.	10 ft.	10 ft.	10 ft.
PROHIBITED	PROHIBITED	PROHIBITED	ONE SIDES, OPPORTUNISTIC	BOTH SIDES, OPPORTUNISTIC
CLOSED, INVERT AT CENTER	CLOSED, INVERT AT CENTER	CLOSED, CURB AND GUTTER	CLOSED, CURB AND GUTTER	CLOSED, CURB AND GUTTER
16 MPH	16 MPH	25 MPH	16 MPH	20 MPH
100 ft.	100 ft.	100 ft.	60 ft.	100 ft.
NONE	NONE	NONE	NONE	NONE
< 250	< 250	< 1000	< 600	< 1000
3.8 SECONDS	6.8 SECONDS	8 SECONDS	6.8 SECONDS	7.8 SECONDS
NONE	NONE	OPTIONAL PATH, MIN. 6 ft. CLEAR	SIDEWALK, MIN. 5 ft. CLEAR	SIDEWALK, MIN. 5 ft. CLEAR
OPEN YARD	OPEN YARD	CONTINUOUS PLANTER, 18 ft.	CONTINUOUS PLANTER, 18 ft.	CONTINUOUS PLANTER, 10 ft.
OPPORTUNISTIC	OPPORTUNISTIC	REGULAR CURBSIDE	REGULAR, IN A STRAIGHT ROW	REGULAR, IN A STRAIGHT ROW
IRREGULAR	IRREGULAR	25 ft. ON CENTER AVERAGE	25 ft. ON CENTER AVERAGE	25 ft. ON CENTER AVERAGE
MULTIPLE SPECIES	MULTIPLE SPECIES	MULTIPLE SPECIES	SINGLE SPECIES	SINGLE SPECIES
See Section 8, Thoroughfare Standards by Zone, for additional requirements.	See Section 10.2612.B, Thoroughfare Standards by Zone for additional requirements.	See Section 10.2612.B, Thoroughfare Standards by Zone for additional requirements.	See Section 8, Thoroughfare Standards by Zone, for additional requirements.	See Section 10.2612.B, Thoroughfare Standards by Zone for additional requirements.

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Thor

1/2 Mile Road or Drive	Main or Market Street	Alley	Two-Way Street Commercial
			
80 ft. R.O.W. 28 ft. 10 ft. ONE SIDE, STRIPED CLOSED, CURB AND GUTTER 20 MPH 100 ft. NONE < 3000 7.8 SECONDS SIDEWALK, MIN. 8 ft. CONTINUOUS PLANTER, 10 ft. REGULAR, IN A STRAIGHT ROW 25 ft. ON CENTER AVERAGE SINGLE SPECIES	80 ft. R.O.W. 44 ft. 18 ft. BOTH SIDES, STRIPED CLOSED, CURB AND GUTTER 20 MPH 100 ft. NONE < 3000 8 SECONDS SIDEWALK, MIN. 8 ft. CLEAR TREE GRATE, 6 ft. X 6 ft. MAX. REGULAR, IN A STRAIGHT ROW 25 ft. ON CENTER AVERAGE SINGLE SPECIES	24 ft. R.O.W. (PRIVATE)* 20 ft. MIN. * 8 ft. MAX PROHIBITED CLOSED, INVERT AT CENTER 15 MPH 100 ft. NONE < 250 5.8 SECONDS NONE OPEN YARD OPPORTUNISTIC IRREGULAR MULTIPLE SPECIES	60 ft. R.O.W. 40 ft. 10 ft. BOTH SIDES, STRIPED CLOSED, CURB AND GUTTER 20 MPH 100 ft. NONE < 1000 8.8 SECONDS SIDEWALK, MIN. 8 ft. CLEAR TREE GRATE, 6 ft. X 6 ft. MAX. REGULAR, IN A STRAIGHT ROW 25 ft. ON CENTER AVERAGE SINGLE SPECIES
See Section 10.2512.B., Thoroughfare Standards by Zone, for additional requirements.	See Section 10.2512.B., Thoroughfare Standards by Zone, for additional requirements.	See Section 10.2512.B., Thoroughfare standards by Zone, for additional requirements. * Core Downtown Zone 28 ft. min.	See Section 10.2512.B., Thoroughfare Standards by Zone, for additional requirements.

APPENDIX I. THE CHARTER OF THE NEW URBANISM⁴

THE REGION, THE METROPOLIS, THE CITY, AND THE TOWN

1. The metropolis is made up of multiple centers that are cities, towns, and villages, each with its own identifiable center and edges.
2. Governmental cooperation, public policy, physical planning, and economic strategies must reflect this new reality.

⁴Editor's note(s)—Ord. No. 10-13, adopted Oct. 10, 2001, renumbered the former Appendix J as Appendix I.

3. The metropolis has a necessary and fragile relationship to its agrarian hinterland and natural landscapes. The relationship is environmental, economic, and cultural. Farmland and nature are as important to the metropolis as the garden is to the house.
4. Development patterns should not blur or eradicate the edges of the metropolis. Infill development within existing urban areas conserves environmental resources, economic investment, and social fabric, while reclaiming marginal and abandoned areas. Metropolitan regions should develop strategies to encourage such infill development over peripheral expansion.
5. Where appropriate, new development contiguous to urban boundaries should be organized as neighborhoods and districts, and be integrated with the existing urban pattern. Non-contiguous development should be organized as towns and villages with their own urban edges, and planned for a jobs/housing balance, not as bedroom suburbs.
6. The development and redevelopment of towns and cities should respect historical patterns, precedents, and boundaries.
7. Cities and towns should bring into proximity a broad spectrum of public and private uses to support a regional economy that benefits people of all incomes. Affordable housing should be distributed throughout the region to match job opportunities and avoid concentrations of poverty.
8. The physical organization of the region should be supported by a framework of transportation alternatives. Transit, pedestrian, and bicycle systems should maximize access and mobility throughout the region while reducing dependence upon the automobile.
9. Revenues and resources can be shared more cooperatively among municipalities and centers within regions to avoid destructive competition for tax base and to promote rational coordination of transportation, recreation, public services, housing, and community institutions.

THE NEIGHBORHOOD, THE DISTRICT, AND THE CORRIDOR

1. The neighborhood, the district, and the corridor are essential elements of development and redevelopment in the metropolis. They form identifiable areas that encourage citizens to take responsibility for their maintenance and evolution.
2. Neighborhoods should be compact, pedestrian friendly, and mixed use. Districts generally emphasize a special single use, and should follow the principles of neighborhood design when possible. Corridors are regional connectors of neighborhoods and districts; they range from boulevards and rail lines to rivers and parkways.
3. Many activities of daily living should occur within walking distance, allowing independence to those who do not drive, especially the elderly and the young. Interconnected networks of streets should be designed to encourage walking, reduce the number and length of automobile trips, and conserve energy.
4. Within neighborhoods, a broad range of housing types and price levels can bring people of diverse ages, races, and incomes into daily interaction, strengthening the personal and civic bonds essential to an authentic community.
5. Transit corridors, when properly planned and coordinated, can help organize metropolitan structure and revitalize urban centers. In contrast, highway corridors should not displace investment from existing centers.
6. Appropriate building densities and land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.

7. Concentrations of civic, institutional, and commercial activity should be embedded in neighborhoods and districts, not isolated and remote, single use complexes. Schools should be sized and located to enable children to walk or bicycle to them.
8. The economic health and harmonious evolution of neighborhoods, districts, and corridors can be improved through graphic urban design codes that serve as predictable guides for change.
9. A range of parks, from tot-lots and village greens to ballfields and community gardens, should be distributed within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods and districts.

THE BLOCK, THE STREET, AND THE BUILDING

1. A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use.
2. Individual architectural projects should be seamlessly linked to their surroundings. This issue transcends style.
3. The revitalization of urban places depends on safety and security. The design of street and buildings should reinforce safe environments, but not at the expense of accessibility and openness.
4. In the contemporary metropolis, development must adequately accommodate automobiles. It should do so in ways that respect the pedestrian and the form of public space.
5. Streets and squares should be safe, comfortable, and interesting to the pedestrian. Properly configured, they encourage walking and enable neighbors to know each other and protect their communities.
6. Architecture and landscape design should grow from local climate, topography, history, and building practice.
7. Civic building and public gathering places require important sites to reinforce community identity and the culture of democracy. They deserve distinctive form, because their role is different from that of other buildings and places that constitute the fabric of the city.
8. All buildings should provide their inhabitants with a clear sense of location, weather, and time. Natural methods of heating and cooling can be more resource-efficient than mechanical systems.
9. Preservation and renewal of historic buildings, districts, and landscapes affirm the continuity and evolution of urban society.

REFERENCE

CONGRESS for the NEW URBANISM
5 THIRD STREET, SUITE 500A
SAN FRANCISCO, CA 94103
PHONE: 415-495-2255
FAX: 415-495-1731
www.cnu.org

APPENDIX J. DEFINITION OF TERMS⁵

The definitions herein shall take precedence over such others where the TND Code is applicable.

Alignment: The condition of building facades cooperating to define open space in much the same way as walls define a room. An excessive number of appendages such as porches, balconies, bay windows, and loggias may obliterate the primary surface of the facade, destroying alignment.

Alley: A narrow service to the rear of more urban buildings providing service areas, parking access, and utility easements. Alleys, as they are used by trucks and must accommodate dumpsters, should be paved from building face to building face, with drainage by inverted crown at the center. (See *Lane*)

Ancillary Building: See *Outbuilding*.

Apartment Building: A building type containing multiple dwellings disposed above and beside each other, either sharing a common entry or with individual entries. Apartment buildings have various typological variations that allow them to be compatible with a variety of uses. They can be arranged as perimeter blocks, estate type buildings, or courtyard apartments, the later two being compatible with house, cottage, sideyard house, and townhouse types. An apartment building may provide private open space in the form of balconies and porches. Shared yard space may be in the form of a common courtyard fronted by dwelling units.

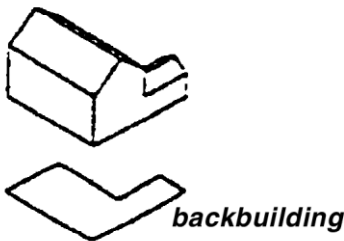
Arcade: A frontage type with a colonnaded building facade with the upper stories of the building overlapping the sidewalk area below, the arcade shall be no less than 8 feet wide from wall to inside of column and no less than 10 feet tall. (See *Colonnade*)

Artisan Use: The manufacture and sale of artifacts utilizing only handheld and/or table mounted electrical tools contained within an enclosed structure. Allowed uses are restricted to: Home Workshop, Artist Studio, Woodcraft, Furniture Refinishing, Bicycle Repair, Pottery Making.

Attic: The area within the slope of a roof. The fascia line of a roof enclosing an attic area shall not be more than 24" above the floor of an attic. An inhabited attic does not count in the building height limitations. (See *Raised Basement*)

Backbuilding:

Outbuilding



Backbuilding

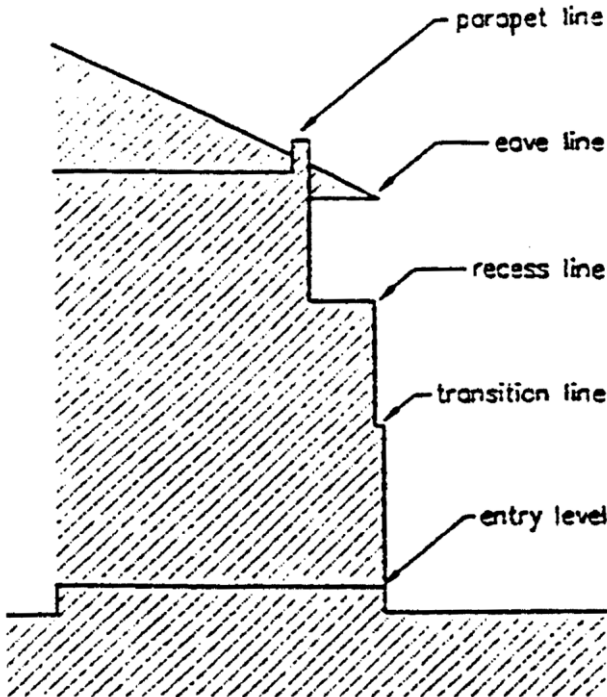
⁵Editor's note(s)—Ord. No. 10-13, adopted Oct. 10, 2001, renumbered the former Appendix K as Appendix J.

Base Line: A horizontal line of a building facade coinciding with the level of the first floor, usually comprised of a stone or masonry unit of contrasting color in brick facades. The change in material from the masonry foundation to the wood clad portion of a building denotes a base line typical of residential structures.

Block: The aggregate of lots and alleys, circumscribed by thoroughfares. A block shall generally be between 1000 and 3000 feet perimeter measured at the thoroughfares right of way line and/or the lot frontage line.

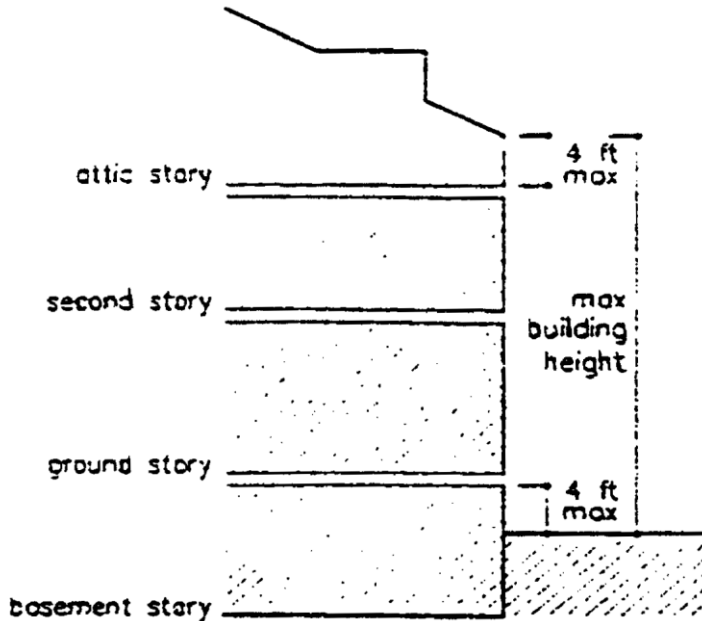
Building Coverage: The first floor footprint that includes the garage but does not include the second level and is not to be substituted for floor-area-ratio (FAR).

Building Elements:



Building Elements

Building Height:



Building Height

Building Site: A buildable envelope surrounded by a limited common easement, usually part of a site condo development.

Build-To Line: A line appearing graphically on the regulating plan or stated as a setback dimension, along which a facade must be placed, usually to a designated minimum of the lot width. A build-to-line is a more precise tool than a setback or a frontage line as it regulates alignment and the definition of public space.

Civic Building: A building functioning communally and open to public use and assembly. (See *Meeting Hall*)

Colonnade: A roof or building structure, extending over a sidewalk, open to the street and sidewalk except for supporting piers or columns. (See *Arcade*)

Commercial Building: A single or mixed use building with retail, food service, and/or office uses required throughout the first floor. Office space and/or residential uses may occupy the upper floors of mixed use commercial buildings. The majority of the parking is required to be located to the rear of the building linked with pedestrian passageways to the front street. (See *Live-Work*)

Single Use Buildings are commercial buildings without a residential use on upper floors. This type is discouraged as it is sub-urban and is occupied less than 24 hours a day.

Mixed-Use Buildings are commercial buildings with a residential use on upper floors and as such is a more urban type providing for 24 hour use which is vital to providing safe and secure urban areas.

Common Building (CB): A building owned and operated by a private association, but functioning communally such as a clubhouse and/or pool facility. (See *Public Building*)

Common Lawn: A frontage type in which the facade set back from the frontage line creating a front yard area which shall remain un-fenced as a contiguous lawn area with adjacent yards. The intent is to simulate a rural setting with buildings placed in the landscape. A front porch is not warranted as social interaction is unlikely from such a distance. Common lawns are suitable for higher speed thoroughfares as the large setback provides a buffer from the traffic.

Common Space (CS): An open space owned and maintained by a private association, but functioning communally such as a clubhouse and/or pool facility. (See *Public Space*)

Community Council: The master association over all private associations within a TND. The articles of incorporation shall reference the TND Code in perpetuity and provide for the construction of civic buildings by an ongoing special assessment. A community council, unlike the property owner's or homeowner's association, accounts for the mixed-use nature of the TND, providing representation for renters and retail tenants as well as both commercial and residential owners.

Core Downtown (CD): A zone providing for larger scale commercial and retail than allowed in the Neighborhood Center. This usually will include an anchor tenant, a pharmacy and/or grocery store and other associated uses. Town center buildings are usually fronting on a plaza that is used for a portion of the parking and cultural events.

Cornice Line: A molded and projecting horizontal element of an architectural composition projecting a minimum of 2 inches.

Cottage: A building type that is a single family dwelling, smaller than a house, with yard space on all four sides, on a single lot or sharing a court with other cottages. A cottage is usually comprised of informal living spaces, often open one to another. Garages are located to the rear and are accessed by lanes.

Curb Radius: The curved edge of the thoroughfares at an intersection measured at the outer edge of the street curb or of the parking lane.

Dental Use: See *Medical-Dental use*.

Districts: Districts are reserved zones for specialized uses. There is no specific area in the rural-to-urban transect for a district, it is fully dependent upon locating the special use so as to mitigate its negative consequences. Macomb Town Center has no established districts and therefore allows no special uses. (See *Specialized uses*)

Dooryard and Light Court: A frontage type in which the facade is set back from the frontage line with an elevated garden or terrace, or a sunken light court in between. This type can effectively buffer ground story residential uses from the sidewalk while removing the private yard from public encroachment. The terrace is suitable for restaurant and cafes as the eye of a seated person is level with that of the passerby. The light court can give light and access to the basement level.

Elevation: The vertical surface of a building usually not facing a street, but still subject to height and setback restrictions. An elevation is different than a Facade. (See *Facade*)

Encroachments: Are built portions of a structure that extend beyond a setback and/or build-to-line. Permitted encroachments are defined relative to building type and vocation, being either in a front, side, or rear yard. (See *setback, Side setback, and Rear setback*)

Entry Level: The maximum or minimum vertical dimension from the sidewalk level measured from the midpoint of the lot frontage to the entry of a building. Garages and outbuildings are exempt from this requirement.

Estate: A single family dwelling on a very large lot of rural character, often supplemented with an outbuilding. The garage is located as a backbuilding or is detached in the rear yard.

External Thoroughfare: Thoroughfares providing access to, but not passing within a neighborhood proper. External thoroughfares may conform to state, city, or county standards.

Facade: The elevations of a building which enfront a thoroughfare and are usually set parallel to a frontage line. Facades have a responsibility to define the public realm, the elevations on lot lines do not. Facades are subject to architectural standards, frontage standards, as well as height restrictions. A corner building shall have a

minimum of two (2) facades. The facade is the entire width of the front building wall of the principal structure, not including porches, stoops or other projections, but may include recessed areas and attached garages.

Focused Vista: A view along the axis of a thoroughfare framed by buildings or street trees.

Forecourt: A frontage type in which the facade is located close to the frontage line with a portion of the facade setback. The forecourt created is suitable for gardens, courtyards, and vehicular drop-offs. This type shall be used sparingly and in conjunction with the Shopfront and Awning and Stoop frontage types. Trees within the forecourt shall have their canopies overhanging the sidewalk.

Frontage: A privately held layer between the facade of a building and the lot line. The variables of frontage are the dimensional depth of the front yard and the combination of architectural elements such as fences, hedges, stoops, porches, and colonnades. The combination of private frontage, the public streetscape, and the thoroughfare types define the character of the majority of the public realm. The combination of elements constitutes the layer between the private realm of buildings. It ranges in character from rural to urban as a function of the composition of their elements. These elements influence social behavior. See *Streetscape*.

Frontage Line: The lot lines which coincide with a thoroughfare right-of-way or public open space boundary. Facades parallel frontage lines. (See *Facade*) Elevations parallel lot lines. (See *Lot Line*)

Front Porch: (See *Porch*)

Front Setback: The distance between a frontage line and a facade. This distance is given as a minimum or a requirement (a build-to-line). Open porches, balconies, stoops, chimneys, and bay windows are permitted to encroach into the front setback, but in no case encroach on a thoroughfare R.O.W.

Green: A medium sized public space available for unstructured recreation, circumscribed by building frontages and/or thoroughfares, its landscape consisting of grassy area and trees, naturalistically, disposed and requiring only limited maintenance. (See *Square* and *Plaza*) Syn. Park.

Greenbelt: A continuous area peripheral to an urbanized sector, reserved as an open space in perpetuity serving to screen or otherwise separate uses. Syn. Landscape Berm.

Greenfield: A site in natural condition or in agricultural use that is subject to urbanization. (See *Brownfield Development*)

Gross Acre: The land area used to calculate density shall be based on gross acres and shall include all existing and proposed state and county road and street rights of way and all easements both public and private.

Gross Square Footage: The building area used to calculate parking requirements, meet minimum building size requirements, and otherwise refer to a building and or unit size shall be based on the measured area to the outside wall surface and/or the centerline between units in the case of attached structures.

Home Occupation: Premises used for the transaction of business or the supply of professional services excluding medical and dental. Home occupations shall be limited to the following: Architect, artist, broker, consultant, dressmaker, draftsman, engineer, interior decorator, lawyer, manufacturer's agent, notary public, teacher (excluding group instruction), and other similar occupations as the TCC shall conditionally approve. Such use shall not simultaneously employ more than (2) two persons, one of which shall reside on the property.

House: A single family dwelling on a separate lot, possibly with an outbuilding and/or backbuilding. Garages are either recessed from the front facade or are located in the rear yard. Garages may be accessed by rear lanes.

Lane: A vehicular access way located to the rear of a lot providing access to parking and outbuildings as well as easements for utilities. Rear lanes are paved as lightly as possible to driveway standards or with gravel. Rear lanes should be as rural as possible in character and generally serve only residential uses. (See *Alley*)

APPENDIX J. DEFINITION OF TERMS

Limited use: A use that is limited in size, location, parking, and the like but has several options for integrating into other use zones. A limited use is subject to the provision of adequate parking, the regulations of the applicable zone, and the general requirements of the TND Code.

Live-Work: A flexible building type usually with a first floor office or retail use and residential use on upper floors. Common walls occur on the side lot lines and parking and garages are required to be to the rear of the lot and served by alleys. Live-work types may be located along mandatory retail frontages. (See *Commercial Building*)

Lodging: Premises available for short-term human habitation, including daily and weekly letting.

Lot: A separately platted subdivision of land held privately, usually intended for the purposes of building.

Lot Coverage: The ground area occupied by a building excluding unenclosed porches, arcades, and projecting balconies and bays.

Lot Line: The boundary which legally and geometrically describes the edge of a site. For the purposes of town planning, such lines appear graphically. Codes reference lot lines as a baseline for the set back. (See *Frontage Line* and *Build-to Line*)

Lot Width: The length of the frontage line (the lot boundary that coincides with a thoroughfare). The lot width does not include the flankage along the side of a corner lot. Buildable lot width refers to the width of the lot parallel to the frontage line and between the side setback lines, i.e. the lot width less both side setbacks equals the buildable lot width.

Maintenance Easement: A perpetual four foot wide wall maintenance easement shall be provided on a lot adjacent to a zero-lot-line property line, which, with the exception of garden walls and/or fences shall be kept clear of structures. This easement shall be shown on a plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to by the affected lot owners. Roof overhangs may penetrate into this easement up to 24 inches but the roof shall be so designed to limit the runoff to the area of the easement. The easement shall be maintained, unless otherwise agreed to in writing, by the two affected owners.

Manufacturing Uses: Are expressly prohibited except as allowed under Artisan Uses.

Medical-Dental: Medical-dental offices shall be classified as a retail use available for professional medical and dental offices and services.

Meeting Hall: A building designed for the public assembly, containing at least one room having an area approximately 10 square feet for each dwelling of the neighborhood.

Neighborhood Center (NC): The denser, primarily mixed-use zone, the Neighborhood Center zone is a multi-functional social condenser of a neighborhood. It is usually at a central location, within walking distance of the surrounding, primarily residential, areas.

Neighborhood Edge (NE): The least dense, most purely residential zone of the neighborhood. The size varies as a proportion of the overall area, depending on whether the model is more rural (village-like) or more urban (town-like). The Neighborhood Edge is optional in a TND.

Neighborhood General (NG): The generalized zone of the neighborhood, mixed in function, but principally residential. The Neighborhood General is usually the largest area of the neighborhood.

Neighborhood Proper: The urbanized area of the TND, including blocks, streets squares, greens, and parks that comprise a single neighborhood limited in size by a pedestrian shed and containing the NC, NG, and NE zones. (See *Pedestrian Shed*)

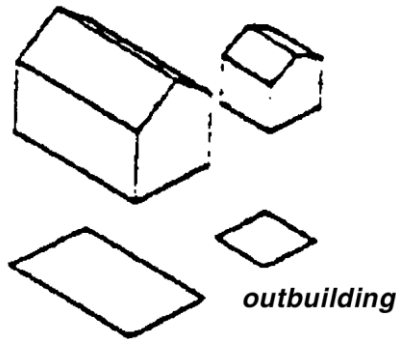
Neighborhood Store: The smallest of the retail establishments permitted in the Neighborhood Center Zone. It is the equivalent of the ULI Convenience Store. A neighborhood Store shall occupy a frontage at the ground story,

with a mandatory residential use above. Parking is to the rear of the building in a limited amount as the primary draw of customers arrive on foot or bicycle.

Office Use: Premises available for the transaction of general business, including professional and information services but excluding medical, dental, retail sales and artisan activity. (See *Artisan and Medical-Dental*)

Open Use: A use that is generally open in size and location, but subject to the provision of adequate parking, the regulations of the applicable zone, and the general requirements of the TND Code.

Outbuilding:



Outbuilding

Overlay Zone: A zone which is available as an option to existing zoning. An overlay zone allows for additional permitted uses without rescinding the existing code.

Passage: A pedestrian connector passing between buildings. Passages provide shortcuts through long blocks and connect rear parking areas with street frontages. Passages may be roofed over and lined by shopfronts.

Parapet Line: A continuous horizontal projection for the majority of a facade. The parapet, like the eave line, is a designated location for the measure of building height.

Path: A pedestrian way traversing a park or the countryside. Paths should connect directly with the sidewalk network at the urban edge.

Pedestrian Continuity: Pedestrian trajectories that fulfill most of the following requirements:

1. The trajectory must have a destination, and that destination should be useful or in some way rewarding;
2. The destination should be accessible within a pedestrian shed, or it may consist of a concatenation of such increments;
3. The trajectory should be logical, continuous, and provided with shortcuts whenever possible;
4. The trajectory should be along frontages and streetscapes that are spatially defined and interesting, avoiding parking lots. Continuous landscaping is not an adequate frontage;
5. The trajectory should be temperate, shaded when hot and wind-shielded when cold;
6. The trajectory should be shielded from traffic by parked cars;
7. The trajectory should be safe, overlooked by windows. Paths through greenways are often perceived to be unsafe.

Pedestrian Shed: The distance which may be crossed by a five minute walk at an easy pace a dimension used to determine the outer limit of the Neighborhood Proper to the edge of the neighborhood center. This dimension shall be one quarter of a mile or 1320 feet. By variance, this dimension may be adjusted to accommodate site conditions in one of two ways. a) For a TND having an eccentrically located center, by calculating the average of the various distanced of center-to-edge. b) For a TND of low density (between 1—6 units to the acre exclusive of other uses), by extension of the pedestrian shed to a distance of half a mile or 1980 feet.

Personal Service Establishment: A business providing personal services to patrons including but not limited to: small electronics and appliance repair shops; shoe repair; dressmakers and tailors; hair styling; travel agencies; and decorating and upholstery shops.

Plaza: A public space at the intersection of important streets set aside for civic purposes and commercial activities, including parking, circumscribed by building frontages and/or thoroughfares, its landscape consisting of durable pavement and trees requiring little maintenance. (See *Green, Square*)

Porch: A front porch is an unairconditioned roofed structure attached to the front of a dwelling unit. A front porch shall have a minimum depth of 6 feet and a minimum width of no less than 6 feet. Front porches shall be unenclosed except for insect screening and railings which shall be limited to 75% opacity. Side and rear porches may be enclosed either with ½ wall railings and/or glazing. All or a portion of a front porch may incorporate a ramp for handicap access.

Porch and Fence: A frontage type in which the facade is setback from the frontage line with and allowed encroaching porch appended. The porch should be within conversation distance, (between 10 and 30 feet) of the sidewalk, with a fence or hedge at the back of the sidewalk to define the boundary between public and private space. A variety of porch sizes are possible, however, none shall be less than 6 feet wide. Front porches shall be permitted to encroach in the required front yard setback.

Public Building (PB): A building owned and operated by a government for the use and/or service of the general public. (See *Common Building*)

Public Space (PS): An open space owned and maintained by a government for the use and/or service of the general public. (See *Common Space*)

Raised Basement: A semi-underground story raising the principal floor no more than 5 feet above grade. A raised basement shall not count against the building height requirements. (See *Attic*)

Rear Setback: The distance between the rear lot line and any portion of a principal building. This distance is given as a minimum. A back building and an outbuilding are permitted to encroach the rear setback, but are usually limited by zone according to the lot and building standards.

Recess Line: A line prescribed for the full width of a facade, above which the facade is set back.

Regulating Plan: A regulating plan, in its most basic form is a plan that maps the various zones of a TND development, including the form and location of open spaces and the trajectories of the thoroughfares. The conventional equivalent of a regulating plan is a site plan, which may contain various levels of detail and information depending on whether it is a preliminary sketch or an engineering plan. Likewise, a regulating plan contains more detailed information relative to the steps in the planning and review process and may contain all or part of the following in either concept or final dimensioned and noted form: lot lines, building envelopes, parking areas, thoroughfare paving, right-of-way, easements, utilities, survey meets and bounds, topography, build-to-lines, frontage lines, and other plan related information necessary to convey the intended design of a proposal. It is not intended that all information be shown simultaneously on a regulating plan, as each professional specialty will show only related information pertinent to a particular task, phase, or step in the design process.

Residential Use: Premises available for long-term human habitation by means of ownership and rental, but excluding short-term letting of less than a month's duration. A residential use is further subcategorize as:

APPENDIX J. DEFINITION OF TERMS

Residential 1: One and/or two family dwellings on a single lot. Both dwelling units shall be under the same ownership and share a single set of utility connections.

Residential 2: Generally being multi-family dwelling units attached as single buildings containing 3 or more units per building.

Restricted Use: A use subject to strict restrictions, such as size, location, parking and the like to minimize the intensity and impact on other uses within a zone.

Retail: Premises available for the commercial sale of merchandise and prepared foods, but excluding artisan use. (See *Artisan*) The retail uses for Macomb Town Center shall be restricted to the following:

- a. Corner Store, Grocery Store.
- b. Pharmacy, Convenience Store.
- c. Hardware Store.
- d. Card and/or Gift Shop, Florist, Antique Store.
- e. Video Rental, Music Store, Electronics Store.
- f. Bagel and Coffee Shop, Cafe, Restaurant without liquor.
- g. Restaurant with liquor.
- h. Ice Cream Parlor.
- i. Fast Food Restaurant without drive-thru.
- j. Service Operators:
 1. Beauty Salon/Barber.
 2. Dry-Cleaners.
 3. Bank.
 4. Day Care.
 5. Financial/Insurance.
 6. Medical/Dental.

Additional retail uses include those permitted under C-1 (Local Commercial District) of the Macomb Township Zoning Ordinance or as permitted by the Macomb Township Board of Trustees.

Road: A thoroughfare suitable for Edge Zones. A road tends to be rural in character without curbs or on street parking, to have clustered planting and paths instead of sidewalks, and to have buildings with irregular setbacks. Roads provide frontage for low-density buildings such as houses. (See *Street*) (See *Artisan*)

Rural Preserve Zone: The sector with noteworthy concentrations of natural features that justify preservation. These areas are generally at the periphery of the neighborhood proper and adjacent to Neighborhood Edge Zones and or Neighborhood General Zones. They serve as passive areas for recreation, leisure, and nature preservation.

Sector: A portion of an urbanized area. The term sector is free of the semantic overlay of Neighborhood or District.

Setback: The mandatory distance between a frontage line and a facade or the minimum distance between a lot line and an elevation. (See *Facade*, *Elevation*, and *Encroachments*)

Shared Parking: A policy wherein day/night or weekday/holiday schedules allow for the use of parking places by more than one building and/or use.

Shopfront and Awning: A frontage type in which the facade located close to the frontage line with the entrance at sidewalk grade. This type is preferable for retail frontage. It is common to provide a cantilevered shed roof or awning.

Side Setback: The distance between the side lot line and the elevation of the building with the exception of roof overhangs. This distance is given as a minimum. Open porches, stoops, balconies, and cantilevered bays are not permitted to encroach on the side setback.

Sideyard House: A building type that is a single family dwelling on a single lot with one side of the structure placed on the side lot line. This side of the home is usually windowless and requires a maintenance easement for access to the side of the structure on the lot line. A sideyard house usually has only a front and side yard, with little or no rear yard, and as such is a compact type compatible with house, cottage, and townhouse types.

Specialized Uses: Uses with negative consequences on adjacent lots, such as, but not limited to: noise, vibration, odor, pollution, and/or socioeconomic disruption, which are not permitted anywhere within Macomb Town Center. (See *Districts*)

Square: A public space, seldom larger than a block, at the intersection of important streets set aside for civic purposes and circumscribed by building frontages and/or thoroughfares, its landscape consisting of paved walks, lawns, trees, and civic buildings all formally disposed, and manicured. (See *Green* and *Plaza*)

Station: A designated point for viewing along a promenade.

Stoop: A frontage type in which the facade located close to the frontage line providing access to an elevated ground story securing privacy for the windows of a residence. This type is preferable for residential uses at close proximity to the sidewalk.

Story: A habitable level within a building to control maximum building height and prevent loft retrofits. A story can be no more than 14 feet in height from finished floor to finished ceiling.

Story Height: A habitable area level within a building serving to define the building height. The floor to ceiling height shall be limited to 14 feet to preclude the intersection of mezzanines. Basements that emerge less than half the distance from the basement finish floor to the first finish floor shall not constitute an additional story.

Street: A thoroughfare suitable for Center and General Zones. A street is urban in character, with raised curbs, closed drainage, wide sidewalks, parallel parking, trees in individual planters, and buildings aligned on short setbacks. Streets provide frontage for higher density buildings varying in detail according to the enfronting commercial or residential uses. (See *Road*)

Streetedge: (See *Streetwall*)

Street Height: The permissible range of distances from the sidewalk at the midpoint of the lot frontage to the top of a fence or streetscape.

Street Lamp: A light standard between 8 and 14 feet in height equipped with an incandescent or metal halide light source.

Streetscape: The combination of planters, sidewalks, street trees, and street lights. The streetscape, in combination with the building frontage, and the vehicular way comprises the urban public realm.

Street Tree: A deciduous tree, resistant to root pressure, of proven viability in the region, no less than 6 inches in caliper and 8 feet clear trunk at the time of planting.

Streetwall: An opaque wall built on the frontage line or coplanar with the facades between 6 and 10 feet in height designed to remedy a gap of special definition or to mask parking. A streetwall shall consist of one or a

combination of: A solid masonry wall, matching the finish of the principal structure; A dense hedge installed and maintained at maturity.

Townhouse: A building type that is a single family dwelling and is attached to other units at the side lot lines and the facades reading as a continuous streetwall, usually two stories in height. Garages are accessed by an alley. A townhouse may have a private rear yard screened and enclosed by the garage and/or a garden wall.

Tract: A separately platted subdivision of land held in common, usually a right-of-way or a public open space.

Trail: An independent bicycle way generally running through the countryside or parallel with highways.

Transect: A system of classification deploying the conceptual range rural-to-urban to arrange in useful order to the typical elements of urbanism. The transect is a natural ordering system, as every urban element easily finds a place within its continuum. For example, a street is more urban than a road, a curb is more urban than a swale, a brock is more urban than a wooden one, an allee of trees is more urban than a cluster. Even the character of streetlights can be assigned in the transect according to their fabrication from cast iron, extruded pipe, or wood posts.

Transect Zoning: A system of wider classification based on the correlation of the various elements by a common rural-to-urban Transect. Five segments calibrate the Transect to the neighborhood structure. These are the Rural, Edge, General, Center, and Core Zones. There is an additional category, Civic, that is an overlay zone applicable anywhere on the five standard zones.

Three categories (Edge, General, and Center) follow the natural internal structure of the neighborhood. The Core is assigned to the intensification that occurs where several neighborhoods conjoin, and the Rural is the open space preservation, usually, at they periphery of the urbanized area.

Each zone is an immersive environment, a place where all the component elements reinforce each other to create and intensify a specific character. Several such immersive environments within a single neighborhood provide certain variation, in contrast to the vast, homogeneous tracts of suburbia. This integrated system of zoning discourages the isolated prescriptions of specialists.

Traffic Control Device: A device (typically a yield, stop sign, or traffic signal) that meets the minimum criteria for installation based on the Uniform Traffic Control Devices; National Manual.

Transition Line: A line prescribed for the major part of the width of a facade, expressed by a variation of material, or by a limited projection such as a molding or a balcony. The transition line divides the facade, permitting shopfronts and signage to vary over time without destroying the overall composition of the facade. Syn. Cornice Line

Variance: The process of establishing justification and a district for a special use. (See *District* and *Specialized Use*)

Vernacular Styles: Architectural styles predominantly found in pre-war farming towns common in Southeastern Michigan. Six Vernacular Styles have been codified for Macomb Town Center and are contained in the Architectural Code. They are as follows:

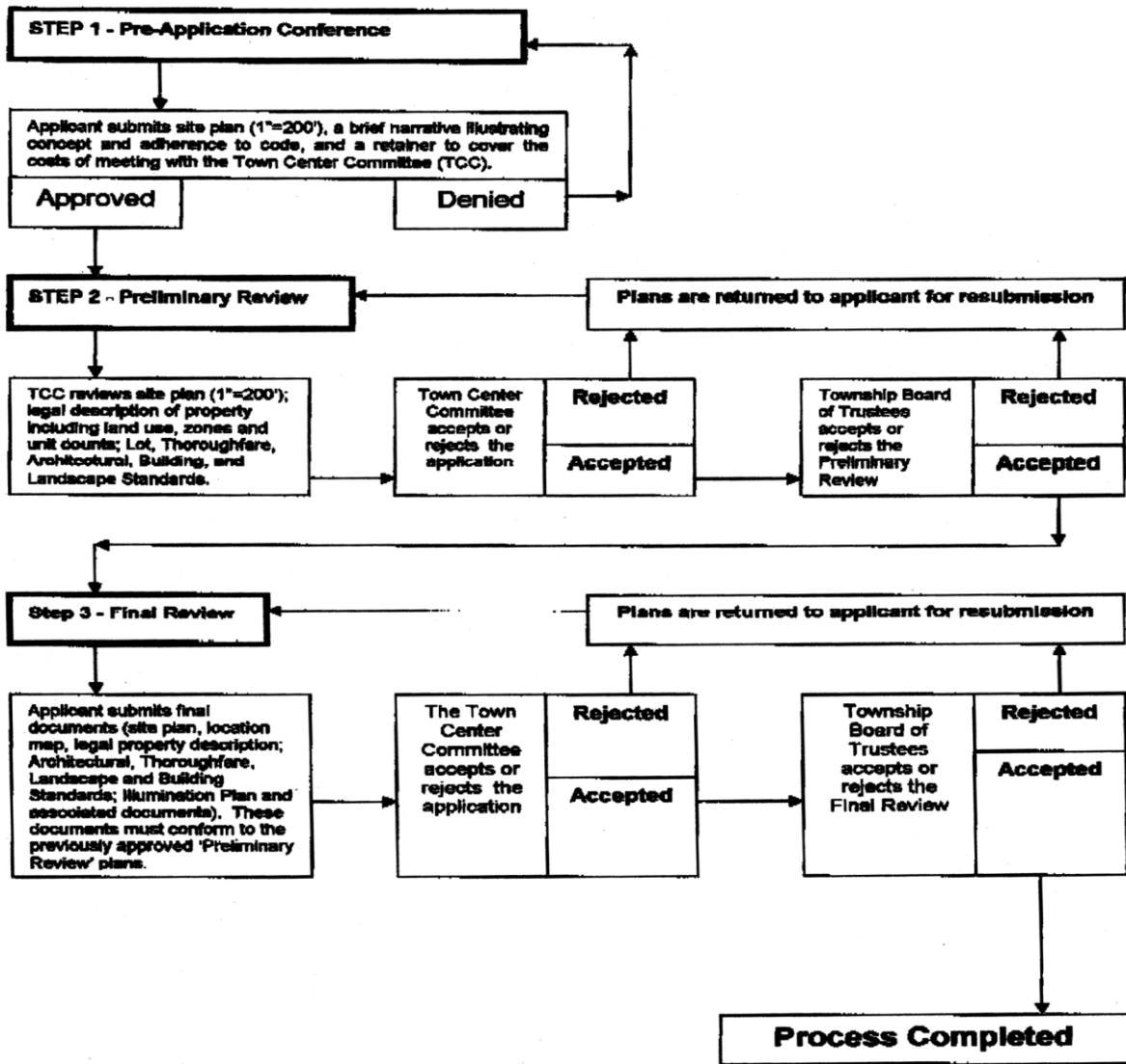
- a. Colonial Revival
- b. Greek Revival
- c. Gothic Revival
- d. Victorian
- e. Shingle Style
- f. Craftsman Bungalow

Vista: (See Focused Vista)

Yard: The portions of a lot which, following the prescriptions of the lot and building standards, remain free of structures except permitted encroachments.

(Ord. No. 10-43, 7-27-11)

APPENDIX K. DEVELOPMENT REVIEW PROCESS



ARTICLE XXVI. WIRELESS COMMUNICATIONS

Sec. 10.2601. Intent.

It is the general purpose and intent of the "Township of Macomb" to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the "Township of Macomb" to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, an attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- A. Facilitate adequate and efficient provision of sites for wireless communication facilities.
- B. Establish predetermined districts or zones of a number, shape, and in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- C. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impacts upon neighborhoods or dense residential areas. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.
- D. Ensure that wireless communication facilities are situated in appropriate locations to other land uses, structures, and buildings.
- E. Limit inappropriate physical and aesthetic overcrowding of land use activities, avoid adverse impacts to existing population areas, transportation systems, and other public services and facilities.
- F. Promote the public health, safety, and welfare.
- G. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- H. Minimize the adverse impact of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- I. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas, and public rights-of-way. This includes the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures.
- J. The "Township of Macomb" finds that the presence of numerous tower structures, particularly if located within residential areas, could decrease the attractiveness and destroy the character and integrity of the community. This, in turn, could have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impacts from the presence of numerous tall tower structures having low, architectural and aesthetic appeal.
- K. Recognize that the absence of regulation would result in a material impediment to the maintenance and promotion of property values.

(Ord. No. 10-33, § 1, 11-27-06)

Sec. 10.2602. Authorization.

Subject to the standards and conditions set forth in this article, wireless communication facilities such as wireless communications support structure(s) as defined herein and so-called collocations on such wireless communications support structure(s) shall be permitted in all zoning districts subject to the following conditions:

- A. A wireless communications support structure(s) must be located within a wireless telecommunications facility as defined herein.
- B. A wireless communications support structure(s) and all wireless communication equipment included within the wireless telecommunications facility may be erected or used subject to the provisions of this section and the approval of the Macomb Township Planning Commission pursuant to the special land use permit review procedures of Section 10.2401 of this Ordinance the general regulations of Section 10.2603.

(Ord. No. 10-33, § 1, 11-27-06; Ord. No. 10-48, § 1, 9-26-12)

Sec. 10.2603. General regulations.

- A. The division of property for the purpose of establishing the wireless telecommunications facility must be in accordance with the Township Land Division Ordinance and approved by the Township Assessor.
- B. A wireless telecommunications facility shall be of a design which is compatible with the existing character of the proposed site, neighborhood and general area.
- C. In all zoning districts the wireless communications equipment for the wireless communications support structure(s) shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission and the Michigan Aeronautics Commission shall be noted.
- D. In all zoning districts a maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard. Evidence of compliance shall be provided by the applicant if requested by the Planning Commission.
- E. There shall be unobstructed access to the wireless telecommunications facility. This access shall have a width and location determined by such factors as: The location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the equipment compound; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the wireless telecommunications facility.
- F. In all residential districts the support structure for the wireless communications support structure(s) shall be setback one hundred (100) feet from the nearest lot line of any residential district plus at least the height of the highest point of the wireless communications support structure(s) or attachment thereto unless the tower is part of a Detroit Edison (DTE) right-of-way or easement that is not part of a recorded subdivision.
- G. If the proposed wireless communications support structure(s) is to be located on a wireless telecommunications facility adjoining any residential district the wireless communications support structure(s) must be setback from the nearest lot line of any parcel zoned for residential purposes at least the height of the wireless communications support structure(s) or attachment thereto measured from the grade level where the wireless communications support structure(s) is fixed to the ground or the structure to which the wireless communications support structure(s) is attached unless the wireless communications

support structure(s) is part of a Detroit Edison (DTE) right-of-way easement that is not part of a recorded subdivision.

- H. Where a telecommunications wireless communications support structure(s) is proposed on the roof of a building and the wireless communications support structure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed, and maintained to be architecturally compatible with the principal building.
- I. In any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code, unless otherwise provided, or in any other district where the proposed wireless telecommunications facility would be less than one thousand feet (1,000) from any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code the wireless communications support structure(s) must be a monopole. Lattice structure is not permitted except for any wireless telecommunications facility to be located as part of an existing DTE tower.
- J. Wireless communications support structures shall conform to the following regulations:
 - 1. In all zoning districts there shall be no more than one (1) wireless communications support structure permitted per wireless telecommunications facility except as provided below.
 - 2. It shall be the responsibility of the initial occupant of the telecommunications facility to provide space for all future expansion including future co-locations within one (1) equipment shelter in the equipment compound. The equipment shelter shall be situated on the site so that any additional expansion including co-locators shall be placed within one (1) equipment shelter or attached to an existing wall of an approved equipment shelter.
 - 3. Any telecommunications facility existing at the time of the adoption of this Ordinance that has an approved equipment shelter that cannot accommodate additional collocation may provide equipment for co-location in more than one (1) separate equipment shelter provided that the equipment shelter shall be screened from adjoining properties by a masonry wall not to exceed nine (9) feet in height. The wall must enclose the entire footprint for all existing equipment shelter five (5) foot except for openings as required and approved by the Fire Department. The wall may utilize one (1) or more walls of existing equipment shelter(s) on the site. The building materials for the wall shall be approved by the Planning Commission. The wall shall be aesthetically compatible with the brick commonly used as veneer on houses if adjoining a residential area. The enclosure must be designed to simulate a structure when viewed at grade from adjoining properties.
 - 4. In any zoning district if the wireless communications support structure is to be part of a principle building on-site then said structure shall conform to the minimum building setback for the appropriate zoning district. Further, all elements of that wireless communications support structure shall be made an integral part of the principle building and maintained to be architecturally compatible with the principal building.
 - 5. In any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code, unless otherwise provided for no wireless telecommunications facility may be located closer than one thousand (1,000) feet of another wireless telecommunications facility in any other district.
 - 6. In any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code, unless otherwise provided for the wireless telecommunications facility must be further regulated as follows:
 - a) The equipment shelter shall be constructed with brick face.
 - b) The maximum height of said structure shall be twelve (12) feet. The roof line, pitch and construction materials shall be approved by the Planning Commission. The Planning Commission may approve a building with an exterior service other than brick or with a height greater than twelve (12) feet if the applicant can demonstrate that variations will cause the building to be more aesthetically compatible with the surrounding residential area.

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- c) The equipment compound shall be screened on all sides that face or adjoin any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code with an eight (8) foot greenbelt as defined in Section 10.0202 of the Zoning Ordinance.
7. In any Commercial, Warehouse, Industrial, or Special Land Development District unless otherwise provided for the wireless telecommunications facility must be further regulated as follows:
- a) The equipment shelter may be constructed with pre-fit steel or stone panel.
 - b) The equipment compound shall be screened on all sides that face or adjoin any Residential, AG, CF, or Office Zoning District, or the area regulated by the TND Code with Code with an eight (8) foot greenbelt as defined in Section 10.0202 of the Zoning Ordinance.

(Ord. No. 10-33, § 1, 11-27-06; Ord. No. 10-48, § 1, 9-26-12)

Sec. 10.2604. Application requirements.

- A. A site plan prepared in accordance with Section 10.2402 shall be submitted showing the location, size, screening and design of all buildings and structures within the wireless telecommunications facility including fences.
- B. If the wireless telecommunications facility is not a separate stand-alone parcel that complies with all site limitations requirements of the applicable zoning district then the site plan must clearly illustrate how the wireless telecommunications facility will inter-relate with the parent parcel or any other parcels or recorded easement upon which the equipment compound must depend for access to the public street. Further, a site plan must also be submitted for the parent parcel upon which the wireless telecommunications facility is to be located and shall be reviewed as either a revised site plan separate from or considered as a new stand-alone site plan.
- C. In all cases, the site plan shall indicate fencing which is required for the protection of the support structure and security from children and other persons who may otherwise access the equipment compound.
- D. The application shall include a description of the types of security to be posted at the time of receiving a building permit to ensure removal of the wireless telecommunications facility when it has been abandoned or is no longer needed, as provided in Section 10.2606 below. In this regard, the security shall, at the election of the applicant, in a form approved by the Macomb Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Township of Macomb in securing removal.
- E. The application and site plan shall include the name, address and phone number of the person to contact for engineering, maintenance and other notification purposes. It shall be the obligation of the applicant to notify the Township Clerk in order to update this information when appropriate.

(Ord. No. 10-33, § 1, 11-27-06; Ord. No. 10-48, § 1, 9-26-12)

Sec. 10.2605. Collocation.

- A. It is the policy of the Township of Macomb to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the Township, consistent with the statement of purpose and intent, set forth in this article.

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- B. Collocation shall be a permitted use of property in all zoning districts subject to Sections 10.2407 (B and C) and not subject to special land use provisions of Section 10.2401 if all of the following requirements are met:
1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 2. The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Planning Commission.
 3. The proposed collocation will not do any of the following:
 - a. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater.
 - b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - c. Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500) square feet.
- C. Special land use permit review procedures at Section 10.2401 shall be required if the Building Official determines that the request for collocation exceeds any of the following limits:
1. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater.
 2. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 3. Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500) square feet.
- D. Site plan review pursuant to Section 10.2402 would be required if the wireless communications equipment necessary as part of the installation results in any of the following to occur within the equipment compound:
1. That the area for the equipment compound is to be increased.
 2. If the additional wireless communications equipment within the equipment compound would not be screened from adjoining properties if required pursuant to this article.
 3. The telecommunications facility is located on land owned by the Township.

(Ord. No. 10-33, § 1, 11-27-06; Ord. No. 10-48, § 1, 9-26-12)

Sec. 10.2606. Removal.

- A. The "Township of Macomb" reserves the right to request evidence of ongoing operation at any time after the construction of an approved wireless communications support structure(s).
- B. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:
- 1) When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of wireless communications equipment or other wireless communications equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

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- 2) Six (6) months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the wireless communications support structure.
 - C. The situations in which removal of a facility is required may be applied and limited to portions of a facility.
 - D. Upon the occurrence of one (1) or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
 - E. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the "Township of Macomb" may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.
- (Ord. No. 10-33, § 1, 11-27-06; Ord. No. 10-48, § 1, 9-26-12)

ARTICLE XXVII MEDICAL MARIHUANA/ADULT USE⁶

Sec. 10.2607. Intent and purpose.

On November 4, 2008, Michigan voters approved a ballot initiative that legalized Medical Marihuana and on December 4, 2008, Michigan's Medical Marihuana Act, MCL 333.26421, et seq. ("MMMA"), took effect allowing both patients and/or their caregivers to cultivate Medical Marihuana within an enclosed, locked facility in order for those individuals to be entitled to the MMMA protections. As such, these enclosed locked facilities have been located on various locations of varying zoning classifications within the Township.

The Stille-Derossett-Hale Single State Construction Code Act 230 of 1972 (MCL 125. 1501, et seq.) allows a local unit of government to legally adopt and enforce the state building code at the local level. The purpose of the building code is to ensure public health, safety, and welfare by protecting life and property from all hazards related to the design, erection, repair, removal, demolition, or use and occupancy of buildings, structures, or premises. This is in relation to structural strength, adequate egress facilities, sanitary equipment, light and ventilation, and fire safety. Building permits are required when construction or alteration of a structure is in order when a patient caregiver has made alterations to a structure to support the cultivation of marihuana.

Since the passage of the Act, a caregiver's cultivation of marihuana particularly, within residential and town center zoning districts within the Township, has resulted in problems with insufficient or improper electrical supplies, problems with ventilation leading to mold, offensive odors, other health hazards and/or other hazards which are associated with the cultivation of marihuana in residential and commercial settings.

The Michigan Zoning Enabling Act, MCLA 125.3101 et. seq., ("MZEA") provides the Township with statutory authority to regulate land use within the Township through its Zoning Ordinance. The Michigan Supreme Court in the recent case of *DeRuiter v Byron Township*, No. 158311, Decided April 27, 2020, found that a township's zoning ordinance that geographically restricted such caregiver marihuana cultivation to a particular zoning district did not directly conflict with the MMMA and the township had the authority under the MZEA to require zoning permits and permit fees for the use of buildings and structures within its jurisdiction.

⁶Editor's note(s)—Ord. No. 10-70, § 1, adopted Dec. 8, 2021, changed the title of Art. XXVII from "Medical Marihuana" to "Medical Marihuana/Adult Use," as set out herein.

Therefore, this Article as proposed, is intended to permit those persons in need of marihuana for medicinal purposes as allowed under the State Acts as defined herein, to be afforded a reasonable opportunity to be treated and for those persons who are permitted to furnish Medical Marihuana, to furnish it within the limitations of the State Acts and the geographical restriction imposed by the Zoning Ordinance in order to protect public health, safety, and welfare.

This Article is also 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.

This Article is to protect and preserve peace, order, property and safety of persons as a result of issues associated with the growth of marihuana in residential and town center 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 marihuana in Residential and Center Zoning Districts and which is otherwise often difficult to detect and regulate. The MZEA provides the Township with statutory authority to impose zoning limitations as set forth in this Article. The Township's zoning authority as it relates to Patient Caregiver Operations pursuant to the MMMA has also been upheld by the Michigan Supreme Court in the recent case of *DeRuiter v Byron Township*, No. 158311. Decided April 27, 2020.

(Ord. No. 10-68, § 1, 4-14-21)

Sec. 10.2608. Definitions.

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

- (1) *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 caregiver, or registered qualifying patient. Marihuana plants grown outdoors, are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level, or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that it is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient, or a person designated through the department registration process, as the primary giver, for the registered qualifying patient, or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access only to the registered qualifying patient, or the registered primary caregiver, who owns, leases, or rents the property on which the structure is located. Enclosed, locked facility includes a motor vehicle if both of the following conditions are met:
 - (a) The vehicle is being used temporarily to transport living marihuana plants from one (1) location to another with the intent to permanently retain those plants at the second location.
 - (b) An individual is not inside the vehicle unless he or she is either the registered qualifying patient to whom the living marihuana plants belong, or the individual designated through the Department of Registration process as the primary caregiver for the registered qualifying patient.
- (2) *Marihuana* means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.
- (3) *Medical use* means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transportation of marihuana, or paraphernalia relating to the administration of marihuana 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.

- (4) *MMMA* means to the Michigan Medical Marihuana Act, MCL 333.26421 et seq. currently, or as amended. ("Act" or "MMMA")
- (5) *MRTMA* means to the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018, MCL 333.27952 et. seq currently, or as amended. ("MRTMA")
- (6) *Registered primary caregiver* means to 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.
- (7) *Registered qualifying patient* means a person meeting the definition under state law and who has been issued and possesses a registry identification card which is valid under the MMMA, as amended.
- (8) *Transfer* means to convey, sell, give, deliver, or allow the possession by another person or entity
- (9) Other provisions and terms. The other provisions and terms of the MMMA and MRTMA for purposes of deferential context are incorporated by reference as though more fully restated herein.

(Ord. No. 10-68, § 1, 4-14-21)

Sec. 10.2609. Medical marihuana for registered qualifying patients or adult use for individuals over the age of twenty-one (21).

Registered qualifying patients, or visiting qualified patients and individuals over the age of twenty-one (21) years old, may use, possess, and store Medical Marihuana as provided in the MMMA, MCL 333.26421 et seq as amended, and marihuana as provided in the MRTMA, MCL 333.27952 et. seq as amended, and as further regulated herein.

- (1) Registered qualifying patient and individuals over the age of twenty-one (21) years of age:
 - (a) May use, possess and store marihuana in their principal residence within the Township for personal use only, and shall comply at all times and in all circumstances with the Act, MRTMA and the General Rules of the Michigan Community Health or the Michigan Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
 - (b) May only cultivate marihuana for him or herself in compliance with the MMMA and the MRTMA, on a residentially zoned parcel or otherwise authorized for residential use and on an industrial zoned parcel, in an enclosed locked facility, inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered qualifying patient and individuals twenty-one (21) years or older.
 - (c) All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any alterations of any portion of the structure in support of or in association with the cultivation of marihuana.
 - (d) The storage of any chemicals such as herbicides, pesticides, and fertilizers, shall be subject to inspection and approval by the Macomb Township Building Department and Fire Department.
 - (e) The separation of plant resin from a marihuana plant by butane extraction or any other method that utilizes a substance with a flashpoint below one hundred (100) degrees Fahrenheit in any public place, a motor vehicle, inside a residential structure or the curtilage of a residential structure is prohibited.

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- (f) If a room with windows is utilized as a marihuana-cultivation location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence or dwelling unit, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
 - (g) If the registered patient, or individual twenty-one (21) years or older, is not the owner of the premises, then written consent must be obtained from the property owner to ensure the owner's knowledge of the use of the premises as permitted by this section, and the registered patient and individual twenty-one (21) years or older shall maintain written proof that the use of the property under this section is approved by the property owner.
 - (h) No person other than the registered patient or individual twenty-one (21) years or older shall be engaged or involved in the growing, processing, handling of marihuana.
 - (i) Use of the registered patient's residential dwelling unit for Medical Marihuana or an individual twenty-one (21) years or older for recreational marihuana related purposes, shall be clearly incidental and subordinate to its use for residential purposes. Not more than one hundred (100) square feet of any residential dwelling unit and/or accessory structure on a residential lot, shall be used for the growing, processing, storage, and handling of medical or recreational marihuana. Any modifications to the dwelling unit made for the purpose of cultivating medical or recreational marihuana shall comply with all applicable building, electrical, mechanical, and fire safety code requirements, including all requisite permit applications and related inspections. No part of an accessory building, detached garage, pole barn, or similar building or structure shall be used for the growing, processing, storage, or distribution of medical or recreational marihuana unless such building or structure has been inspected and approved for the building, electrical, mechanical, and fire safety requirements of such use and fits the definition of an enclosed, locked facility.
 - (j) No equipment or process shall be used in growing, processing, or handling medical or recreational Marihuana which creates noise, vibration, glare, light, fumes, odors, or electrical interference detectable to the normal senses at or beyond the property line of the registered patient's or individuals over the age of twenty-one's residential property. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television, or similar receiver off the premises or causes fluctuation of line voltage off the premises.
 - (k) The registered qualifying patient, individuals over the age of twenty-one (21) and the owners, agents, and employees of the parcel at which marihuana for personal or medical use is present are responsible jointly and severally for compliance with this section.

(Ord. No. 10-68, § 1, 4-14-21; Ord. No. 10-70, § 1, 12-8-21)

Editor's note(s)—Ord. No. 10-70, § 1, adopted Dec. 8, 2021, changed the title of § 10-2609 from "Medical marihuana for registered qualifying patients or any individual over the age of twenty-one (21)" to "Medical marihuana for registered qualifying patients or any individual over the age of twenty-one (21)," as set out herein.

Sec. 10.2610. Registered primary caregiver operations.

Any registered primary caregiver may acquire, possess, cultivate, manufacture, transfer, or transport Medical Marihuana compliant with the MMMA, MCL 333.26421 et seq. as amended. Cultivation of Medical Marihuana by a registered primary caregiver as defined under the MMMA, is prohibited in any zoning district, except the Local

Commercial District (C-1), General Commercial District (C-2), Commercial (Shopping Center) District (C-3), General Highway Commercial District (C-4), Warehouse District (WH) Individual Research District (MR), Light Industrial District (M-1) and Heavy Industrial District (M-2); Sections 10.1501 through 10.2204 of this Ordinance respectively and further subject to the following:

- (1) A registered primary caregiver may only grow, cultivate, manufacture, process, and store marihuana on a parcel in the Local Commercial District (C-1), General Commercial District (C-2), Commercial (Shopping Center) District (C-3), General Highway Commercial District (C-4), Warehouse District (WH) Individual Research District (MR), Light Industrial District (M-1) and Heavy Industrial District (M-2); Sections 10.1501 through 10.2204 of these ordinances and in an enclosed locked facility.
- (2) The registered primary caregiver is responsible for utilizing an enclosed locked facility upon the warehouse or industrial zoned parcel, compliant with the MMMA for cultivating, growing, manufacturing, processing, and storing marihuana for medical use only. The enclosed locked facility utilized by the primary registered 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 Marihuana for medical use, so it is accessible only to the primary caregiver and registered patient. The processing and storing of Medical Marihuana are permitted only by registered primary caregivers and registered qualifying patients.
- (3) The registered primary caregiver may grow up to a maximum of seventy-two (72) plants, but no more than twelve (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 marihuana and usable product are accessible for use only by the primary registered caregiver for transfer to, only to registered qualifying patients who are registered to the registered primary caregiver and must fully comply with the provisions of the MMMA.
- (5) Each parcel upon which enclosed locked facilities with marihuana for medical use are present, must be a minimum of one thousand (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.
- (6) A Certificate of Occupancy is required and must be obtained from the Township before the presence of marihuana is allowed on the parcel.
- (7) Marihuana plants grown outdoors in an enclosed, locked facility shall be subject to the requirements of this Article.
- (8) The consumption, transfer, or use of Marihuana, in public, or a place opened to the public is prohibited.

(Ord. No. 10-68, § 1, 4-14-21)

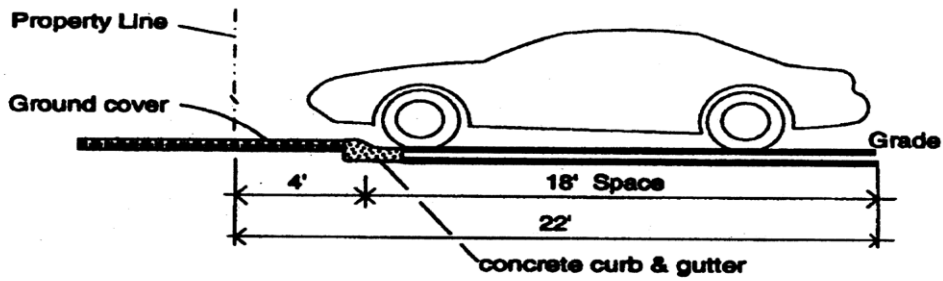
Sec. 10.2611. Certificate required.

The operations of a registered primary caregiver within an approved zoning district shall only be permitted upon the issuance of a Zoning Certificate to Cultivate Medical Marihuana. Such certificate is required to be renewed annually and is subject to inspections by the building and fire department as well as the law enforcement representative for compliance with the provisions of this Ordinance and for the issuance of the certificate and its renewals.

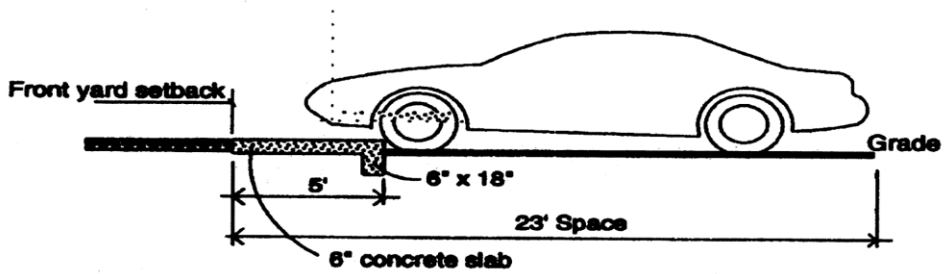
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- (1) A complete and accurate application shall be submitted on a form provided by the Township along with submission of the application fee. The application fee and renewal fee shall be an amount determined by resolution of the Township Board.
 - (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 marihuana cultivation and processing; and a description of the location at which the use will take place. The Township may require additional information necessary to demonstrate compliance with all requirements. The Township shall review the application to determine compliance with this Ordinance, the MMMA and the MRTMA and any applicable Michigan Regulatory Agency General Rules. A certificate shall be granted if the application demonstrates compliance with this Ordinance and the MMMA
 - (3) The use shall be maintained in compliance with the requirements of this Ordinance and the MMMA. 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 Marihuana 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.

(Ord. No. 10-68, § 1, 4-14-21)

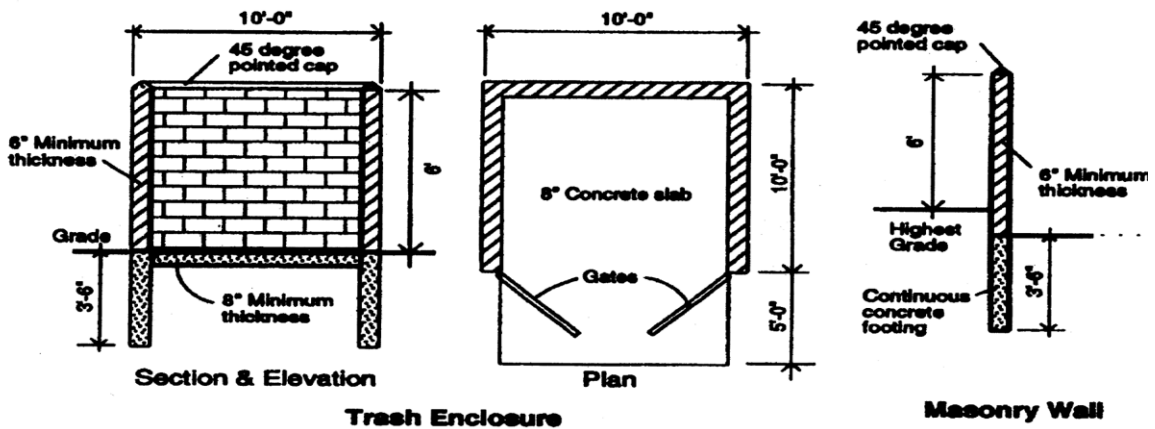
APPENDIX



Parking space abutting a side or rear lot line.



Parking space abutting a front yard setback

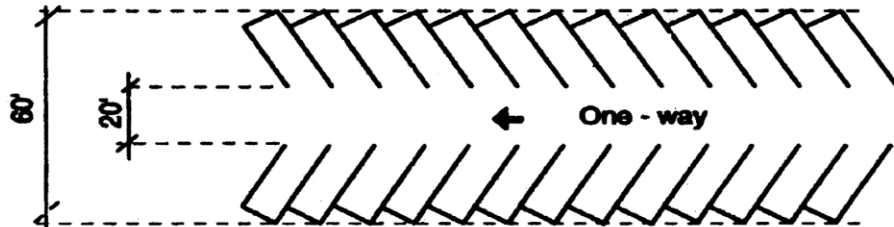


Trash Enclosure
Masonry Wall
Parking spaces, masonry walls and trash areas

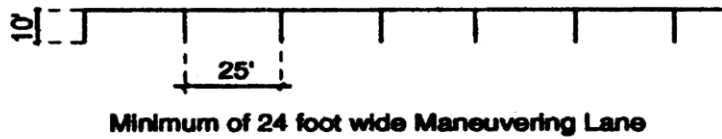
90 Degree



Less than 90 Degree

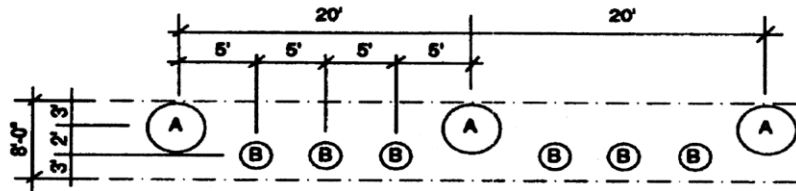


Parallel

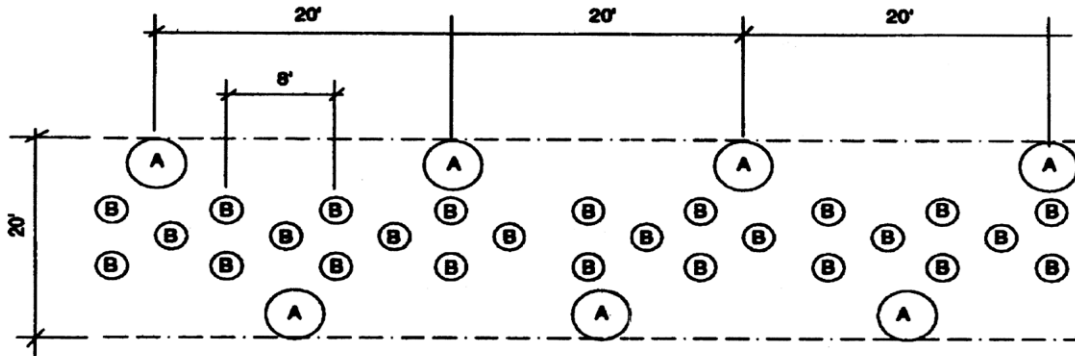


Interior parking layouts in plan

APPENDIX



EIGHT FOOT GREENBELT BELT



TWENTY FOOT GREENBELT BELT

GREENBELT: Shall be a solid planting strip composed of evergreen trees and shrubs which are at least five (5) feet or more in height after one (1) full growing season after planting, and which shall be planted and maintained in a healthy growing condition by either the occupant or owner of the property.

ROW A

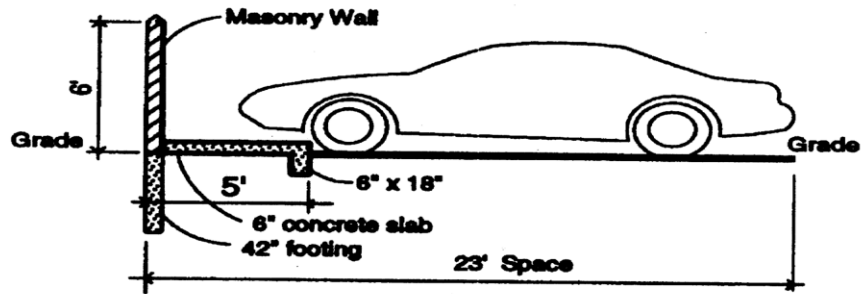
ROW B

POSSIBLE EVERGREEN TREES

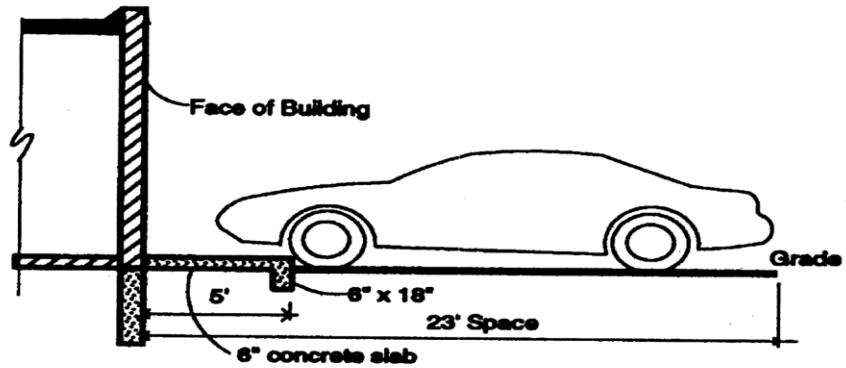
POSSIBLE EVERGREEN SHRUBS

BOTANICAL NAME	COMMON NAME	SIZE	BOTANICAL NAME	COMMON NAME	SIZE
<i>Picea Abies</i>	Norway Spruce	4-5'	<i>Thuja Occidentalis</i>	American Arborvitae	4-5'
<i>Pinus Nigra</i>	Austrian Pine	4-5'	<i>Thuja Occidentalis Nigra</i>	American Arborvitae	4-5'
<i>Pinus Sylvestris</i>	Scotch Pine	4-5'		Wintergreen	

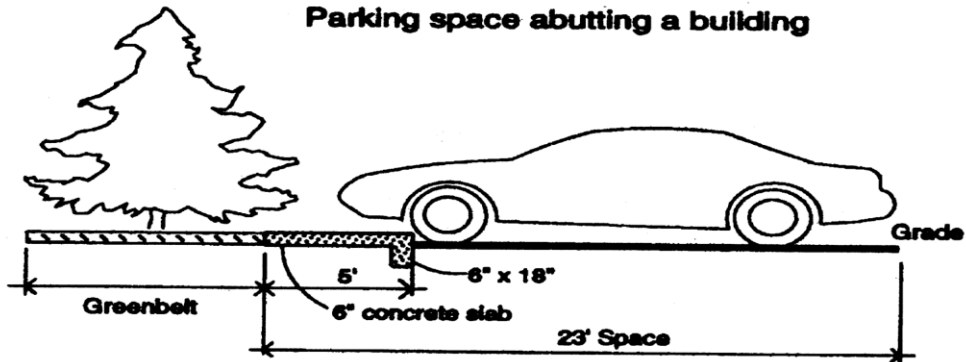
Greenbelt Specifications



Parking space abutting a wall



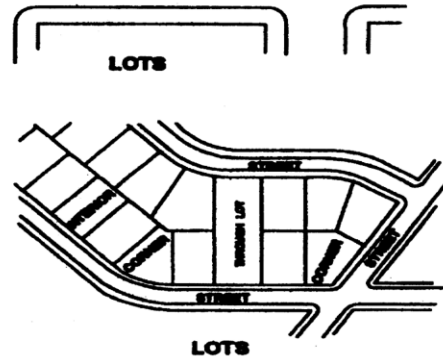
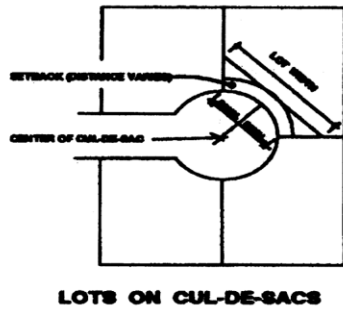
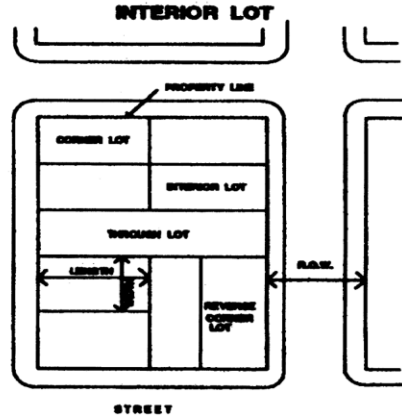
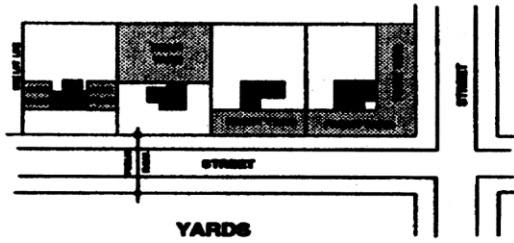
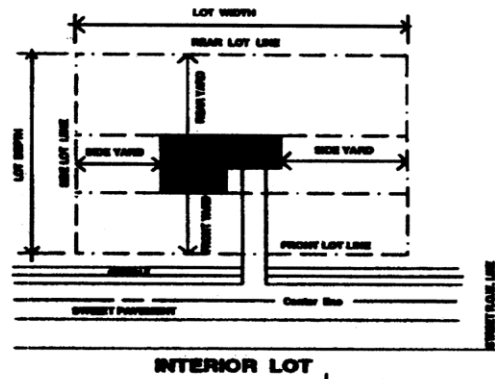
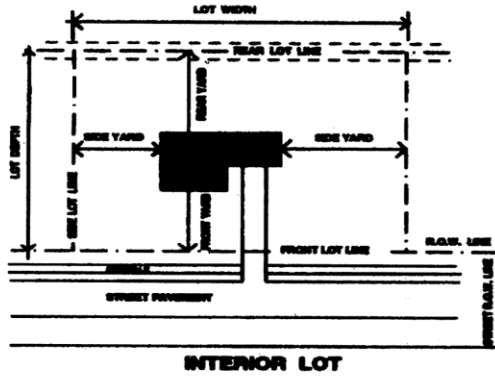
Parking space abutting a building



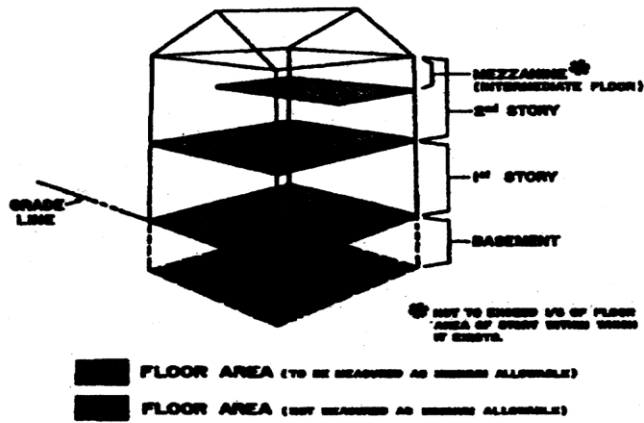
Parking space abutting a greenbelt

Raised concrete slabs requirements for parking spaces.

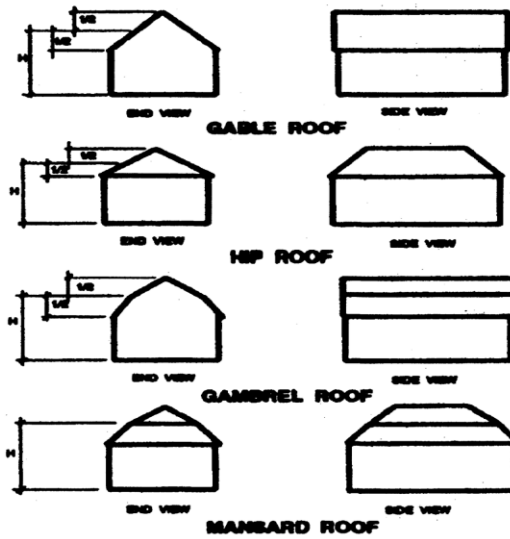
APPENDIX



Description of lots and yards

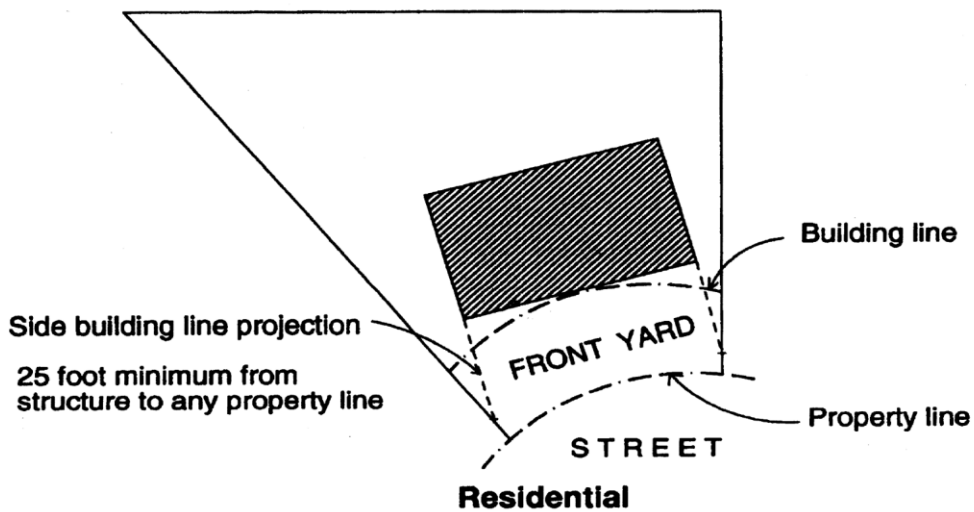
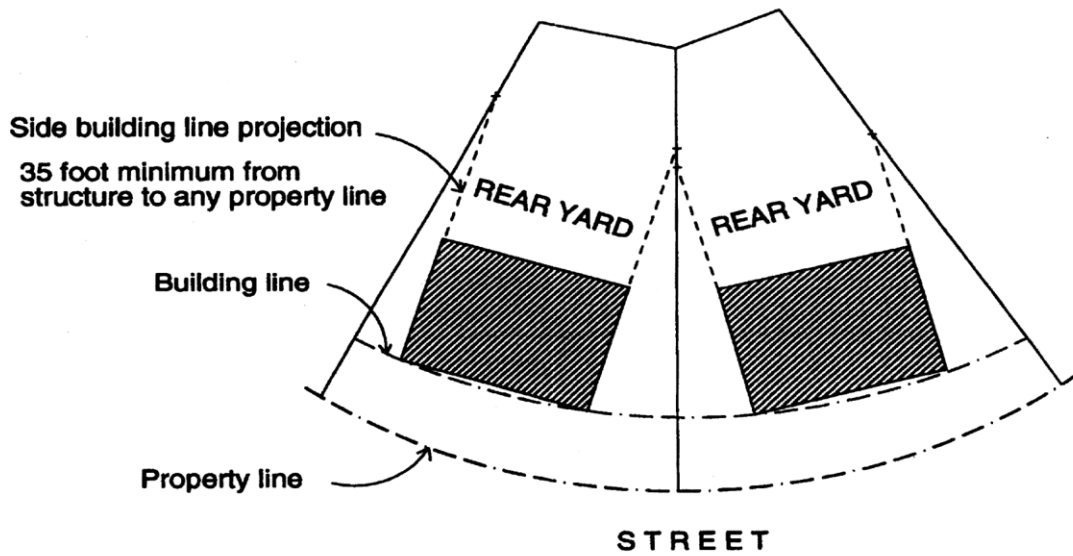


BASIC STRUCTURAL TERMS



BUILDING HEIGHT
H = Height of Building

Building Heights and Structural Terms



Irregular shaped lots (Measurements for front and rear setbacks)

TABLE OF AMENDMENTS

This table shows the section or subsection affected by ordinances amending Ord. No. 10. "Rpld" stands for repealed; "Rnbd" stands for renumbered (or relettered).

Ordinance Number	Adoption Date	Section	Disposition
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Macomb Township, (Macomb Co.), Michigan, Zoning
TABLE OF AMENDMENTS

10-6	12- 8-99	1.1, 1.2	10.0202
		1.3	10.0402 F.
		1.4 Added	10.0403 P.
			10.2303 C.
10-7	12-20-99	Added	10.2501— 10.2515,
			Art. XXV, Apps. A—H, J, K
10-8	6-14-00	1.1	10.0202
		1.2	10.0339
10-9	12-27-00	1.1	10.0202
10-10	2-28-01	1.1	10.0319 B.3.
10-11	3-28-01	1.1	10.0404 E.
		1.2	10.0504 F.
		1.3	10.0604 F.
		1.4	10.0704 E.
10-12	6-13-01	1.1	10.0311 E.f.2)
		1.2	10.0404 D.2.
		1.3	10.0504 E.2.
		1.4	10.0604 E.2.
		1.5	10.0704 D.2.
10-13	10-10-01		10.2501— 10.2515
			Art. XXV, Apps. A—L
10-14	11-14-01	1.1 Rpld	10.0705
10-15	4-24-02	1.1	10.2505 A. 4.
		1.2	10.2506 A.2.
		1.3	10.2506 A.6.e.
		1.4	10.2506 D.2.
		1.5	10.2506 E.2.
		1.6	10.2506 B.2.e.
		1.7	10.2506 F.6.
		1.8	10.2506 G.6.
		1.9	10.2507 A.1.a.
		1.10	10.2512 A.4.
		1.11	10.2514 A.1.
		1.12	10.2514 A.7.
		1.13	10.2514 A.13.
		1.14	10.2515

Macomb Township, (Macomb Co.), Michigan, Zoning
TABLE OF AMENDMENTS

		1.10(2)	Art. XXV, App. J
		1.11(2)	Art. XXV, App. K
10-16	11-13-02	1.1 Added	10.0346
10-17	11-13-02	1.1	10.0202
		1.2 Added	10.0311 D.3.
		1.3	10.0323 A.4.
		1.4	10.0323 A.5.b.
		1.5	10.0323 A.6.
		1.6	10.0323 A.9.
		1.7	10.0331 5.
		1.8	10.0331 6.
		1.9 Dltd	10.0404 D.2.c.
		1.10 Dltd	10.0404 D.2.d.
		1.11 Dltd	10.0504 E.2.c.
		1.12 Dltd	10.0504 E.2.d.
		1.13 Dltd	10.0604 E.2.c.
		1.14 Dltd	10.0604 E.2.d.
		1.15 Dltd	10.0704 D.2.c.
		1.16 Dltd	10.0704 D.2.d.
10-19	6-25-03	1	10.0323 A.10.h.
10-18	6-11-03	1	10.0202
			10.0313
			10.0323 A.6.
			10.0323 A.10.i.
		Added	10.0346 i.
			10.0404 D.1.
			10.0602 A.
			10.0603
			10.0702 A.
			10.0703
			10.1205 D.1.

Macomb Township, (Macomb Co.), Michigan, Zoning
TABLE OF AMENDMENTS

			10.1305 D.1.
			10.1505 D.1.
			10.1605 D.1.
			10.1705 D.1.
			10.1706 D.
		Added	10.1706 E.
			10.1805 D.1.
			10.1906 D.1.
			10.2007 D.1.
			10.2102 J.
			10.2107 D.1.
10-20	4-23-03	1	10.0202
			10.0323 A.5.c.
			10.0323 A.7.
			10.0402 A.
		Dltd	10.0403 N.
		Dltd	10.1602 B.22.
			10.1603 B.28.
		Added	10.1603 B.36.
10-21	7- 9-03	1	10.0311 B.2.
			10.0312
		Added	10.0314 C.
			10.0604 C.
		Added	10.0704 B.3.
10-22	4-28-04	1	10.0404 B.
			10.0504 C.
			10.0604 C.
10-23	4-28-04	1	10.0321 A.
10-24	4-28-04	1	10.2103 C.
			10.2107 J.4.
		Added	10.2107 J.7.
			10.2205 J.5.
		Added	10.2205 J.7.
10-25	4-28-04	1	10.1505 G.
			10.1605 G.
			10.1705 G.
			10.1706 E.
			10.1805 G.
10-26	4-28-04	1	10.2507 D.3.
			10.2507 D.5.
			10.2507 E.3.
			10.2507 E.5.
			10.2507 F.3.
			10.2512 B.
10-27	2-23-05		10.0335

Macomb Township, (Macomb Co.), Michigan, Zoning
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10-28	12-14-05	1	10.0704 B.
10-29	12-28-05	1	10.0344
			10.0503
			10.0603
			10.0604 A.
			10.0704 A.
			10.2405 I.
10-30	6-14-06	1	10.1906 G.
			10.2007 G.
			10.2107 G.
			10.2205 G.
10-31	7-12-06	1 Added	10.0311 E.f.9.
			10.0704 D.3.b.
10-33	11-27-06	1	10.0202
		Added	10.2601— 10.2606
10-34	11-27-06	1	10.0312
10-35	12-13-06	1 Added	10.0348
10-36	1-10-07	1	10.0347
10-37	7-11-07	1	10.0202
			10.0320
			10.2403
			10.2405, 10.2406
10-38	3-26-08	1	10.0202
		Added	10.0349— 10.0351
			10.0404
			10.1602, 10.1603
			10.2103
			10.2203
			10.2403
			10.2501— 10.2513
			Art. XXV, Apps. A—H
		DItd	Art. XXV, App. L
10-39	6-24-09	1	10.0202
			10.0323
		Added	10.0352
			10.0803

Macomb Township, (Macomb Co.), Michigan, Zoning
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			10.0903
			10.1003
			10.1203
			10.1403
			10.2401
			10.2507
10-40	7-22-09	1	10.0202
		Dltd	10.0319
			10.0404
			10.0504
			10.0604
			10.0704
			10.0806
			10.0906
			10.1006
			10.1205
			10.1305
			10.1405
			10.1505
			10.1605
			10.1705
			10.1805
			10.1906
			10.2007
			10.2107
			10.2205
			10.2304
		Dltd	10.2509
10-41	12-22-09	1	10.2103
			10.2202
			10.2203
10-42	5-26-10	1	10.0352
10-43	7-27-11	Dltd	10.2501— 10.2513, Apps. A—I, K, L
		Added	10.2501— 10.2518
			Apps. A, B
		Rnbd	App. J
		as	App. C
10-44	10-27-10	1 Added	10.1603(37)
		Added	10.1703.G
10-45	3-28-12	1	10.0323.A.6

Macomb Township, (Macomb Co.), Michigan, Zoning
TABLE OF AMENDMENTS

			10.0504.C
			10.0604.C
			10.0704.B, E
			10.2107.B.2
10-46	4-11-12	1 Added	10.0353
10-47	6-13-12	1	10.0202
		Added	10.1602.B.30
		Added	10.1902.K.
10-48	9-26-12	1	10.0202
			10.2602— 10.2606
10-49	10- 9-13	1 Added	10.0354
10-50	10- 9-13	1	10.0331.7
10-51	10- 9-13	1	10.0344
10-52	10- 9-13	1	10.0311.C, D.3
			10.0323.A.10.I
10-53	2-26-14	1	10.2402
10-54	2-26-14	1 Added	10.0355
10-55	4- 9-14	1	10.2407.F
10-56	5-13-15	1 Added	10.0403.N
10-57	5-13-15	1 Added	10.2400
10-58	5-13-15	1	10.0323
10-59	5-27-15	1	10.0331
10-60	4-13-16	1	10.0202
			10.0349
			10.2103.F.1
			10.2400.C.1, C.2.a
			10.2401.B.1
			10.2402.C.2
			10.2405.A
			10.2406.A.1— 3, B.1
			10.2511.B—D
			10.2512.B, C
10-61	2- 8-17	1	10.0354
10-62	2- 8-17	1	10.0314.C
10-63	9-13-17	1	10.0331
		2 Added	10.0356

Macomb Township, (Macomb Co.), Michigan, Zoning
TABLE OF AMENDMENTS

		3	10.0311.E.f.
		4	10.0202
10-64	7-11-18	1	10.2107.J.7
		2	10.2205.J.7
		3 Dlted	10.2103.C
		4 Dlted	10.2107.E
		5 Dlted	10.2205.E
10-65	7-11-18	1 Added	10.0357
10-66	6-12-19	Rpld	10.2101— 10.2107
		Added	10.2101— 10.2106
		Rpld	10.2201— 10.2205
		Added	10.2201— 10.2204
10-67	7-22-20	1 Rnbd	10.2401— 10.2411
		as	10.2402— 10.2412
		Added	10.2401
10-68	4-14-21	1 Added	10.2607— 10.2611
10-69	9-22-21	1	10-2403.C.2
10-70	12- 8-21	1	Art. XXVII (tit.),
			10-2609 (tit.)