

Chapter 54 - ZONING⁽¹⁾

Footnotes:

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State Law reference— Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.

ARTICLE I. - IN GENERAL

Secs. 54-1—54-18. - Reserved.

ARTICLE II. - CONSTRUCTION OF LANGUAGE

Sec. 54-19. - Definitions.

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

Accessory building means a subordinate building or structure on the same lot, or a part of such building, occupied or devoted exclusively to an accessory use.

Accessory use means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.

Adult-oriented use (sexually oriented businesses) means a use which shall include the following uses:

- (1) *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- (2) *Adult bookstore* and *adult video store* mean a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other audio-visual representations which depict or describe specified sexual activities or specified anatomical areas.
 - b. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental, for consideration, of the specified materials which depict or describe specified sexual activities or specified anatomical areas.
- (3) *Adult cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - a. Persons who appear in a state of nudity.

- b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
 - c. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (4) *Adult motel* means a hotel, motel or similar commercial establishment which:
- a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.
 - b. Offers a sleeping room for rent for a period of time that is less than ten hours.
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
- (5) *Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (6) *Adult theater* means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- (7) *Employee* means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated as employee, independent contractor, agent or otherwise and whether or not such person is paid a salary, wage or other compensation by the operator of the business. The term "employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- (8) *Escort* means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (9) *Escort agency* means a person or business association which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (10) *Establishment* means and includes any of the following:
- a. Opening or commencement of any sexually oriented business as a new business.
 - b. Conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
 - c. Addition of any sexually oriented business to any other existing sexually oriented business.
 - d. Relocation of any sexually oriented business.
- (11) *Licensee* means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and, in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.
- (12) *Nude model studio* means any place where a person who appears seminude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money

or any form of consideration. The term "nude model studio" shall not include a proprietary school licensed by the state, or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing;
 - b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
 - c. Where no more than one nude or seminude model is on the premises at any one time.
- (13) *Nudity and state of nudity* mean the appearance of a human bare buttocks, anus, male genitals, female genitals, or full female breast.
- (14) *Permittee* means a person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
- (15) *Seminude and seminude condition* mean the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. The term "seminude" and "seminude condition" shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.
- (16) *Sexual encounter center* means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
 - b. Activities such as, but not necessarily limited to, dancing which is conducted between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is seminude; except no such activity shall include any sexual activities, or any activity which would violate any provisions of state or federal criminal or penal status.
- (17) *Sexually oriented business* means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- (18) *Specified anatomical area* means:
- a. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - b. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- (19) *Specified criminal activity* means any of the following offenses:
- a. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of the state, other states, United States criminal or penal law statutes, or the criminal or penal law statutes of other countries.
 - b. An offense for which:
 1. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

2. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
3. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within a 24-month period.

The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

- (20) *Specified sexual activities* means and includes any of the following:
- a. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, and sodomy.
 - c. Masturbation, actual or simulated.
 - d. Excretory functions as part of or in connection with any of the activities set forth in this definition.
- (21) *Substantial enlargement of a sexually oriented business* means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on September 13, 1999.
- (22) *Transfer of ownership or control of a sexually oriented business* means and includes any of the following:
- a. Sale, lease, or sublease of the business.
 - b. Transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means.
 - c. Establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Sexually oriented businesses are classified as follows: adult arcades; adult bookstores or adult video stores; adult cabarets; adult motels; adult motion picture theaters; adult theaters; escort agencies; nude model studios; sexual encounter centers.

Agriculture, including farming and farm operation, shall hold the same meaning as defined in the Michigan right to farm act (MCL 286.471 et seq.).

Airport, commercial, means a facility from which the general public may embark or disembark, where aircraft may take off and land, and at which facility aircraft may be kept and serviced for remuneration.

Airport, private, means a privately owned facility from which only the fixed wing aircraft owned and operated by the owner of the facility, and the land upon which the facility is located, may land and take off and at which facility that same fixed wing aircraft may be parked, stored and serviced.

Alley means any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration means a change, addition, or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to in this chapter as "altered" or "reconstructed."

Animalia (kingdom) is a biological classification for mammals, fish, and birds. Depending on the type of animal, they are classified into phyla comprising the animal kingdom.

Apartment means a room or suite of rooms used as a dwelling for one family, which has cooking facilities and sanitary facilities located therein.

Apartment hotel means a building designed for or containing both dwelling units and individual guestrooms or suites of rooms, which building may include accessory uses such as cigar store, coffee shop, etc., when such uses are accessible only from the lobby.

Apartments means the dwelling units in a multiple dwelling, defined as follows:

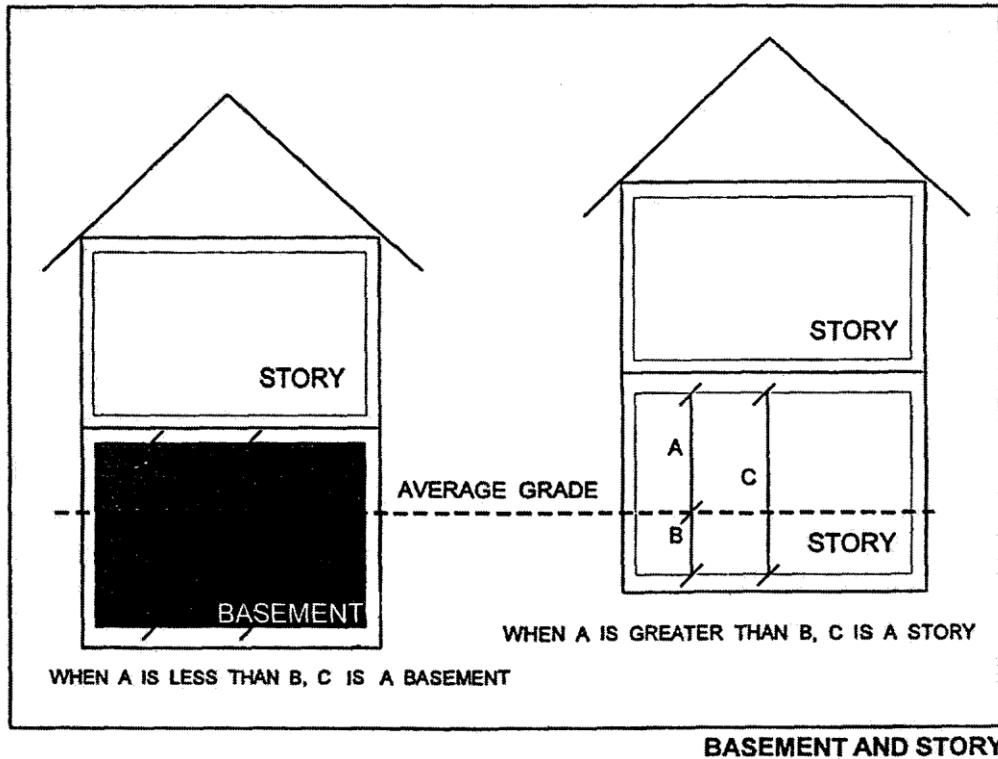
- (1) *Efficiency apartment* means a dwelling unit containing not over 350 square feet of floor area, and consisting of not more than one room in addition to the kitchen-dining room and necessary sanitary facilities, and, for the purposes of computing density, shall be considered as a one-room unit.
- (2) *One-bedroom unit* means a dwelling unit containing a minimum floor area of at least 500 square feet per unit, consisting of not more than two rooms in addition to kitchen, dining, and necessary sanitary facilities, and, for the purposes of computing density, shall be considered as a two-room unit.
- (3) *Two-bedroom unit* means a dwelling unit containing a minimum floor area of at least 700 square feet per unit, consisting of not more than three rooms in addition to kitchen, dining, and necessary sanitary facilities, and, for the purposes of computing density, shall be considered as a three-room unit.
- (4) *Three- or more bedroom unit* means a dwelling unit wherein for each room in addition to the three rooms permitted in a two-bedroom unit there shall be provided an additional area of 200 square feet to the minimum floor area of 700 square feet. For the purpose of computing density, a three-bedroom unit shall be considered as a four-room unit and each increase in a bedroom over three shall be an increase in the room count by one over the four.

Arcade means any premises open to the public wherein are assembled three or more mechanical or electronic amusement machines, instruments or contrivances operated for use as games, amusement, for information, or contests of any description.

Automobile repair garage. See *Motor vehicle repair.*

Automobile service center means a building or premises used primarily for the sale and installation of major automobile accessories, such as tires, batteries, radios, air conditioners and mufflers, plus such services as brake adjustment, and wheel alignment and balancing; but excluding any major mechanical repairs, collision work, undercoating or painting. Sale of gasoline (stored in underground tanks) shall be incidental to the above enumerated activities.

Basement means that portion of a building between the floor and ceiling which is partly below and partly above ground level, but so located that the vertical distance from grade to the floor below is more than a vertical distance from grade to ceiling. A basement shall not be considered as a story, except in an approved soil sheltered structure.



Berm means a mound of soil graded, shaped and improved with landscaping in such a fashion as to be utilized for screening purposes.

Billboard means any structure or portion thereof designed or intended to be used for posting, printing, or otherwise affixing any advertising sign larger than 20 square feet, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises, but not including bulletin boards used to display official court notices or official public notices.

Block means the property abutting one side of a street and lying between the two nearest such streets or railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and other barrier to the continuity of development, or corporate boundary lines of the township.

Board of zoning appeals means the board of zoning appeals of the township.

Boardinghouse means a building other than a hotel where, for compensation, meals or lodging and meals are provided for not more than ten persons in addition to the members of the family occupying the premises.

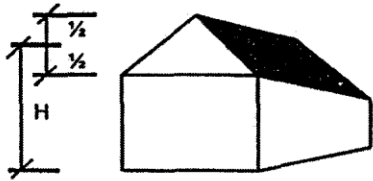
Building.

- (1) The term "building" means any structure which:
 - a. Is permanently affixed to the land;
 - b. Has one or more floors and a roof;
 - c. Is bounded by either open area or the lot line or a platted lot.
- (2) A building shall not include such structures as fences, or structures such as gas holders, tanks, grain elevators, coal bunkers, or similar structures.
- (3) The terms "building" or "structure" include any part thereof.

Building, accessory. See *Accessory building*.

Building area means the space remaining on a property for building purposes after compliance with minimum building setback requirements and any applicable lot area coverage limitations.

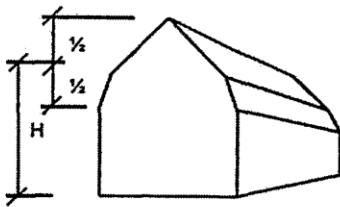
Building height means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



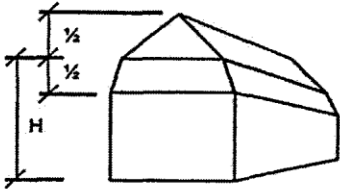
HIP ROOF



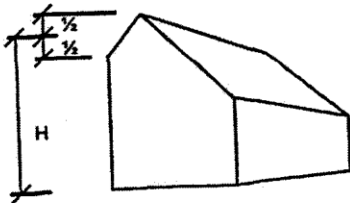
GABLE ROOF



GAMBREL ROOF



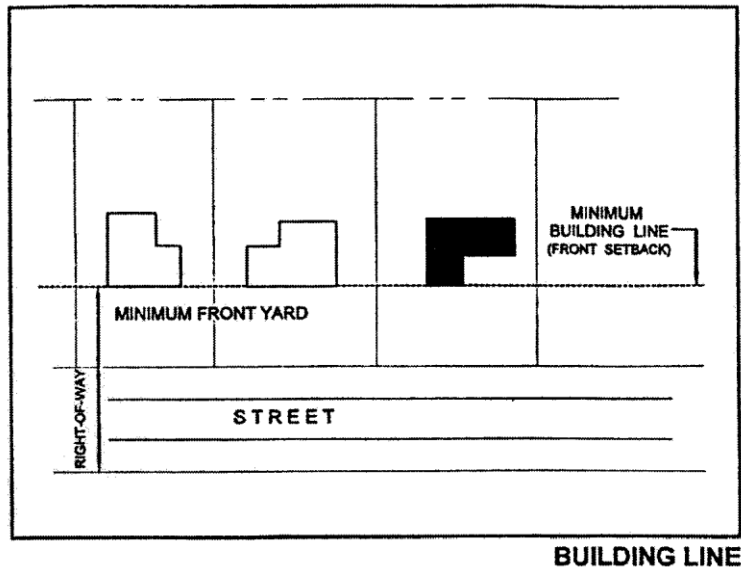
MANSARD ROOF



SALTBOX ROOF

BUILDING HEIGHT

Building line means a line formed by the face of the buildings; a minimum building line is the same as a front setback line.



Building, main or principal, means a building in which is conducted the principal purpose of the land on which it is situated.

Building, multiple-family, means a building or portion thereof designed exclusively for occupancy by three or more families living independently of each other.

Building, one-family, means a building designed exclusively for occupancy by one family.

Building, two-family, means a building designed exclusively for occupancy by two families living independently of each other.

Camp means a voluntary association of persons under the auspices of public or private organizations, engaging in outdoor activities while living in nonpermanent housing, such as tents, trailers, and cabins, designated for short-term experiences in nature or specific recreational or educational pursuits. The term "camp" shall exclude persons or organizations operating programs involving persons sentenced or assigned to such programs by government agencies or courts of law having statutory authority to detain persons against their will.

Cemetery means land used or intended to be used for burial of the human dead and dedicated for such purpose.

Child, minor, means a person less than 18 years of age.

Church means a building used principally for religious worship; but the term "church" shall not include or mean an undertaker's chapel or funeral building.

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

Club, lodge and fraternity mean an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, public service, patriotic, or the like.

Conditional land use means a use of land which requires compliance with certain development or location conditions as set forth for the use in this chapter.

Condominium means a form of ownership, which is applied to the following terms:

- (1) *Common elements* means the portions of the condominium project other than the condominium units.
- (2) *Condominium bylaws* means the required set of bylaws for the condominium project attached to the master deed.

- (3) *Condominium site plan* means a scaled drawing of a site, including a survey, utility layouts, floor plans and elevation sections, as appropriate, showing existing and proposed structures, improvements, parking, etc., as it is to be erected on the site.
- (4) *Condominium unit* means that portion of the project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
- (5) *Consolidating master deed* means the final amended master deed for a contractible condominium project and expandable condominium project, or a condominium project containing convertible land, or convertible space which final amended master deed fully describes the condominium project, as completed.
- (6) *Contractible condominium* means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this chapter and the condominium act (MCL 559.101 et seq.).
- (7) *Conversion condominium* means a condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the condominium act (MCL 559.171).
- (8) *Convertible area* means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units, or general or limited common elements, may be created pursuant to express provision in the condominium documents and in accordance with this chapter and the condominium act (MCL 559.101 et seq.).
- (9) *Expandable condominium* means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this chapter and the condominium act (MCL 559.101 et seq.).
- (10) *Limited common elements* means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (11) *Master deed* means the condominium document recording the condominium project as approved by the township, to which is attached as exhibits, and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

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

Dangerous animal means a domesticated, wild and/or exotic animal (mammal or reptile) that bites or attacks a person, a dog or other domesticated pet or livestock; or a wild and/or exotic animal (mammal or reptile) that bites or attacks and causes serious injury or death to another dog or domesticated pet or livestock or person.

Child care means the provision of care and supervision for periods of less than 24 hours a day. The term "child care" shall include the following:

- (1) *Child care center* means a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The term "child care center" includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. The term "child care center" does not include any of the following:
 - a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per

day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.

- b. A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.
 - c. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
 - d. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
- (2) *Family child care home* means a private home in which one but fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subsection, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services.
- (3) *Group child care home* means a private home in which more than six, but not more than 12, minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption, but including a home that gives care to an unrelated minor child for more than four weeks during a calendar year.
- (4) *Private home* means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group child care home, or a family child care home.

Deed strip means a projection of land, the sole purpose of which is to provide a means of access from a public or private road right-of-way or easement to an interior single parcel of land which does not otherwise have direct frontage on a public or private road right-of-way or easement.

Density means the number of families residing on, or dwelling units developed on, an acre of land. All densities are stated in families per net acre, i.e., per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, schoolyards, or other public lands and open spaces.

Development means the construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use.

District means a portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Drive-in. See *Restaurant, drive-in.*

Drive-through means a business establishment designed and intended to provide a driveway approach and temporary motor vehicle standing space or stacking space where customers receive service while in their motor vehicles.

Dwelling means a place of residence, an abode, a place of continued living; a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling efficiency means a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing not less than 350 square feet of floor area.

Dwelling, manufactured, means a dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

Dwelling, multiple-family, means a building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

Dwelling, one-family, means a building designed exclusively for, and occupied exclusively by, one family.

Dwelling, site-built, means a dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials, and panel walls, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Dwelling, two-family, means a building designed exclusively for occupancy by two families living independently of each other.

Earth berm, obscuring, means an earthen mound of definite height, location and appearance, designed and intended to serve as an obscuring device in carrying out the screening requirements of this chapter.

Easement and corridor mean the area within which a public transmission line is located, either aboveground or belowground. The term "corridor" shall apply when the designated area within which the transmission line is located is owned in fee interest by a utility company.

Entrance ramp means a roadway connecting a feeder road with a limited access highway used to gain access to the highway.

Erected means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of erection.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collections, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service to the township by such utilities or municipal departments for the general health, safety or welfare. Essential services shall be permitted as authorized and regulated by law, the applicable standards of this chapter, and other ordinances of the township.

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

Exception means a use permitted only after review of an application by the board of zoning appeals or township board or a modification in the standards of this chapter specifically permitted after review by the board of zoning appeals, planning commission or township board; such review being necessary because the provisions of this chapter covering conditions precedent or subsequent are not precise enough to cover all applications without interpretation and such review and exception is provided for by this chapter. An exception is not a variance.

Exit ramp means a roadway connecting a limited access highway with a feeder road and used for access to such feeder road.

Exotic animal means any animal which:

- (1) Is a member of the kingdom Animalia;
- (2) Is not native or is a non-indigenous species to this state;
- (3) Does not have an established wild population in this state;
- (4) Is not regulated by the state department of natural resources; or
- (5) Are mammals or reptiles designated by the Centers for Disease Control and Prevention, Department of Agriculture or other national or state public health protection agencies as embargoed or prohibited under legal protection orders.

Family means a single individual or a number of individuals domiciled together, whose relationship is of a continuing, nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. The term "family" shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period.

Farm means contiguous land under single ownership, comprising at least ten acres and which is actively operated as a single unit on which bona fide traditional farming is carried on as defined in the Michigan right to farm act (MCL 286.471 et seq.), directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments such as public riding or boarding stables or commercial dog kennels shall not be considered a farm. A bona fide traditional farm includes those farm buildings, activities and equipment essential to such farming activities; it is not intended and not implied to permit trucking, equipment and/or vehicle repair and/or sales, contractor yards or any other activities other than those directly incidental to and directly related to a bona fide farm.

Farm building means any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms for the pursuit of bona fide agricultural activities.

Farm pond and *fish pond* mean a water impoundment made by constructing a dam or embankment, or by excavating a pit or dugout to provide water for livestock, fish and wildlife; fish production; recreation; fire control; crop and orchard spraying; and related uses. Such ponds shall meet the minimum standards set by the soil conservation service (SCS) for design, engineering, construction and maintenance.

Fast food restaurant. See *Restaurant, fast food.*

Feedlot means a lot or area in which livestock, such as cattle, horses, pigs, etc., are confined in high densities or numbers which require feed areas, corrals or holding pens, feed storage and diversion channels or detention ponds to process, treat or store animal waste and water runoff. Any such feedlot shall meet the minimum standards set by the extension agricultural engineer at Michigan State University or the county cooperative extension service.

Fence means a vertical structure intended to serve as a physical barrier, marker or enclosure; a fence is not a wall.

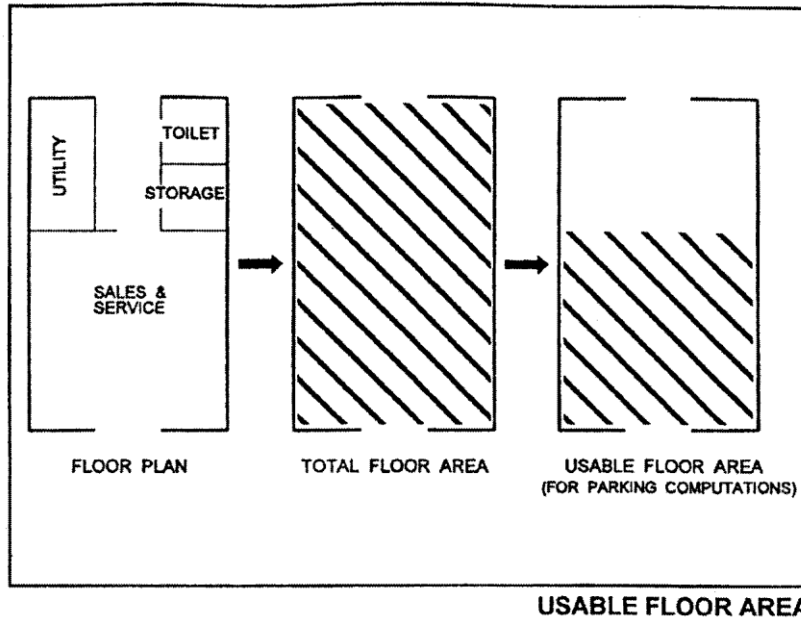
Fence, obscuring, means an opaque structure of definite height and location designed to serve as a screen or obscuring device.

Filling means the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening and general farm care.

Floor area means area measured to the exterior face of exterior walls and to the centerline of interior partitions.

Floor area, useable, nonresidential, means the sum of the horizontal area of the first story measured to the exterior face of exterior walls; plus, similarly measured, that area of all other stories, including mezzanines, which may be made fit for occupancy, including the floor area of all accessory buildings measured similarly and the floor area of basements used for activities related to the principal use, such as

storage, but excluding furnace and utility rooms. Parking space located within a building shall not be considered useable floor space.



Floor area, useable, residential, means the sum of the horizontal area of the first story measured to the exterior face of exterior walls; plus, similarly measured, that area of all other stories having more than 84 inches of headroom which may be made useable for human habitation; but excluding the floor area of basements, attics, attached or unattached garages, breezeways, unenclosed porches and accessory buildings (see also *Story* and *Story, half*, and *Basement*).

Floor, ground, means that portion of a building which is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

Foster care means the provision of supervision, personal care and protection, in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation. The term "foster care" shall include the following:

- (1) *Foster family home* means a private home in which one, but not more than four, minor children who are not related to an adult member of the household by blood, marriage, or adoption are given care and supervision for 24 hours a day for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian or legal custodian.
- (2) *Adult foster care family home* means a private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Foster family group home means a private home in which more than four, but fewer than seven, minor children who are not related to an adult member of the household by blood, marriage, or adoption are provided care for 24 hours a day for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian or legal custodian.

- (1) *Adult foster care small group home* means an adult foster care facility with capacity for not more than 12 adults who are provided foster care.
- (2) *Adult foster care large group home* means an adult foster care facility with capacity for at least 13, but not more than 20, adults who are provided foster care.

- (3) *Private home* means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group child care home, or a family child care home.
- (4) *Foster care* means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

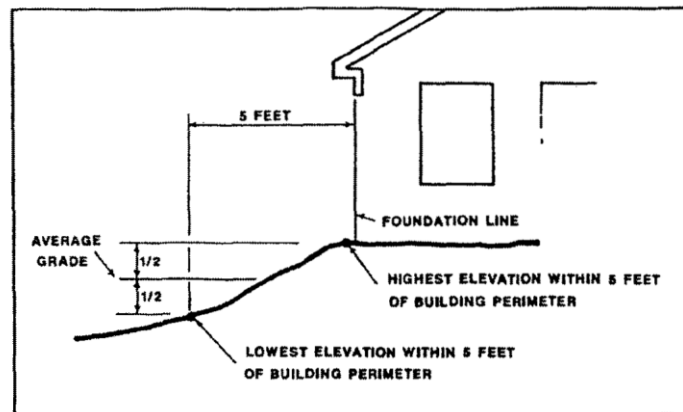
Garage, commercial parking, means a building or structure which is used by the public for the parking of motor vehicles and may be the principal use of the property or may be accessory to a principal use.

Garage, private, means a detached accessory building or integral portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building.

Garage, repair. See *Motor vehicle repair*.

Gasoline service station. See *Automobile service station*.

Grade means the ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and taking the average of



AVERAGE GRADE

such total averages.

Greenbelt, cosmetic, means a landscape area or lawn panel in which live plantings are placed for aesthetic purposes and not for the purpose of screening.

Greenbelt, obscuring, means a landscape area of definite width, height and location containing live plant materials of definite spacing or grouping designed and intended to serve as an obscuring device in carrying out the requirements of this chapter.

Harborer of a dangerous, wild, or inherently dangerous exotic animal means any person, entity, organization, or agent thereof, regardless of ownership, who or which allows a dangerous, wild and/or inherently dangerous exotic animal to remain, lodge, or be fed, bred, or to be given shelter or refuge within or about any home, yard, enclosure, building, vehicle, unlicensed store or place of business, and/or any other premises or location in which the person, entity or organization resides, controls, possesses, owns and/or leases, whether occupied or abandoned.

Home occupation means an occupation, activity or hobby that is traditionally or customarily carried on within the walls of a residential dwelling.

Hospital means a building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the county health department and the state, and is

used for primarily inpatient services, and including such related facilities as laboratories, outpatient departments, central service facilities, and staff offices.

Hotel means a building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy and within which one or more of the following services are offered: maid service, furnishing of linens, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant and cocktail lounge, banquet halls, ballrooms or meeting rooms.

Inherently dangerous exotic animal includes either mammal or reptile.

(1) *Inherently dangerous exotic mammal* means any live member of the Canidae, Felidae, or Ursidae families, including hybrids or crosses thereof, which, due to their inherent nature, may be considered dangerous to humans and/or domesticated animals or livestock and which are further defined, but not limited to, as the following:

- a. Canidae means any member of the dog (Canid) family not customarily domesticated, and/or any hybrids thereof (including, but not limited to, wolf hybrids which are a cross between a wolf and a domestic dog,) or coyote (*Canis latrans*), but not including domestic dogs (*Canis familiaris*);
- b. Felidae means any member of the cat (*Felis*) family weighing over 15 pounds not customarily domesticated, and/or any hybrids thereof, but not including domestic cats (*Felis catus*);
- c. Ursidae means any member of the bear family, and/or hybrids thereof;
- d. Primates means any member of the order primates;
- e. Elephants and rhinoceros.

(2) *Inherently dangerous exotic reptile* means any live member of the Reptilia class which, due to their inherent, nature may be considered dangerous to humans and/or domesticated animals or livestock and which are further defined as follows:

- a. Is venomous. A venomous reptile shall include all members of the families Helodermidae (e.g., gila monsters and Mexican beaded lizards), Viperidae vipers, Crotalidae (e.g., pit vipers), Hydrophilidae (e.g., sea snakes), and Elapidae (e.g., cobras, coral snakes, and their allies), as well as any front or rear fanged snakes of the family Colubridae that are known to be dangerous to humans, including, but not limited to, *Dispholidus typus* (e.g., boomslang), *Thebtonis kirtlandii* (e.g., twig snake), and *Rhabdophis* (e.g., keelbacks);
- b. Is a member of the order Crocodylia (e.g., crocodiles, alligators, and caiman); or
- c. Is a member of the Boidae family of nonvenomous, constricting snakes (e.g., boa, python).

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

Junkyard includes automobile wrecking yards, any area where junk vehicles are stored, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, except for the normal household refuse which is stored only between regular pickup and disposal of household refuse; provided the same is not left for a period of over 30 days, in which case it shall be considered as junk. This definition does not pertain to uses conducted entirely within an enclosed building.

Kennel, commercial, means any lot or premises on which three or more dogs, or other household pets, over six months of age are either permanently or temporarily boarded. The term "kennel" shall also include any lot or premises where household pets are bred or sold.

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

Loading space. See *Off-street loading space*.

Local street means a street of limited continuity which is to be used to gain immediate access to abutting residential properties.

Lot means a parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter.

Lot area means the total horizontal area within the lot lines of the lot, excluding any portion of abutting private streets.

Lot, corner, means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

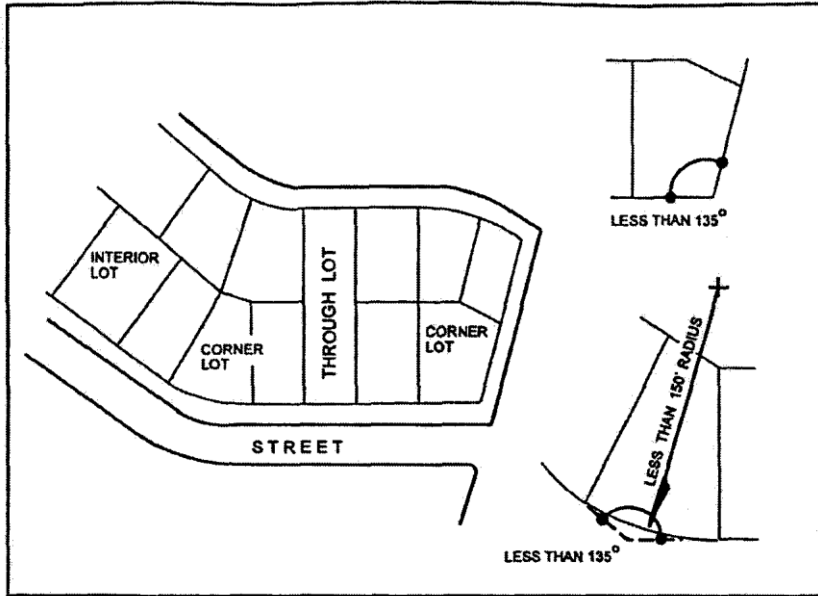
Lot coverage means the part or percent of the lot occupied by buildings, including accessory buildings.

Lot depth means the horizontal distance between the front and rear lot lines measured along the median between the side lot lines.

Lot, interior, means any lot other than a corner lot.

Lot lines means the property lines bounding the lot.

- (1) *Front lot line* means, in the case of an interior lot abutting upon one public or private street, the line separating such lot from such street right-of-way. In the case of a corner lot, the front lot line shall be the narrower of the two frontage lines. In the case of a double frontage lot, the front lot line shall be that line separating such lot from that street which is designated as the front street by the owner, with township approval, or the board of zoning appeals shall designate the front lot line.
- (2) *Rear lot line* means ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or cone-shaped lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining the depth of the rear yard. In cases where none of these definitions are applicable, the property owner, with township approval, may designate the rear lot line, or the board of zoning appeals shall designate the rear lot line.
- (3) *Side lot line* means any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



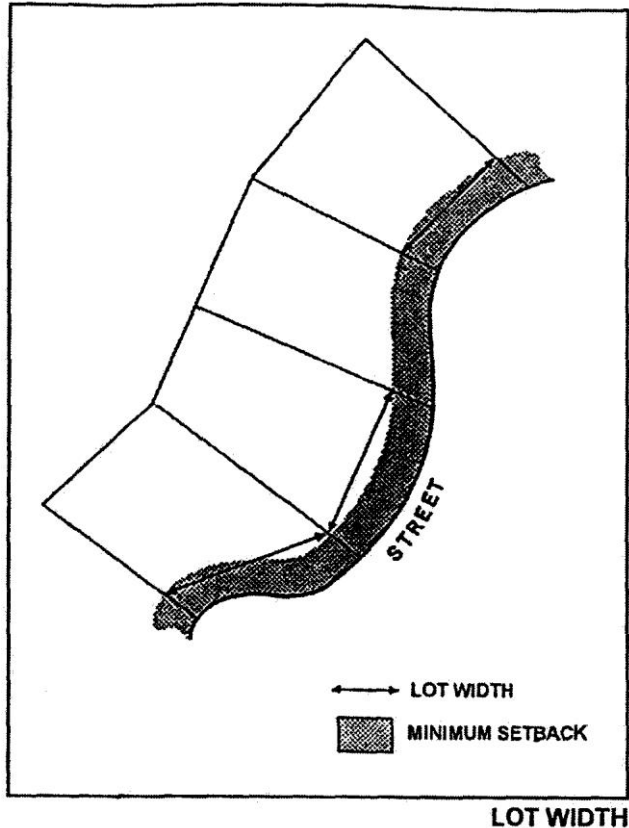
INTERIOR, THROUGH, AND CORNER LOTS

Lot of record means a parcel of land, the dimensions of which are shown on a document or map on file with the township or county and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot, through, means a double frontage lot, with street frontage at the front and the rear of the property. A double frontage lot is not a corner lot.

Lot width means the horizontal straight line distance between the side lot lines.

Lot width, required, means the minimum required horizontal straight line distance between the side lot lines, measured between the two points where the minimum required front setback line intersects the side lot lines.



Lot, zoning, means a single tract of land which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the zoning district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed in the county register of deeds, but may include one or more lots of record. A zoning district line of the zoning lot shall serve as though it is a lot line for the purposes of establishing building setbacks and percent of lot coverage.

Main building means a building in which is conducted the principal use of the lot upon which it is situated.

Main use means the principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major thoroughfare means an arterial street which is intended to serve as a large volume trafficway for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent terms to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of 120 feet or greater shall be considered a major thoroughfare.

Marginal access road means a service roadway parallel to a feeder road, designed to provide access to abutting properties and limited access to the feeder road. A marginal access road may also be called a limited access frontage road or service drive.

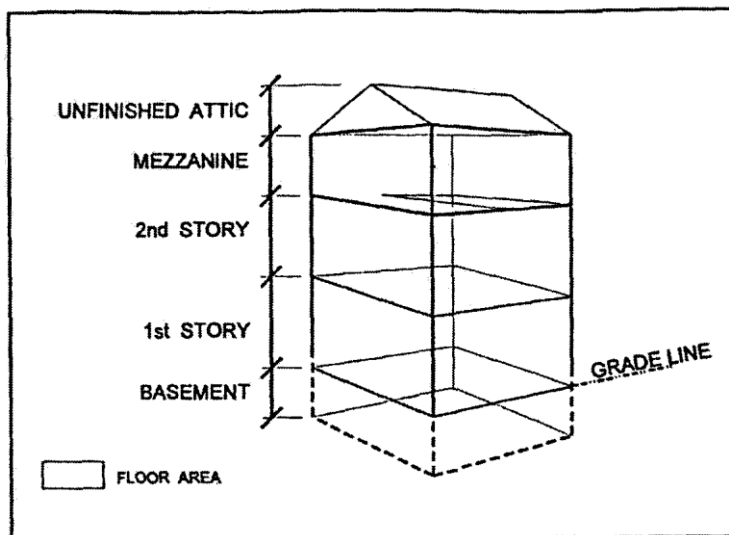
Marquee means a roof-like structure of a permanent nature projecting out horizontally from the wall of a building.

Master plan means a comprehensive plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings and all physical development of the township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mechanical amusement device means any machine or device, whether video, electronic, mechanical or a combination thereof, which, upon the insertion of a coin, trade, token, ticket, slug, plate, disc or key, or payment of a price, operates or may be operated as a game, entertainment or contest of skill or amusement of any kind or description which contains no automatic payoff device for the return of money, price or goods to the player, and further includes any machine, apparatus, or contrivance which is used or may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force generated by the machine. The term "mechanical amusement device" does not apply to or include:

- (1) A vending machine which does not incorporate gaming or amusement features;
- (2) Musical devices or coin-operated radios;
- (3) Television sets in private quarters.

Mezzanine means an intermediate or fractional story between the floor and ceiling of a full story and occupying not more than one-third of the floor area of the full story.



BASIC STRUCTURAL TERMS

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

Mobile home park means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

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

Motor vehicle repair, general, means the general mechanical repair, including overhaul and reconditioning of motor vehicle engines, transmissions and other mechanical repairs, but not including collision services such as body, frame or fender straightening and repair, painting or undercoating.

Motor vehicle repair, major, means the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision services such as body, frame or fender straightening and repair, painting or undercoating.

Motor vehicle service center means a use which is accessory to a designated retail commercial outlet located within a shopping center or which is within a building composed of the same construction material and of the same design as the shopping center, wherein automobile products such as motor oils, lubricants and various automobile parts retailed directly to the public by such retail commercial outlet are installed.

Motor vehicle service station and gasoline station mean a place where gasoline or other motor fuel and lubricants for operating motor vehicles are offered for sale at retail to the public, including sale of accessories, lubricating and light motor service on the premises, but not including collision services such as body, frame or fender straightening or repair, painting or undercoating.

Multiplex means a building designed exclusively for occupancy by two, three or four families, living independently of each other, with at least one main entrance directly from the outside for each living unit.

Nonconforming building means a building or portion thereof lawfully existing as of October 19, 1999, or subsequent dates of amendment to this chapter, that does not conform to the provisions of this chapter in the district in which it is located.

Nonconforming use means a use which lawfully occupied a building or land as of October 19, 1999, or subsequent dates of amendment to this chapter, and that does not conform to the use regulations of the district in which it is located.

Nonconforming use and building means a use and a building lawfully existing as of September 13, 1999, or subsequent dates of amendment to this chapter, which does not conform to the use and height, bulk, placement and/or provisions for the zoning district in which it is located.

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

Nursery means an area for the growing of plant materials not offered for sale on the premises.

Nursery, commercial, means a space, building or structure, or combination thereof, for the growing and storage of live trees, shrubs, or plants offered for sale on the premises, including products used for gardening or landscaping.

Nursery school. See *Day care*.

Nursing home. See *Convalescent or nursing home*.

Occupancy load means the number of individuals normally occupying a building or part thereof, or for which the existing facilities have been designed.

Occupied means used in any way at the time in question.

Off-street loading space means a facility or space specifically intended to permit the standing, loading or unloading of trucks and other vehicles outside of a public right-of-way.

Off-street parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

Open air business uses not conducted from a wholly enclosed building, if operated for profit, shall include the following uses:

- (1) Bicycle, trailer, mobile home, motor vehicle, farm implements, boats or home equipment sale or rental services.
- (2) Outdoor display and sale of garages, swimming pools, and similar uses.

- (3) Retail sale of fruit, vegetables, and perishable foods.
- (4) Retail sale of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (5) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

Open front store means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations or automobile service stations.

Open space means an area of land that remains primarily undeveloped and in its natural state. Open space may include park lands and park facilities so long as they are provided as a part of an open space area.

Open storage, motor vehicle, means the outdoor standing or placement of motor vehicles, including truck trailers, for more than 18 hours, including new or used motor vehicles on display for lease or sale.

Open storage, nonresidential, means the outdoor standing or placement of any material which is manmade, assembled, fabricated or treated in any manner and which may or may not be used directly in the processing or fabrication of a product manufactured on the premises.

Open storage, residential, means the outdoor placement or keeping of material which is owned and possessed by the resident occupying the dwelling unit on the premises or by the owner of the premises where open storage is to take place.

Out lot means a lot in a subdivision which is restricted from use for building purposes, whether or not deeded to the township, but which is not dedicated as a street or public reservation or public park.

Parking means the parking of a motor vehicle for short duration and possessing the element of a vehicle in use, being temporarily parked until it is shortly to be again put into service. The terms "temporarily" or "shortly" shall mean and be measured by hours or, at most, up to a maximum of 18 hours.

Parking space means an area of definite length and width; such area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of vehicles.

Planned commercial center. See *Center, commercial*.

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

Principal use. See *Main use*.

Private drive means a means of vehicle access serving one property or one dwelling.

Property line means the boundary line that defines and identifies the extent of a lot, parcel or property by ownership.

Public utility means a person, firm or corporation, municipal department, board or commission duly authorized to furnish, and furnishing under governmental regulations, to the public, gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Recreation land means any publicly or privately owned property that is utilized for recreation activities, including such activities as camping, swimming, picnicking, hiking, nature study, hunting, boating and fishing.

Recreation vehicle or equipment shall include the following:

- (1) Travel trailer, which is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.

- (2) Pickup camper, which is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
- (3) Motorized home, which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (4) Folding tent trailer, which is a folding structure, mounted on wheels and designed for travel and vacation use.
- (5) Boats and boat trailers, which shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway.
- (6) Snowmobile and all-terrain vehicles, plus the normal equipment to transport the same on the highway.

Recycling means the process by which waste products are reduced to raw materials and transformed into new and often different products.

Recycling center means a facility where previously used products or materials are transformed into new and often different products. A recycling center shall be other than a junkyard.

Restaurant, drive-in, means a business establishment designed to provide a motor vehicle driveway approach, standing space, or parking space where patrons receive food and beverages while in motor vehicles for consumption in motor vehicles while on the premises.

Restaurant, fast food carryout, means a business establishment wherein food is prepared or cooked on the premises to be sold in disposable containers or wrappers to patrons and which is not intended to be consumed on the premises or within a motor vehicle parked or standing on the premises.

Restaurant, fast food sit-down, means a business establishment in which a patron purchases food or beverages, which may have been previously prepared, and which is served in disposable containers or wrappers and which the patron consumes while seated in the restaurant.

Restaurant, sit-down, means a business establishment in which a patron purchases food or beverages, which is then prepared, after the patron orders, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.

Right-of-way line means the line established by the county road commission in its right-of-way requirements established for the township or the township's adopted master plan.

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

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

Rooming unit means a room or group of rooms forming a single habitable unit used for living and sleeping, but not containing kitchen or eating facilities.

Roominghouse. See *Boardinghouse*.

Salvage yard means an open area where used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals.

Screening means a wall, earth berm, fence or land used for growing heavy concentrations of trees and shrubs, or combinations of these, for the purpose of shielding the view of one use of land from another, and for the protection of adjoining premises.

Seasonal festival, outdoor, means an event for feasting and celebration, which may or may not have a theme, but which is conducted outdoors on a seasonal basis for the purpose of bringing together artists, craftspeople, entertainers and food and beverage purveyors for the purpose of entertaining the public.

Secondary thoroughfare means a street of limited continuity designed and intended to collect and distribute traffic to and from local streets and to and from major thoroughfares.

Setback means the minimum horizontal distance between any side of the main building and any adjoining property boundaries, such as the front of the building, excluding only the steps, and the front lot line or street right-of-way line.

Sign means a name, identification, description display, or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign shall include the following types:

- (1) *Accessory sign* means a sign which directs attention to a person or profession conducted upon the same premises.
- (2) *Directional sign* means a sign intended solely for the purpose of showing direction or guiding either by symbol or by language, or by both.
- (3) *Freestanding sign* means a sign which is supported by one or more poles, uprights, or braces, in or upon the ground, which are not part of the building.
- (4) *Non-accessory sign* means a sign which directs attention to a business, commodity, activity, service or entertainment conducted, sold, placed or otherwise offered elsewhere than on the premises on which the sign is located.
- (5) *Projecting sign* means a sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom, including marquees.
- (6) *Roof sign* means a sign which is erected, constructed and maintained above the roof of a building.
- (7) *Temporary sign* means a sign which is not permanently affixed to a wall or to the ground and whose message does not represent a permanent status of place, product or activity.
- (8) *Wall sign* means a sign which is attached directly to the wall of a building and which extends not more than 18 inches from the wall, including window signs.

Sign area means the sign area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed; provided, however, any open space contained within the outer limits of the display face of a sign or between any component, panel, strip, or figure of any kind composing the display face shall be included in the computation of the area of the sign, whether such open space is enclosed or not by a frame or border. For double-faced signs, each display face shall be measured or counted in computing the sign area. All lettering and other sign elements printed or mounted upon a wall of a building without any distinguished border, panel or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation, and enclosed tightly with an imaginary line to define the area for computation.

Site plan means a plan showing all salient features of a proposed development so that it may be evaluated in order to determine compliance with the applicable requirements of this Code, including this chapter.

Soil sheltered means the design and creation of living space by means of cut-and-cover construction in the near-surface or shallow soil environment. Such approved construction is exempt from the definition of a basement.

Special land use. See *Conditional land use*.

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

Stable, public, means a structure or shelter where horses owned and not owned by the proprietor of the property are boarded or are kept for remuneration and where horses may be ridden by the public and trained.

Story means that part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A story shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.

Story, half, means an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. The usable floor area is only that area having at least four feet clear height between floor and ceiling.

Street, private, means a street which provides the principal means of access to abutting land use, portions of which may be owned and controlled by the abutting property owners and which may or may not be open to public use.

Street, public, means a dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

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

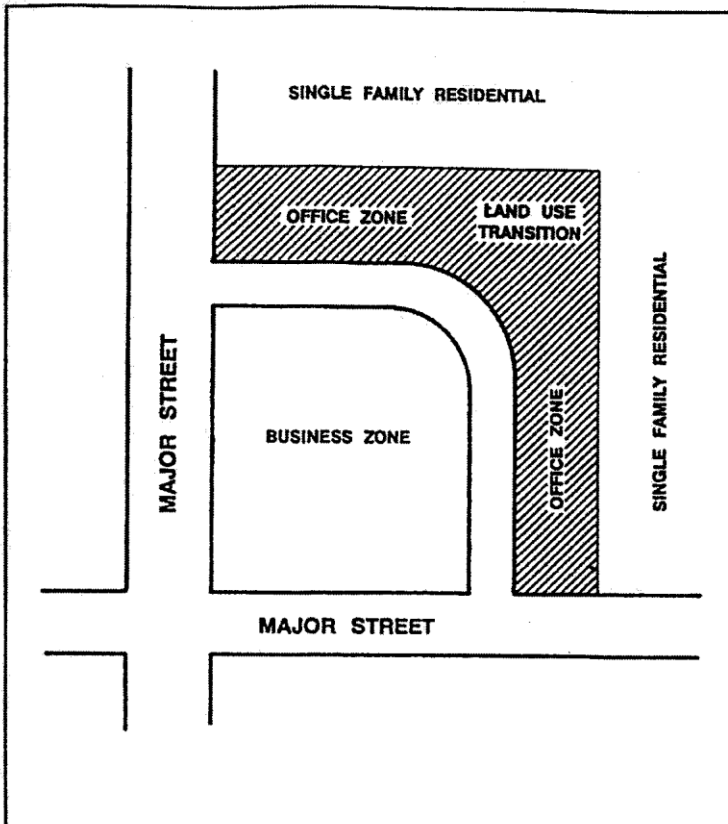
Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Swimming pool means any structure located above grade or below grade, designed to hold water to a depth greater than 24 inches, to be used for swimming.

Temporary use of building means a use of building permitted by the board of zoning appeals to exist during periods of construction of the main building or use, or for special events.

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

Transition and *transitional* mean a zoning district, a landscaped area, arrangement of lots, wall or other means which may serve as a district or area of transition; i.e., a buffer zone between various land use districts and/or land use and thoroughfares.



TRANSITION (THROUGH ZONING)

Travel trailer park and overnight camping facility means a place utilized for the temporary storage of travel trailers, for camping purposes, where there is no permanent storage of mobile homes for year-round occupancy, and where commercial activity is limited to service the needs of the temporary occupants of the travel trailer park.

Use means the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Vehicle, commercial, as defined in the state vehicle code (MCL 257.7), means every vehicle which is used for the transportation of passengers for hire or which is constructed or used for the transportation of goods, wares or merchandise. The term "commercial vehicle" also means a motor vehicle which is designated and used for drawing other vehicles and which is not constructed to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

Vehicle dealer means a person selling cars, trucks, motorcycles, recreational vehicles, boats and related parts, supplies and services.

Veterinary clinic means a place for the care, diagnosis and treatment of sick or injured animals and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages which are permitted only within the walls of the clinic structure. A veterinary clinic may also be known as a veterinary hospital.

Wall, obscuring, means a structure of definite height and location to serve as an opaque screen in carrying out the requirements of this chapter.

Wild animal means any nondomesticated animal and/or any cross of a nondomesticated animal.

Wireless telecommunication facility means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not necessarily be limited to, radio towers, television towers,

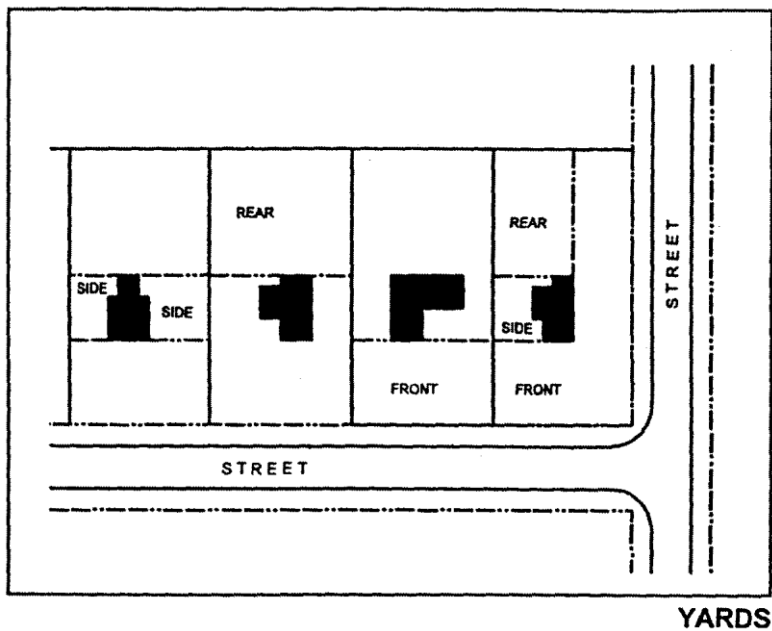
telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities, but not including citizen band radio facilities, shortwave facilities, ham, amateur radio facilities, satellite dishes, and government facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. The term "wireless telecommunication facility" shall include the following definitions:

- (1) *Attached wireless telecommunications facility* means a wireless telecommunications facility that is affixed to an existing structure, such as a building, tower, water tower, utility tower and the like. A wireless telecommunications support structure proposed to be newly erected shall not be included in this definition.
- (2) *Colocation* means the location by two or more wireless telecommunication providers of wireless telecommunication facilities on a common support structure, including their related ground equipment facilities.
- (3) *Wireless telecommunications support structure* means structures erected or modified to support a wireless telecommunication antenna or antenna array. Support structures within this definition include, but shall not necessarily be limited to, monopoles, lattice towers, light poles, wood poles, guyed wire towers, or other structures which appear to be something other than a support structure specifically designed to support antennas.

Woodland and woodlot means a tract of land dominated by trees but usually also containing woody shrubs and other vegetation.

Yard means the open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter, and as defined herein:

- (1) *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (2) *Rear yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.



Zoning exceptions and variances mean:

- (1) *Exception:* An exception is a use permitted only after review of an application by the board of zoning appeals or commission other than the administrative official (building inspector), such review being necessary because the provisions of this chapter covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by the chapter.
- (2) *Variance:* A variance is a modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case. The exception differs from the variance in several respects. An exception does not require undue hardship in order to be allowable. The exceptions that are found in this chapter appear as special approval or review by the planning commission, township board, or board of zoning appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

- a. They require large areas.
- b. They are infrequent.
- c. They sometimes create an unusual amount of traffic.
- d. They are sometimes obnoxious or hazardous.
- e. They are required for public safety and convenience.

Zoning district. See *District.*

Zoning lot. See *Lot, zoning.*

Zoning map means an official map of the township which visually depicts by area, and identifies by name, various zoning districts throughout the township.

(Code 2004, § 54-31; Zoning Ord. 1999, §§ 200(4), (5), 201; Ord. No. 168, 11-9-2009)

Secs. 54-20—54-41. - Reserved.

ARTICLE III. - ZONING DISTRICTS

DIVISION 1. - GENERALLY

Sec. 54-42. - Districts established.

For the purpose of this chapter, the township is hereby divided into the following zoning districts:

- (1) *Residential.*
 - a. RE/F rural estate/farm.
 - b. R-1 one-family residential.
 - c. R-2 one-family residential.
 - d. RM multiple-family residential.
 - e. RMH mobile home residential.
- (2) *Nonresidential.*
 - a. RC recreation.

- b. OS-1 office service.
- c. B-1 neighborhood business.
- d. B-2 community business.
- e. B-3 general business.
- f. TR technical research.
- g. I-1 light industrial.
- h. I-2 general industrial.
- i. E-1 extractive.

(Code 2004, § 54-71; Zoning Ord. 1999, § 300)

Sec. 54-43. - District boundaries—Zoning map adopted.

The boundaries of these districts or zones are shown on the map attached to the Zoning Ordinance of 1999 and designated as the township zoning map. The zoning map and all notations, references and other information appearing thereon are hereby declared to be a part of this chapter and shall be as much a part of this chapter as if fully described in this chapter.

(Code 2004, § 54-72; Zoning Ord. 1999, § 301)

Sec. 54-44. - Same—Interpretation.

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

- (1) Boundaries indicated as approximately following the centerlines of streets or highways shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following township limits shall be construed as following township limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be the midway between the rail tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (7) Some or all of the various districts are indicated on the zoning map. It is intended, where shown on the map, that such district boundaries extend to the center of any public right-of-way.
- (8) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (7) of this section, the board of zoning appeals shall interpret the district boundaries.

(Code 2004, § 54-73; Zoning Ord. 1999, § 302)

Sec. 54-45. - Text interpreted.

Where uncertainty exists with respect to use or uses permitted in any district, or under any other condition or conditions set forth in this chapter, the following rules shall apply:

- (1) No use of land shall be permitted in any use district except those uses specifically set forth in the district.
- (2) Uses not specifically permitted in a zoning district shall not be permitted uses of land and shall be prohibited in that district.
- (3) Unless otherwise provided for in this chapter, where uses of yard areas are indicated as being permitted, the use of any other yard or yard area for such use shall be prohibited.

(Code 2004, § 54-74; Zoning Ord. 1999, § 303)

Sec. 54-46. - Zoning of vacated areas.

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

(Code 2004, § 54-75; Zoning Ord. 1999, § 304)

Sec. 54-47. - Encumbering of required land area.

If a portion of a lot or parcel used in connection with an existing or proposed building, structure or use, and is necessary for compliance with the area, height, bulk, density, placement and other related provisions of this chapter, such portion shall not through sale or otherwise, be used again as part of a lot or parcel required in connection with any other building, structure, or use existing or intended to exist at the same time.

(Code 2004, § 54-76; Zoning Ord. 1999, § 305)

Sec. 54-48. - Use restrictions.

All buildings and uses in any district shall be subject to the following applicable provisions:

- (1) Those set forth for the use in its particular use district.
- (2) Those set forth elsewhere in this chapter.

(Code 2004, § 54-77; Zoning Ord. 1999, § 306)

Secs. 54-49—54-69. - Reserved.

DIVISION 2. - RE/F RURAL ESTATE/FARM DISTRICT

Sec. 54-70. - Purpose and intent.

The purpose of the RE/F rural estate/farm districts are to provide open land area for future orderly residential growth, continued agricultural use and residential activities of a rural character that are presently without public water and sewer facilities and are likely to remain without such services into the foreseeable future. It is further the intent of this district to protect and stabilize the essential characteristics

of these areas in order to promote and encourage suitable environments for low-density family life, and to maintain and to preserve the rural character of the township wherever possible.

(Code 2004, § 54-111; Zoning Ord. 1999, § 400; Ord. No. 143, § 400, 3-9-2004; Ord. No. 191, 12-10-2012)

Sec. 54-71. - Principal uses permitted.

In the RE/F districts, unless otherwise provided in this chapter, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- (1) One-family detached dwellings.
- (2) Family child care home, registered by the state for the care and keeping fewer than seven minor children.
- (3) Foster family home, registered by the state for the care and keeping of up to four minor children.
- (4) Adult foster care family home, registered by the state for the care and keeping of up to six adults.
- (5) Foster family group home, registered by the state for the care and keeping of more than four but fewer than seven minor children.
- (6) Publicly owned and operated parkways.
- (7) Public elementary schools and parochial schools offering elementary school level education only.
- (8) Cemeteries lawfully existing at the time of adoption of the ordinance from which this section is derived.
- (9) Accessory buildings and structures customarily incident to the permitted principal uses set forth in this section.

(Code 2004, § 54-112; Zoning Ord. 1999, § 401; Ord. No. 143, § 401, 3-9-2004; Ord. No. 191, 12-10-2012)

Sec. 54-72. - Principal agricultural uses permitted.

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to review and approval by a township official designated to do so by the township board:

- (1) Agriculture, when such operations occur on land containing at least ten contiguous acres under single ownership. Agricultural buildings and structures shall also be regarded as principal permitted uses, provided they directly relate to and are actively used in the bona fide agricultural enterprise being conducted on the property. All such agricultural activity shall be limited to the raising of crops and/or animals grown and/or raised on the premises, and shall conform to generally accepted agricultural and management practices (GAAMPs) as adopted by the state department of agriculture and rural development (or equivalent successor standards). When agricultural property contains any animals, including, but not limited to, livestock, a horse or horses, a residential dwelling shall be located on the premises and shall be permanently occupied by the owner farmer, or farm manager or tenant. No agricultural operation shall be operated as a feed lot or for the disposal of garbage, rubbish, offal or rendering plants or for the slaughtering of animals except such animals raised on the premises for the use and consumption by those persons residing on the premises.
- (2) Forestry operations, when such operations occur on land containing at least ten contiguous acres under single ownership. Forestry buildings and structures shall also be regarded as principal permitted uses, provided they directly relate to and are actively used in the bona fide forestry operation enterprise being conducted on the property. Forestry operations shall conform to the

best management practices (BMPs) as adopted by the state department of natural resources and state department of environmental quality in the publication "Sustainable Soil and Water Quality Practices on Forest Land" (or its equivalent successor publication).

- (3) Building and structures customarily incident to the above permitted uses, and subject to the following:
 - a. Agricultural buildings may be exempt from the requirements of the state construction code per the Stille-DeRossett-Hale single state construction code act, Public Act No. 230 of 1972 (MCL 125.1501 et seq.) and the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.), however such buildings shall be subject to the dimensional requirements (setback, height, bulk, etc.) of this division.
 - b. Forestry operation buildings are offered no exemption from the requirements of the state construction code per the right to forest act, Public Act No. 676 of 2002 (MCL 320.2031 et seq.) and are therefore subject to the requirements of that code as well as the dimensional requirements (setback, height, bulk, etc.) of this division.
- (4) A person who keeps or houses chickens (hens) on his property, having less than ten acres, shall comply with all of the following requirements:
 - a. The consumption of eggs shall be for residents of the property where the chickens are located.
 - b. Keep no more than ten chickens.
 - c. No person shall keep any rooster.
 - d. A person shall not keep chickens in any location on the property other than in the backyard. For purposes of this section, the term "backyard" means that portion of the lot inside the rear and side yard setbacks behind the primary residential structure as defined in section 54-506. The rear setback is 50 feet and the side yard setback is a total of 80 feet with one side being 40 feet in width.
 - e. Chickens shall be confined/housed within a fenced area.
 - f. The confined fenced area can be moved within the backyard at the owner's discretion.
 - g. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access to or coming into contact with them.
 - h. Private restrictions on the use of property shall remain enforceable and take precedence over this provision. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds.
 - i. Any person keeping hens shall remain subject to applicable public nuisance provisions enforced by the township and/or the county.

(Code 2004, § 54-113; Ord. No. 143, § 402, 3-9-2004; Ord. No. 179, 6-13-2011; Ord. No. 191, 12-10-2012)

Sec. 54-73. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and where so specified shall be subject to review and approval by the planning commission or by a township official designated by the township board. Whenever review by the planning commission is required it shall do so in accordance with the applicable requirements of section 54-951.

- (1) One or more horses, provided:

- a. The property contains not less than five acres and two acres are provided for each horse;
- b. The horse or horses are owned and/or cared for by the occupant of the property;
- c. The applicable standards of article V, division 4 of this chapter, notwithstanding, any building used to stable a horse or horses on the property shall comply with the setback requirements of the district assigned to a principal building;
- d. The stables are designed to protect its occupants from the weather;
- e. The stables and confined paddock areas shall be maintained in a clean and attractive manner, neat and orderly in appearance; and
- f. The storage of manure shall be located at least 100 feet from any well and from any existing or future dwelling building, and no less than 50 feet from any property line. All manure so stored or kept, shall be maintained so as to control odor and flies. Manure management shall conform to generally accepted agricultural and management practices (GAAMPs) for manure management and utilization as adopted by the state department of agriculture and rural development (or equivalent successor standards).

Animal care shall conform to generally accepted agricultural and management practices (GAAMPs) for the care of farm animals as adopted by the state department of agriculture and rural development (or equivalent successor standards).

- (2) Stables for the keeping of horses for boarding, pasturing and/or training but not for rent, provided:
 - a. The property contains at least ten acres and two acres are provided for each horse;
 - b. No stable shall be located closer than the minimum applicable setback requirement of the zoning district for a principal building in the RE/F district, except horses may be pastured to the property line provided it is properly fenced;
 - c. A place of permanent residence on the same property with the stables which shall be occupied by the owner or manager or keeper of the stables and who shall be responsible for the care and keeping of all animals stabled on the property;
 - d. The stables are designed to protect its occupants from the weather;
 - e. All stables and confined paddock areas are maintained in a clean and attractive manner, neat and orderly in appearance; and
 - f. The storage of manure shall be located at least 100 feet from any well and from any existing or future dwelling building, and no less than 50 feet from any property line. All manure so stored or kept, shall be maintained so as to control odor and flies. Manure management shall conform to generally accepted agricultural and management practices (GAAMPs) for manure management and utilization as adopted by the state department of agriculture and rural development (or equivalent successor standards).

Animal care shall conform to generally accepted agricultural and management practices (GAAMPs) for the care of farm animals as adopted by the state department of agriculture and rural development (or equivalent successor standards).

- (3) Livery stables for the renting of trail and/or riding horses for riding on the premises, subject to review and approval by the planning commission, provided:
 - a. The minimum site area required shall be not less than 30 acres.
 - b. Two acres of pasture area shall be provided for each horse for the first 30 acres and one acre for each horse thereafter.
 - c. A place of permanent residence is maintained on the same property with the stable and which the owner or manager, or keeper of the stables shall occupy and who shall be responsible for the care and keeping of all animals stabled on the property.

- d. No stable used for instruction or confinement of horses, or necessary buildings or structures intended to house horses, are located closer than 300 feet from any abutting residential district nor closer than 100 feet to any nonresidential district.
- e. Persons renting horses shall be instructed and supervised so as to avoid conflicts with other property owners in the area.
- f. All stables and confined paddock areas shall be maintained in a manner that will comply with applicable county health and maintenance standards.
- g. The storage of manure shall be located at least 100 feet from any well and from any existing or future dwelling building, and no less than 50 feet from any property line. All manure so stored or kept, shall be maintained so as to control odor and flies. Manure management shall conform to generally accepted agricultural and management practices (GAAMPs) for manure management and utilization as adopted by the state department of agriculture and rural development (or equivalent successor standards).

Animal care shall conform to generally accepted agricultural and management practices (GAAMPs) for the care of farm animals as adopted by the state department of agriculture and rural development (or equivalent successor standards).

- (4) Sale of seasonal products produced on the premises or on contiguous land, subject to approval by a designated township official, provided:
 - a. The sale of all products sold on the premises shall take place only on the property where the product was grown or made and not within any road right-of-way;
 - b. Agricultural buildings shall be subject to the requirements of the state construction code if the building is used in the business of retail trade or is otherwise visited by the public for commercial purposes;
 - c. A temporary building or structure for the sale of products so produced shall be permitted and shall observe all applicable requirements of the district for a principal use; and
 - d. Off-street parking shall be provided on the premises and shall consist of a graveled surface treated to diminish dust. It shall be of sufficient area to satisfy the applicable numerical off-street parking requirements of section 54-1020.
- (5) Home occupations, provided the following conditions are met.
 - a. They are conducted wholly and entirely within the principal dwelling.
 - b. They are located either in the basement of the principal dwelling, or when they are not located in the basement, they shall not occupy more than 25 percent of the floor area of the principal dwelling, excluding the basement.
 - c. They are conducted only by the inhabitants thereof as defined in this chapter, there being no other employees or assistants employed in connection with a home occupation.
 - d. No article shall be made or sold or offered for sale except such as may be produced or provided by the inhabitants thereof.
 - e. Except as permitted in section 54-639(1), there shall be no equipment or machinery used in connection with a home occupation which is industrial in nature, or which will have a negative impact on adjacent residential property.
 - f. They do not change the character of the appearance, or the orientation of the dwelling.
 - g. They will not require internal or external alterations or construction other than that which may be required to meet local or state safety or construction code standards, as authorized by the township.
 - h. No home occupation shall be carried on to an extent that will require parking in excess of that required for a residential building by this chapter.

- i. They have no signs, advertising devices or other manifestation located on the exterior of the dwelling structure or within any yard area that suggests or implies the existence of a home occupation.
 - j. The home occupation does not include clinics, hospitals, barber or beauty shops, tea rooms, tourist homes, kennels, millinery shops or any other use similar to the above use, or which does not meet the requirements of this section.
 - k. Once established, no home occupation shall deviate from the required conditions of this section. Upon filing of a complaint by a neighbor or by the township, no home occupation shall be continued when the same shall be found by a designated township official to be a nuisance or to be in violation of the conditions of this section due to noise, electrical interference, dust, smoke, odor, vibration, traffic congestion, reduction of parking, or reduction in the overall living environment of the dwelling or the surrounding area, or other causes for which a reasonable complaint is brought.
- (6) Churches. Church buildings of greater height than the maximum building height limitation of the district may be allowed provided one additional foot of building setback shall be provided for each foot the building exceeds the maximum building height limitation of the district.
- (7) Cemeteries, provided:
- a. Not more than 51 percent of the land in a residential unit in which the cemetery is to be located shall be in recorded plats or condominium sites; and
 - b. All access shall be from a major thoroughfare as designated on the township master plan map.
- (8) Public buildings, public, parochial and private intermediate, or secondary schools, or colleges, universities and other such institutions of higher learning, provided:
- a. They shall be located on and have direct frontage along a hard-surfaced major thoroughfare as designated on the township master plan map; and
 - b. Buildings of greater height than the maximum building height limitations of the district shall set back one additional foot of building setback for each foot the building exceeds the maximum building height limitations of the district.
- (9) Golf courses, except golf driving ranges, so called "par 3 courses" or, miniature golf facilities. Golf courses may include related clubhouses and ancillary recreational facilities such as swimming pools, practice greens and golf driving ranges, tennis, racquetball and shuffleboard courts, provided the following conditions are met.
- a. It shall be developed only on sites containing 50 or more contiguous acres of land.
 - b. All site access shall be directly from a hard-surfaced road that shall be a major or secondary thoroughfare as designated on the township's master plan of future land use map. The hard-surfaced roadway shall directly connect with at least two other designated major thoroughfares with existing hard surfaces.
 - c. No principal or accessory use, building or structure shall be located closer than 100 feet to any abutting residential district.
 - d. Wherever an outdoor swimming pool is located on the land, it shall be placed and secured in strict accordance with applicable local and state regulatory standards.
 - e. All outdoor storage, off-street parking lots, loading or unloading areas or any other service or maintenance areas visible from any abutting residential district shall be obscured from view from the abutting residential district by means of an architectural masonry screen wall, landscaped earth berm, heavy screen plantings or a combination thereof. The height of the screening device shall be of sufficient height to effectively screen the area from view at the time of installation.

- (10) Private recreational facilities such as a clubhouse, swimming pool, or tennis courts when made an integral part of a one-family subdivision or site condominium development project, provided:
 - a. Use of the facilities shall be limited to the residents of the development in which the facility is located and their guests;
 - b. All building, structures and accessory uses incidental to a private recreation facility shall observe all minimum setback requirements of the district for principal permitted uses, except no part of any such facility shall be located closer than 200 feet to any residential lot or home site;
 - c. Off-street parking shall not be located in any required setback and shall be provided in accordance with the applicable requirements of sections 54-1020 and 54-1021;
 - d. All off-street parking associated with the facility shall be landscaped and screened to the extent necessary to shield vehicle headlights from shining into any residential dwelling lot or home site;
 - e. All outdoor lighting associated with the facility shall be effectively shielded to reduce glare and shall be positioned so as to direct light away from any residential lot or home site; and
 - f. Swimming pools included in the facility shall be provided with a six-foot-high protective fence and entry to the pool shall be through a controlled gate.
- (11) Oil and gas wells, provided:
 - a. Any gas or oil well, storage facility or pumping facility shall be set back at least 500 feet from any property line, or a distance equal to that required by applicable state or federal standards, whichever results in the greater setback;
 - b. Any facility permitted in subsection (9)a. of this section, which shall remain on the site for more than 120 days shall be enclosed by an obscuring greenbelt of plant materials such as privet, gray dogwood, honeysuckle, evergreens, forsythia or a like or similar plant material acceptable to the planning commission; and
 - c. Access drives shall be so located as to provide proper sight distances with the abutting major thoroughfare and to minimize conflicts with neighboring properties.
- (12) Public utility buildings including telephone exchange buildings and repeater stations, electric transformer substations and gas regulator stations (all without storage yards) provided:
 - a. It can be shown that operational requirements of the utility necessitate their location within the district in order to serve the immediate area.
 - b. A minimum site of not less than two acres is provided.
 - c. The site has access to a secondary or major thoroughfare as designated on the township master plan map.
- (13) Child care homes licensed by the state for more than six and not more than 12 minor children, provided:
 - a. The facility is located on a major thoroughfare as designated on the township's master plan of future land use map.
 - b. Off-street parking and off-street parking and drop off area are provided as set forth in sections 54-1020 and 54-1021.
 - c. Outdoor play is provided in accordance with applicable state requirements.
 - d. When outdoor play area shall be located on the same property with the use, any play area that lies adjacent to an existing residential dwelling on an abutting property shall be fenced and screened.

- (14) Accessory buildings and structures customarily incident to the permitted principal uses stated in this section.

(Code 2004, § 54-114; Zoning Ord. 1999, § 402; Ord. No. 143, § 403, 3-9-2004; Ord. No. 191, 12-10-2012)

Sec. 54-74. - Required conditions.

The following conditions, where applicable, shall apply to all buildings and uses permitted in the district:

- (1) No building or structure shall be permitted except in conjunction with a principal permitted use.
- (2) All new one-family detached dwelling structures shall comply with the following standards:
 - a. All dwellings shall conform to all applicable township, county and state codes and ordinances.
 - b. All dwellings shall be permanently attached to an approved foundation which shall be, or shall include, a perimeter foundation in addition to any other required supporting foundation, the minimum width of which shall be six inches and the depth of which shall be at least 42 inches deep. In no instance shall concrete piers, cement blocks without a proper footing, or the like, be permitted as a foundation or system of foundations.
 - c. All dwellings shall meet the minimum floor area requirements of this section as well as the proportional requirements of this section. Any subsequent structural additions to any dwelling shall fully comply with the applicable standards set forth in this section.
 - d. All dwellings shall be compatible with nearby housing by demonstrating a similarity in at least the following features:
 1. Total square footage of floor area.
 2. Width to length proportions as set forth in section 54-951.
 3. The value and overall quality of the construction.
 4. The use of exterior materials.
 5. The style and design of the dwelling.
 6. The provision of storage space such as, but not limited to, attic, basement, utility room or similar areas, but not including a garage for the parking of motor vehicles.
 - e. For the purpose of this section, nearby housing shall mean all one-family detached dwellings within 500 feet of the new dwelling. When no homes are located within that distance, nearby housing shall mean the nearest homes in all directions from the subject parcel boundaries.
 - f. The review and approval of plans pertaining to the above requirements shall be the responsibility of the township building inspector and no building permit shall be issued by the same until or unless the above standards are, in the opinion of the building inspector, met. In those instances where the building inspector is uncertain of the application of the above standards with respect to a particular dwelling unit, the inspector may forward the drawings and pertinent information to the planning commission.

When reviewing one-family detached dwellings under these standards, the building inspector or the planning commission shall not seek to discourage architectural design variation, but shall seek to promote reasonable compatibility of the character of one-family detached dwellings, in a manner set forth in this section, so as to protect the economic welfare and property value of nearby residential uses and the township at large. The building inspector or the planning commission may require submittal of plans, elevation

drawings and similar drawings and documents as deemed necessary to carry out the requirements of this section.

- (3) A permanent place of residence shall be provided on the same property where any animals, including, but not limited to, livestock, or one or more horses are permitted as regulated in the RE/F District. The residence shall be occupied by the property owner, or manager or keeper who is responsible for the care and keeping of all animals housed on the property.
- (4) Buildings and structures accessory to a farm or farm operation as defined by the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.) may be exempt from the requirements of the state construction code, but are subject to the dimensional requirements (setback, height, bulk, etc.) of this division. Buildings and structures accessory to a forestry operation as defined by the right to forest act, Public Act No. 676 of 2002 (MCL 320.2031 et seq.) are subject to both the state construction code and the dimensional requirements of this division.
- (5) For regulations controlling the division of land, see section 54-506 et seq.
- (6) Except where otherwise regulated in this article, see section 54-506 limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted, and building setbacks and development options.
- (7) Consult article V of this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district:
 - a. Section 54-548, Averaging existing front setback lines.
 - b. Article V, division 4 of this chapter, Accessory Buildings and Structures.
 - c. Article V, division 5 of this chapter, Recreation and Commercial Rated Vehicle Parking and Storage.
 - d. Section 54-1020, Off-street parking requirements.
 - e. Section 54-1021, Off-street parking space layout standards, construction and maintenance.
 - f. Section 54-1022, Off-street loading, unloading.
 - g. Article V, division 6 of this chapter, Exterior Lighting.
 - h. Article V, division 7 of this chapter, Residential Entranceway.
 - i. Article V, division 8 of this chapter, Corner Clearance.
 - j. Article VI of this chapter, Site Plans Review.
 - k. Article VII of this chapter, Site Improvement Guarantees.
 - l. Article X, division 1 of this chapter, Screen Walls and Earth Berms.
 - m. Article X, division 2 of this chapter, Landscape Planting Standards.
 - n. Article X, division 3 of this chapter, Exterior Equipment and Trash Receptacle Screens.
 - o. Section 54-744, Residential building length to width proportion.
 - p. Section 54-745, Property length to width proportions.
 - q. Section 54-774, Access to a major or secondary thoroughfare.
 - r. Section 54-775, Access through residential zoning districts.
 - s. Article V, division 11 of this chapter, Water Supply for Fire Protection.
 - t. Article V, division 12 of this chapter, Temporary Buildings and Uses.
 - u. Article V, division 13 of this chapter, Fences.
 - v. Article IX of this chapter, Signs.

- (8) Consult article XIII of this chapter, General Exceptions, regarding exceptions to certain regulations of this chapter as they may apply to certain uses permitted in the district:
 - a. Section 54-1294, Essential services.
 - b. Section 54-1296, Height limits.
 - c. Section 54-1297, Projections into yards.
 - d. Section 54-1298, Access through yards.
 - e. Section 54-1299, Basement dwellings.
- (9) Consult article XIV of this chapter, Administration and Enforcement, regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district:
 - a. Section 54-1327, Conformance with chapter provisions.
 - b. Section 54-1329, Plot plan.
 - c. Section 54-1330, Permits.
 - d. Section 54-1331, Certificates of occupancy.

(Code 2004, § 54-115; Zoning Ord. 1999, § 403; Ord. No. 143, § 403, 3-9-2004; Ord. No. 145, § 2326, 7-12-2004; Ord. No. 146, 11-14-2005; Ord. No. 191, 12-10-2012)

State Law reference— Special land uses, MCL 125.3502 et seq.

Secs. 54-75—54-91. - Reserved.

DIVISION 3. - RESERVED

Secs. 54-92—54-110. - Reserved.

DIVISION 4. - R-1 AND R-2 ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 54-111. - Intent.

The R-1 and R-2 one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominately low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

(Code 2004, § 54-191; Zoning Ord. 1999, § 600)

Sec. 54-112. - Principal permitted uses.

In the R-1 and R-2 one-family residential districts, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) One-family detached dwellings.
- (2) Principal permitted uses set forth in section 54-71; except general and specialized agricultural uses of any kind are expressly prohibited.
- (3) Accessory buildings and structures customarily incident to the permitted uses set forth in this subsection.

(Code 2004, § 54-192; Zoning Ord. 1999, § 601)

Sec. 54-113. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions imposed for each use and subject further to the review and approval by the planning commission, or by a township official designated by the township board. The planning commission, in making its review, shall do so in accordance with the applicable requirements set forth in section 54-416 et seq.

- (1) Group child care homes permitted by the state.
- (2) Home occupations, subject to the requirements of section 54-73(5).
- (3) Churches, subject to the requirements of section 54-73(6).
- (4) Public buildings; public, parochial and private intermediate or secondary schools, offering courses in general education, subject to the requirements of section 54-73(8).
- (5) Colleges, universities and other such institutions of higher learning, public or private, offering courses in general, technical, or religious education, provided:
 - a. Such uses shall be placed on sites containing at least 40 acres of land, that are not part of any recorded subdivision plat or approved one-family site condominium development;
 - b. All access shall be located on and have direct frontage along a hard-surfaced major thoroughfare, as designated on the township master plan map; and
 - c. No building shall be located closer than 100 feet to any property line.
- (6) Golf courses, except golf driving ranges, so-called "par 3 courses" or miniature golf facilities. Golf courses may include related clubhouses and ancillary recreational facilities, such as swimming pools, practice greens, tennis courts, racquetball courts and shuffleboard courts, subject to the requirements of section 54-73(9).
- (7) Private recreational facilities, such as a clubhouse, swimming pool, or tennis court, when made an integral part of a residential development, provided the conditions set forth in section 54-73(10) are met.
- (8) Cemeteries, subject to the requirements of section 54-73(7).
- (9) Public utility buildings, including telephone exchange buildings and repeater stations, electric transformer substations and gas regulator stations (all without storage yards), subject to the requirements of section 54-73(12).
- (10) Accessory buildings and uses customarily incident to any of the permitted uses set forth in this subsection.

(Code 2004, § 54-193; Zoning Ord. 1999, § 602)

State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 54-114. - Required conditions.

For regulations regarding local street standards see section 54-115(4).

(Code 2004, § 54-194; Zoning Ord. 1999, § 603; Ord. No. 127, 6-10-2002)

Secs. 54-115—54-141. - Reserved.

DIVISION 5. - RM MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 54-142. - Intent.

The RM multiple-family residential district is designed to provide sites for multiple-family dwelling structures and related uses which will generally serve as zones of transition between the nonresidential districts and lower-density one-family districts. The multiple-family district is further provided to serve the limited needs for apartment type of living units in an otherwise low-density, rural-oriented community of one-family homes.

(Code 2004, § 54-231; Zoning Ord. 1999, § 800)

Sec. 54-143. - Principal permitted uses.

In the RM multiple-family residential district, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) All uses permitted and as regulated in the R-1 and R-2 one-family residential districts.
- (2) Multiple-family dwellings.
- (3) Accessory buildings and uses customarily incident to any of the permitted uses set forth in this subsection.

(Code 2004, § 54-232; Zoning Ord. 1999, § 801)

Sec. 54-144. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions imposed for each use and subject further to the review and approval by the planning commission of a site plan prepared and submitted in accordance with requirements set forth in section 54-955 et seq.:

- (1) Group child care homes permitted by the state.
- (2) Housing for the elderly (senior citizen housing) when the following conditions are met:
 - a. All dwellings shall consist of at least 350 square feet per unit, not including kitchen and sanitary facilities;
 - b. All housing for the elderly shall be provided as a planned development consisting of at least five acres of land;
 - c. Dwelling unit density shall not be less than 1,000 square feet of land area per dwelling unit;
 - d. Housing for the elderly may consist of cottage type living quarters, apartment dwelling units, rooming units, or a mix of all of these, but such developments shall include central dining, indoor and outdoor recreation facilities, a central lounge and workshops;
 - e. Elderly housing developments may also contain service-oriented uses, such as central laundry facilities, a drugstore, barbershops and beauty shops, so long as all such facilities are located within the interior of a central building, have no direct access to a major thoroughfare, have no outdoor signs or advertising and are oriented strictly to use by the inhabitants of the elderly housing complex; and
 - f. Total coverage of all buildings, including dwelling units and related service buildings, shall not exceed 25 percent of the total site exclusive of any dedicated public rights-of-way.
- (3) Convalescent homes, when the following conditions are met:

- a. The use shall be located on a site having at least five acres of land; and
 - b. No building shall be located closer than 50 feet to any property line.
- (4) Adult foster congregate care facility registered by the state department of licensing and regulatory affairs and approved to house more than 20 adults receiving foster care, provided the following conditions are met:
- a. Off-street parking shall be provided in accordance with the applicable requirements of sections 54-1020 and 54-1021;
 - b. All standards of section 54-506(b)(5), applicable to a multiple-family residential dwelling building;
 - c. If an outdoor trash receptacle is used for the disposal of refuse, it shall be located in the rear yard and screened in accordance with the requirements of section 54-1169;
 - d. Off-street parking shall be located in the rear yard or within a nonrequired area of an interior side yard;
 - e. Loading and unloading of supplies and materials shall take place in the rear yard or within a nonrequired interior side yard; and
 - f. All applicable requirements Public Act No. 218 of 1979 (MCL 400.701 et seq.) shall be met.
- (5) Adult foster care large group home registered by the state department of licensing and regulatory affairs and approved to house at least 13 but not more than 20 foster care adults, provided the requirements of section 54-955 et seq., are met.
- (6) Adult foster care small group home, registered by the state department of licensing and regulatory affairs and approved to house not more than 12 foster care adults, provided the requirements of section 54-955 et seq., are met.
- (7) General hospitals, provided the following conditions are met:
- a. The site shall contain at least 20 acres of land;
 - b. The minimum distance of any main or accessory building from any peripheral property line shall be not less than 100 feet;
 - c. All site access shall be in accordance with the requirement of section 54-744; and
 - d. Ambulance and delivery areas shall be obscured from view from residential areas with an obscuring wall or landscaped screening, as set forth in section 54-1108(3).

(Code 2004, § 54-233; Zoning Ord. 1999, § 802)

State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 54-145. - Applicable conditions.

The following conditions, where applicable, shall apply to all uses permitted in the district:

- (1) All one-family detached dwellings shall comply with the requirement of section 54-74(2).
- (2) For regulations controlling the division of land, see section 38-291 et seq., pertaining to procedures and standards for land division and land combination parcels.
- (3) Except where otherwise regulated in this section, see section 54-506 et seq., limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted and building setbacks and development options.

(Code 2004, § 54-234; Zoning Ord. 1999, §§ 800—803)

State Law reference— Mandatory residential uses, MCL 125.286a; special land uses, MCL 125.286b, 125.286d.

Secs. 54-146—54-173. - Reserved.

DIVISION 6. - RMH RESIDENTIAL MANUFACTURED HOUSING DISTRICT²¹

Footnotes:

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State Law reference— Mobile home commission act, MCL 125.2301 et seq.

Sec. 54-174. - Intent.

The RMH residential manufactured housing districts are intended to provide a suitable environment for the placement of manufactured one-family detached homes with adequate space for each dwelling unit and with proper supporting facilities.

(Code 2004, § 54-271; Zoning Ord. 1999, § 900)

Sec. 54-175. - Principal permitted uses.

In the manufactured housing districts, no building or land shall be used and no building shall be erected or placed, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Family child care home, registered by the state for the care and keeping fewer than seven minor children.
- (2) Foster family home, registered by the state for the care and keeping of up to four minor children.
- (3) Adult foster care family home, registered by the state for the care and keeping of up to six adults.
- (4) Foster family group home, registered by the state for the care and keeping of more than four but fewer than seven minor children.
- (5) Manufactured one-family detached homes.
- (6) One office building, to be used exclusively for conducting the business operations of the manufactured housing development.
- (7) Buildings for laundry facilities and for the limited indoor storage of resident possessions.
- (8) A community building for use by the residents of the manufactured housing development.
- (9) Accessory buildings and structures directly related to the manufactured housing development and to individual home sites within the development.

(Code 2004, § 54-272; Zoning Ord. 1999, § 901)

Sec. 54-176. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the specific conditions imposed in this subsection for each use and subject further to review and approval of a site plan by the planning commission and by the state manufactured housing commission:

- (1) Group child care homes permitted by the state.
- (2) The sale of manufactured one-family detached homes, when such activities:
 - a. Are clearly accessory to the occupancy of individual sites within a manufactured housing development and shall not include the sale of recreational vehicles or any other new or used vehicles or products not directly accessory to the occupancy of a manufactured home in the development;
 - b. Only involve homes offered for sale that can be located in a licensed manufactured housing development;
 - c. Are limited to the display of not more than one accessory sign per sales building and which will not exceed 16 square feet in display area; and
 - d. Do not include the display of banners, streamers or pennants of any kind.
- (3) Home occupations, subject to the requirements of section 54-73(5).
- (4) Public utility buildings, including telephone exchange buildings and repeater stations, electric transformer substations and gas regulator substations, provided no outdoor storage yards shall be a part of any such facility.

(Code 2004, § 54-273; Zoning Ord. 1999, § 902)

State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 54-177. - Applicable conditions.

The following conditions, where applicable, shall apply to all uses permitted in the district:

- (1) No manufactured home shall occupy any individual site within a manufactured housing development that does not fully comply with all of the applicable requirements of this section.
- (2) All manufactured housing developments shall further comply with the applicable requirements and associated guidelines set forth in the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- (3) The following standards shall apply to all manufactured home sites in a manufactured housing development:
 - a. No personal property, including tires, shall be stored outside or under any manufactured home, or within carports which are open on any side, except for motor vehicles and bicycles.
 - b. Personal property, such as, but not necessarily limited to, motor vehicles, bicycles, lawn and patio furniture, lawn and garden maintenance equipment, outdoor cooking grills and tires may be stored in a fully enclosed garage on the home site.
 - c. Seasonal outdoor storage of cooking grills shall be permitted so long as they are kept on a finished wood deck, a hard-surfaced patio, or on an equivalent type of surface associated with the home.
 - d. Nothing in this subsection (3) of this section shall prevent the erection or placement of a storage shed for the storage of personal property on any individual manufactured home site. No storage shed so placed or erected shall exceed 144 square feet in total floor area.

- (4) If a central television antenna system, cable television, or other such service is provided, the distribution system shall be placed underground and shall be constructed and installed to state and local codes and ordinances.
- (5) All telephone, electric and other utility lines within a mobile home park shall be placed underground, including service to each mobile home site.
- (6) Should a manufactured housing development permit the keeping and storage of recreational equipment, such as, but not necessarily limited to, boats, including jet skis, snowmobiles and utility trailers, adequate area for the parking and storage of such equipment shall be provided in accordance with the following guidelines:
 - a. They shall be restricted to a central or collective parking area.
 - b. The area so provided shall be in addition to the minimum motor vehicle parking standards of the RMH district.
 - c. The area shall be adequately secured within a fenced area consisting of a woven wire (chainlink) fence, and which shall be locked.
 - d. In conjunction with the security fence, the area shall be buffered with a screening device provided in accordance with the screening guidelines set forth in subsection (11)g of this section.
- (7) All manufactured home pads or supporting piers, as well as all anchoring devices, shall be designed to, and shall comply with, the applicable standards of the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- (8) Each manufactured home shall be provided with a skirt, which shall extend downward in a vertical line perpendicular to the bottom of the home, to the manufactured home pad, or to the surface of the ground directly under the outside edge of the home. The skirt shall extend completely around the home structure in a uniformly continuous manner and shall consist of material approved by the state manufactured housing commission. All skirting shall be securely anchored in place in a manner acceptable to the state manufactured housing commission.
- (9) A manufactured housing development shall provide the equivalent of one deciduous tree for every other home site within the development; except an existing tree on a home site may count towards this requirement, provided the tree is in a healthy, growing condition. An existing tree's state of health shall be determined after site construction and final grading of the area around the site has been completed. Deciduous trees planted to fulfill this requirement shall have a caliper (diameter) of not less than two inches at a point ten inches above the ground at the base of the tree, and no such tree shall be less than ten feet in height at the time of planting. A general rule to follow would place such trees no closer than 40 feet on center from any other tree.
- (10) General lighting within a manufactured housing development shall follow the guidelines set forth and regulated in Rule 929 of the Michigan Manufactured Housing Code, as amended.
- (11) In addition to the foregoing requirements of this subsection, the following standards shall also apply:
 - a. *Dwelling density.* A manufactured housing development shall contain sites averaging 5,500 square feet per home site; except, when averaging lot area, no home site shall be reduced in size by more than 20 percent, or result in any lot containing less than 4,400 square feet. For each square foot of land area gained through the reduction of lot area below 5,500 square feet, at least an equal amount of land shall be dedicated as open space area within the manufactured housing development. Any open space gained through lot averaging shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code, as amended.
 - b. *Dwelling setbacks.* Each individual manufactured home shall be placed on a home site of sufficient width and area so that the site will permit the home to comply with the minimum

required front, sides and rear yard setback requirements set forth in Rules 941 and 944 of the Michigan Manufactured Housing Code, as amended.

- c. *Building height.* The maximum height of a building designed to serve as a community center or similar use in a manufactured housing development shall not exceed two stories or 35 feet in height, whichever results in the lesser building height. Storage or service buildings shall not exceed 15 feet in height.
- d. *Floor area.* In a manufactured housing development, no manufactured home shall contain less than 720 square feet of floor area, measured from the outside walls of the structure.
- e. *Parking.* Motor vehicle parking spaces within a manufactured housing development shall be provided in accordance with the applicable requirements of Rule 925 and Rule 926 of the Michigan Manufactured Housing Code, as amended.
- f. *Site plan review.* A site plan shall be submitted to the township for review by the township planning commission. The site plan shall be a general plan view drawing containing all applicable information set forth in the township's Site Plan Review Procedures Manual, as amended. Ten copies of the site plan, along with a copy of the site plan review application form, shall be submitted. When the planning commission finds the site plan to be in order and in compliance with the applicable requirements of this chapter, it shall approve the site plan. Upon granting site plan approval, the township shall forward a copy of the approved site plan and all correspondence pertaining to the site plan to the state manufactured housing commission. During its review of the site plan, should the manufactured housing commission cause significant revisions to be made to the approved site plan, ten copies of the revised site plan shall be forwarded to the township planning commission for revised site plan approval. Upon granting revised site plan approval, the township shall forward the approved site plan and all correspondence pertaining to the site plan to the manufactured housing commission. For purposes of this subsection, minor revisions to a site plan approval by the township shall not warrant subsequent review and approval by the township. The manufactured housing commission staff may, at its discretion, determine if the revisions to an approved site plan are significant enough to warrant resubmitting a revised site plan to the township for further review and approval.
- g. *Screening.* Whenever a manufactured housing development shall provide an area for the storage of recreational equipment, as set forth in subsection (6) of this section, or wherever a peripheral property line of a manufactured housing development abuts a one-family residential zoning district, or fronts on a public road right-of-way, the following screening requirements shall apply:
 - 1. *On-site storage areas.* When included as part of a manufactured housing development, the storage area shall provide, in addition to the required security fence, landscape screening in the form of planting materials composed of evergreen trees or shrubs, or combinations thereof, which shall not be less than three feet in height at the time of planting and which shall be spaced so as to create a continuous screen at maturity. The screen shall be of a uniform nature and shall be required on all sides of the storage area that abut home sites within the manufactured housing development, or abut a one-family residential zoning district along a peripheral property line.
 - 2. *Abutting one-family zoning districts.* Except as otherwise permitted in this section, abutting one-family zoning districts shall be screened with either six-foot-high landscaped earth berm, as set forth and regulated in section 54-1107, 54-1108, or by a six-foot-high woven wire (chainlink) fence in combination with evergreen planting materials, as set forth in subsection (11)g.1. of this section; except, if the abutting one-family zoning district consists of vacant land upon which no residential development is underway, or which contains a natural buffer that may serve as an effective buffer screen, the planning commission may waive this screening requirement along the abutting one-family zoning district.

3. *Abutting public road rights-of-way.* A screening buffer shall be provided. The buffer screen shall be placed between the road right-of-way line and the development, and may consist of a landscaped earth berm, or evergreen trees or shrubs, or combinations thereof. When evergreen planting materials are used, they shall follow the spacing and height guidelines set forth in subsection g.1 of this section.
 4. *Exterior equipment screens.* The applicable requirements of article X, division 3 of this chapter, pertaining to exterior equipment and trash receptacle screening, may apply to all site-built buildings erected in a manufactured housing development.
- h. *Loading and unloading.* A site-built building erected within a manufactured housing development may be subject to the applicable requirements of section 54-1022, pertaining to off-street loading and unloading.
 - i. *Residential entranceways.* Any entranceway structure erected in conjunction with a manufactured housing development, including, but not limited to, walls, columns and gates, and which is designed and intended to mark an entrance to a manufactured housing development, may be erected in any required yard, provided the restricted clear corner vision requirements of subsection (11)j of this section are observed.
 - j. *Clear corner restriction.* No fence, wall, shrubbery, sign or decorative entranceway structure, or other obstruction to vision over two feet in height, measured from the established street grade, shall be placed within a triangle formed at the intersection of two public street rights-of-way lines, or within a triangle formed at the intersection of a public street right-of-way line and the nearest edge of an intersecting private drive entrance into a manufactured housing development. The clear vision triangle shall be formed by a straight line drawn between such right-of-way lines, or right-of-way line and driveway edge, from a point 25 feet back from their point of intersection.
 - k. *Permits.* In regard to any manufactured housing unit in the township, the township building department shall conduct inspections for a fee, as currently established or as hereafter adopted by resolution of the township board from time to time, to determine if a manufactured home in a manufactured housing development has been installed in accordance with the manufacturer's setup instruction or the applicable requirements of the Michigan Manufactured Housing Code, particularly part 6 of the code, and shall conduct inspections when the township has reason to believe that the manufactured housing act or code has been violated, as set forth in sections 17(2) (MCL 125.2317) and 36 (MCL 125.2336) of the mobile home commission act. The township shall review and act on plans and inspect and issue building and occupancy permits for any site-built building in a manufactured housing development, and enforce the standards of this chapter, construction codes and all other ordinances of the township.

(Code 2004, § 54-274; Zoning Ord. 1999, § 903)

Secs. 54-178—54-207. - Reserved.

DIVISION 7. - RC RECREATIONAL DISTRICT

Sec. 54-208. - Intent.

Historically, the township has long been recognized for the natural beauty of its rolling topography, its significant stands of timber, and its extensive network of wetlands, streams and lakes. It has also been long recognized that one of the most effective ways to preserve areas of environmental significance is to remove these lands from private ownership and place them under public or quasi-public ownership. For this reason, over time, nearly one-quarter of the land area in the township has come under such ownership and is maintained as public and semipublic parks, campsites and land reserves. The RC recreational district is intended to permit the limited use of these lands in ways that will encourage their

preservation and maintenance while at the same time offering full utilization of the township's recreational potential.

(Code 2004, § 54-311; Zoning Ord. 1999, § 1100)

Sec. 54-209. - Principal permitted uses.

In the RC recreational districts, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Federal, state, regional, county or local public-owned, operated and maintained parks or land preserves.
- (2) One-family detached dwellings existing as of September 13, 1999.
- (3) One-family detached dwellings, when such dwellings are made an integral part of a use permitted in the district and will be occupied only by staff or other officials employed at the particular facility in which the dwelling is located.
- (4) Accessory buildings and uses customarily and traditionally incident to the permitted uses set forth in this subsection.

(Code 2004, § 54-312; Zoning Ord. 1999, § 1101)

Sec. 54-210. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the specific conditions imposed for each use and subject further to review and approval by the planning commission of a site plan prepared and submitted in accordance with the applicable requirements of section 54-955 et seq.:

- (1) Golf courses (but not including golf driving ranges, so-called par 3 courses or miniature golf facilities), related clubhouses and ancillary recreational facilities, such as swimming pools, practice greens, and tennis, racquetball and shuffleboard courts, provided the following conditions are met:
 - a. The use shall be developed only on sites containing at least 50 contiguous acres of land;
 - b. All site access shall be directly from a hard-surfaced road which shall be a major or secondary thoroughfare, as designated on the township's master plan of future land use map. The hard-surfaced roadway shall directly connect with at least two other designated major thoroughfares with existing hard surfaces;
 - c. No principal or accessory use, building or structure shall be located closer than 100 feet to any abutting residential district;
 - d. Wherever an outdoor swimming pool is located on the land, it shall be placed and secured in strict accordance with applicable local and state regulatory standards; and
 - e. All outdoor storage, off-street parking lots, loading/unloading areas or any other service or maintenance areas visible from any abutting residential district shall be obscured from view from the abutting residential district by means of an architectural masonry screen wall, landscaped earth berm, heavy screen planting, or a combination thereof, placed in accordance with the regulations of section 54-1107 et seq.
- (2) Public riding and boarding stables, provided the following conditions are met:
 - a. All such uses shall be located on not less than 30 acres of land.

- b. All stables and paddock areas for instruction or confinement of horses and their accessory uses, buildings or structures shall be located at least 300 feet from any abutting residential zoning district and at least 100 feet from any abutting nonresidential district.
 - c. The storage of manure shall be located at least 100 feet from any well and from any existing or future dwelling building. All manure so stored or kept shall be maintained so as to control odor and flies.
 - d. Riding trails shall extend no closer to property lines than the minimum applicable setback requirements of the RC recreational district for a principal permitted use.
 - e. The owner, manager or keeper of the stables, who is responsible for the care and keeping of all animals so stabled, shall permanently reside in a residence on the same property with the stables.
 - f. The stables and confined paddock areas shall be maintained in a clean and attractive manner, neat and orderly in appearance.
- (3) Private or quasi-public noncommercial recreational areas, institutional or community recreational centers or facilities, and nonprofit swimming pools, provided the following conditions are met:
- a. When any permitted use is intended for use by persons residing beyond the immediate neighborhood, access shall comply with the requirements of subsection (1)b of this section.
 - b. No building shall exceed one story or 25 feet in height.
 - c. Whenever an outdoor swimming pool is located on the land, it shall be placed and secured in strict accordance with all applicable local and state regulatory standards.
- (4) Seasonal recreation facilities, such as ski resorts and cross country ski parks, provided the following conditions are met:
- a. Any such facility or site shall contain at least 30 contiguous acres of land;
 - b. Site access shall be in accordance with the guidelines set forth in subsection (1)b of this section;
 - c. Ski slopes shall observe setbacks alongside and rear parcel lines equal to 150 feet and a front setback of 400 feet. These setbacks shall be measured from the base of the slope to the property line. Within these setbacks, the land shall be sloped so that stormwater and snowmelt runoff shall not flow across property lines onto other properties but shall, instead, be channeled in a manner that will satisfy county drainage requirements and the requirements of the township engineer;
 - d. Downhill ski runs and cross country ski trails shall observe the minimum setback requirements of the RC recreational district;
 - e. Within the ski slope setbacks set forth in subsection (4)c of this section, accessory uses and structures customarily incident to ski slopes shall be permitted, including ski lodges, dining, shopping, sleeping and living quarters, administrative and emergency facilities. Maintenance facilities shall be located within an interior side or rear yard and all outdoor storage areas associated with a maintenance facility shall be effectively screened from view;
 - f. Irrespective of the setback requirements of section 54-615 et seq., all such accessory buildings and structures shall be provided with a side and rear yard setback of not less than 50 feet and a front yard setback of 100 feet; and
 - g. Off-street parking shall be provided in accordance with the applicable requirements of section 54-1020. Off-street parking shall not be placed closer than ten feet to any residential district, nor closer than 25 feet to the projected right-of-way line of a public street or road, as established in the township master plan. Wherever off-street parking is located near a peripheral property line that abuts a residential district, the parking area shall be effectively screened from view from the adjoining residential district in accordance with the applicable guidelines set forth in sections 54-1020 et seq. and 54-1139—54-1145.

- (5) A seasonal recreational, educational use with a historic preservation theme, provided:
- a. It shall be located on at least 30 contiguous acres of land;
 - b. Site access is in accordance with the requirements set forth in subsection (1)b of this section; and
 - c. The facility is of a historic nature reflecting an agricultural theme reminiscent of the community's rural past. Seasonal recreational uses of this nature may include:
 1. The sale of produce, half of which is grown on the property; the preparation and sale of products containing produce, half of which is grown on the property, such as jams, jellies, and beverages, baked goods and candies; and
 2. The seasonal display and demonstration of farm equipment of an antique or historical nature; activities such as hay rides, square dancing, fiddler's competitions, equestrian events and demonstrations, including plowing, pulling and riding contests (but not including racing); and the seasonal display of farm animals and poultry (but not for sale or auction).
 - d. All buildings and activity areas shall meet the setback requirements of the RC recreational district.
 - e. No building shall exceed the building height limitations of the RC recreational district.
 - f. Since seasonal recreational uses are not permanent land uses, an annual operating permit shall be required. Application for an annual permit, the review of the application, and the approval of permits shall be conducted by the township in the same manner as required for a seasonal outdoor festival, as set forth and regulated in section 54-1429.
- (6) Cemeteries, subject to the following conditions:
- a. The cemetery shall be located on unplatted land on a site of at least ten acres;
 - b. All access to the site shall be from a major or secondary thoroughfare having a projected right-of-way width of 86 feet or greater, as indicated in the township's adopted master plan;
 - c. All sides of the cemetery shall be screened from view as set forth and regulated in sections 54-1107—54-1114 and 54-1137 et seq., except in the case of the requirements of section 54-1137 et seq., a six-foot-high chainlink fence shall be required in conjunction with a landscaped planting screen;
 - d. Approval shall be contingent upon review of a drainage plan by the township engineer and approval of such drainage plan by the township; and
 - e. Adequate on-site, off-street waiting space shall be provided for funeral processions so that no vehicle shall have to stand or wait within any dedicated public right-of-way.

(Code 2004, § 54-313; Zoning Ord. 1999, § 1102)

State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 54-211. - Applicable conditions.

The following conditions, where applicable, shall apply to all uses permitted in the district:

- (1) All one-family detached dwellings shall comply with the requirement of section 54-671.
- (2) Any public or quasi-public use of land in this district, whether a principal permitted use or a conditional use, shall, upon the sale of the property to private interests, whether the use is to be continued or not, cause the property to be rezoned to an RE/F rural estate/farm district in the manner prescribed by law. The rezoning of the property shall be initiated by the purchaser within

30 days from the date of outright purchase, or within 30 days from the date an offer to purchase is accepted. Upon rezoning of the property to an RE/F district by the township board, if the purchaser of the property wishes to continue the existing public or quasi-public use on the property, the purchaser may do so, but only in strict accordance with the requirements of section 54-836.

- (3) For regulations controlling the division of land, see 38-291 et seq. pertaining to procedures and standards for land division and land combination.
- (4) Except where otherwise regulated in this section, see section 54-506 et seq., limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted and building setbacks and development options.

(Code 2004, § 54-314; Zoning Ord. 1999, §§ 1100—1103; Ord. No. 143, § 403, 3-9-2004)

Secs. 54-212—54-230. - Reserved.

DIVISION 8. - OS-1 OFFICE SERVICE DISTRICT

Sec. 54-231. - Intent.

The OS-1 office service districts are designed to provide for limited types of office and restricted office-related uses which may serve a particular need in an area where minimal impact on nearby residential homes will be ensured. The district may, therefore, also serve as an effective district of land use transition while recognizing a limited need for such land use.

(Code 2004, § 54-351; Zoning Ord. 1999, § 1200)

Sec. 54-232. - Principal permitted uses.

In an OS-1 office service district, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
- (2) Offices of a doctor, dentist or allied services, but not including a medical clinic.
- (3) Banks, credit unions, savings and loan, with drive-through facilities when such facilities are clearly accessory to the principal use of the site.
- (4) Personal service uses, such as barbershops, beauty shops and health salons.
- (5) Churches.
- (6) Accessory structures customarily incident to the permitted uses set forth in this subsection.

(Code 2004, § 54-352; Zoning Ord. 1999, § 1201)

Sec. 54-233. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the specific conditions imposed for each use and subject further to review and approval by the planning commission of a site plan prepared and submitted in accordance with the applicable requirements of section 54-951 et seq.:

- (1) Day care center, subject to the following conditions:

- a. Off-street parking shall be provided as set forth and regulated in sections 54-1020 and 54-1021;
 - b. All applicable state construction codes and public safety codes shall be met; and
 - c. An occupancy permit shall be obtained from the township prior to occupying the building.
- (2) Convalescent homes, subject to the conditions set forth in section 54-144(2).
 - (3) Medical clinics providing outpatient medical services.
 - (4) General hospitals and sanitariums, subject to the conditions set forth in section 54-144(6).
 - (5) Veterinary office or clinic providing medical or surgical care only, provided:
 - a. All facilities shall be contained fully within the principal building and shall be related to the treatment of animals only, there being no commercial kennel operation permitted.
 - b. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance, including offensive odors, shall be created at any time.
 - (6) Funeral home and related caretaker residence, provided adequate drive area is made available off-street for motor vehicle assembly for funeral processions. The vehicle assembly area shall not consume more than 50 percent of the required off-street parking area.

(Code 2004, § 54-353; Zoning Ord. 1999, § 1202)

State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 54-234. - Applicable conditions.

The following conditions, where applicable, shall apply to all uses permitted in this district:

- (1) No interior display area shall be visible from the exterior of the building and the total area devoted to display shall not exceed ten percent of the usable floor area of the establishment.
- (2) The outdoor storage of goods or materials of any kind shall be expressly prohibited.
- (3) Warehousing or indoor storage of goods or material, beyond that normally incident to the permitted uses set forth in this subsection, shall be prohibited.
- (4) Except where otherwise regulated in this section, see section 54-506 et seq., limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted and building setbacks and development options.

(Code 2004, § 54-354; Zoning Ord. 1999, § 1203)

Secs. 54-235—54-261. - Reserved.

DIVISION 9. - B-1 NEIGHBORHOOD BUSINESS DISTRICT

Sec. 54-262. - Intent.

The B-1 districts are intended to meet the limited day-to-day convenience commercial shopping and service needs of persons residing in nearby residential areas and to provide convenient access to the neighborhoods they serve. These noncenter-oriented districts should therefore be provided in limited concentration at strategic locations in the township.

(Code 2004, § 54-391; Zoning Ord. 1999, § 1300)

Sec. 54-263. - Principal permitted uses.

In the B-1 neighborhood business district, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise specified in this chapter:

- (1) Any office or professional use permitted in the OS-1 office service district, but subject to the standards applicable to this district.
- (2) Generally recognized retail convenience commercial businesses which supply commodities on the premises, including, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and small hardware stores.
- (3) Personal service establishments which perform services on the premises, such as, but not limited to, repair shops (watches, radio, televisions, shoes, etc.), tailor shops, beauty salons, barbershops, photographic studios and self-service laundries and dry cleaning establishments, but not central dry cleaning plants.
- (4) General service establishments involving an office, showroom or workshop or an electrician, plumber, decorator, baker, printer, upholsterer, or an establishment doing radio or home appliance repair, or a similar type of service requiring a retail adjunct.
- (5) Post office or similar governmental office building, serving persons living in the nearby residential area.
- (6) Other uses directly similar to the permitted uses set forth in this subsection.
- (7) Accessory uses and structures customarily incident to the permitted uses set forth in this subsection.

(Code 2004, § 54-392; Zoning Ord. 1999, § 1301)

Sec. 54-264. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions imposed for each use and subject further to the review and approval by the planning commission of a site plan prepared and submitted in accordance with the applicable requirements of section 54-951 et seq.:

- (1) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards, but without storage yards, water and sewage pumping stations.
- (2) Funeral homes, including the residence of a caretaker, subject to the requirements of section 54-233(6).

(Code 2004, § 54-393; Zoning Ord. 1999, § 1302)

State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 54-265. - Applicable conditions.

The following conditions, where applicable, shall apply to all uses permitted in the district:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers, and all goods provided on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except off-street parking and loading/unloading, shall be conducted within completely enclosed buildings.

- (3) Except where expressly permitted elsewhere in this district, the outdoor storage of goods or materials or motor vehicles of any kind shall be expressly prohibited.
- (4) Commercial-rated vehicles belonging to the business on the premises and which are daily used as an integral part of the business operation may be parked overnight, over weekends and during holidays, in a designated area in the rear yard or interior side yard area of the off-street parking lot of the business when the yard abuts a nonresidential district, and in a nonrequired rear or interior side yard when the yard abuts a residential district. No such parking of a commercial-rated vehicle shall be permitted in any front or exterior side yard and no such vehicle not belonging directly to the business shall be so parked on the premises.
- (5) For regulations controlling the division of land, see section 38-291 et seq., pertaining to procedures and standards for land division and land combination.
- (6) Except where otherwise regulated in this section, see section 54-506 et seq., limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted and building setbacks and development options.

(Code 2004, § 54-394; Zoning Ord. 1999, § 1303)

Secs. 54-266—54-293. - Reserved.

DIVISION 10. - B-2 COMMUNITY BUSINESS DISTRICT

Sec. 54-294. - Intent.

The B-2 community business district is a center-oriented district, designed and intended to provide retail commercial areas that will be typically served by more intense commercial uses in larger planned commercial centers or large freestanding commercial buildings, with extensive off-street parking and greater building setbacks. The type of retail commercial uses oriented to this district will serve a community-wide market and beyond.

(Code 2004, § 54-431; Zoning Ord. 1999, § 1400)

Sec. 54-295. - Principal permitted uses.

In the community business districts, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Any retail commercial use permitted in the B-1 districts but subject to the requirements of this district.
- (2) Uses of a retail business, service or processing nature, including:
 - a. Retail businesses whose principal activity is the sale of merchandise in a completely enclosed building;
 - b. General service establishments involving an office, showroom, or workshop of an electrician, plumber, decorator, baker, printer, upholsterer, or an establishment doing radio or home appliance repair, or a similar type of service requiring a retail or showroom adjunct;
 - c. Meeting or social halls of fraternal orders, clubs, lodges, societies or recreational organizations, including fraternities;
 - d. Sit-down restaurants;
 - e. Carryout restaurants;

- f. Theaters, assembly halls, concert halls, or similar places of assembly, when conducted wholly within a completely enclosed building;
- g. Business schools and colleges or private technical schools operated for profit;
- h. Bus transit passenger stations;
- i. Other commercial or service uses directly similar to the permitted uses set forth in this subsection; and
- j. Accessory structures and uses customarily incident to the permitted uses set forth in this subsection.

(Code 2004, § 54-432; Zoning Ord. 1999, § 1401)

Sec. 54-296. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions imposed for each use and subject further to the review and approval by the planning commission of a site plan prepared and submitted in accordance with the requirements of section 54-951 et seq.:

- (1) The uses permitted subject to special conditions in the B-1 districts, including those conditions specifically enumerated thereto for each use; except the standards of this district relating to building height and setbacks shall apply.
- (2) Arcades and similar uses that are not adult-oriented entertainment, provided:
 - a. They are located within a planned commercial center building containing other commercial uses;
 - b. Each mechanical amusement device shall have a minimum of 200 square feet of floor area within the store bay in the planned commercial center in which the use is located; and
 - c. No such use shall contain more than 25 mechanical amusement devices.
- (3) Mechanical amusement devices other than those contained within an arcade, when they are clearly accessory to a principal permitted use in the district, and provided further that:
 - a. Two hundred square feet of floor area is provided for each mechanical amusement device;
 - b. Not more than five mechanical amusement devices shall be provided in the establishment; and
 - c. When a mechanical amusement device is located in a freestanding building containing one principal permitted use, two off-street parking spaces in addition to those required for the principal use shall be provided.
- (4) Partially enclosed outdoor sales area, when directly associated with and physically attached to a principal permitted use and when used exclusively for the seasonal retail sale of plant material not grown on the site and for the sale of lawn furnishings, playground equipment, seasonal ornamentalations, garden supplies, landscaping materials, including precast decorative materials and decorative wood fencing, and lawn maintenance equipment, provided:
 - a. Such sales areas are located within a nonrequired rear or interior side yard when that yard abuts a residential or office district, and in a rear or interior side yard when that yard abuts any other nonresidential district; and
 - b. They are completely enclosed by a chainlink fence not less than eight feet in height.
- (5) Automobile service center for the servicing and installation of automotive products purchased directly from the principal use and when the service center is developed as an integral part of the principal permitted use it is serving and does not require issuance of a separate building permit.

- (6) Gasoline filling station with or without a food adjunct, may be located within the development area of a planned commercial center, as defined in the code, provided the following conditions are met.
- a. No part of the facility, including any part of the filling station apron, pump islands, pump island canopy or canopies, any principal building or any building or structure accessory to the principal building, except flagpoles and freestanding signs, shall extend closer than 90 feet to any major thoroughfare right-of-way, as designated on the township master land use plan map, or any closer than 70 feet to any other public road right-of-way, and no closer than 25 feet to any interior ring road, service drive, or vehicle maneuvering lane of a parking lot serving the planned commercial center.
 - b. All ingress and egress to a freestanding gasoline filling station shall be via an interior ring road system within the planned commercial center, or via a service drive or vehicle-maneuvering lane serving the center, or the parking lot of the center. No direct driveway access to any public road is permitted.
 - c. The design of the canopies, the principal building and all other buildings or structures associated with the gasoline filling station shall be composed of the same exterior building wall materials as the planned commercial center of which it is a part.
 - d. A food adjunct commonly associated with a gasoline filling station is permitted. Any such use shall comply with all of the applicable requirements of this subsection and this Code. Drive-through food service or drive-through facilities for the sale of convenience items offered in the food adjunct building is not permitted. Providing enclosed or outdoor service areas for the mechanical servicing of vehicles is also prohibited.
 - e. The unloading of fuel may take place within a front, or within an interior or exterior side yard, so long as it is not located in the 25-foot minimum setback requirement set forth in subsection (6)a of this section, and provided further that the space allocated on the site for the unloading of fuel shall not interfere with or block the general movement of vehicle traffic on the apron of the station.
 - f. Off-street parking may be placed in the front, interior or exterior side yard of the use, so long as it is not located in the 25-foot minimum setback requirement set forth in subsection (6)a of this section. All off-street parking areas shall comply with the applicable numerical off-street parking, vehicle stacking space, and parking layout standards of this Code.
 - g. Except as may be otherwise permitted in this subsection, the trash receptacle shall be located in the interior side yard, and shall be screened as required in this Code. After review and approval by the planning commission, the trash receptacle may be located in an exterior side yard when the planning commission is satisfied that location in the interior side yard is not physically possible due to topographic limitations of the site, or due to the particular shape of the site.
 - h. Exterior site lighting for a gasoline filling station shall be subject to the applicable requirements of this Code.
 - i. Landscaping for the site shall be provided in all lawn areas, in accordance with the applicable requirements of this Code. All landscaping, including lawn panels shall be maintained by use of an automated in-ground irrigation system.
 - j. All signs shall be subject to all of the applicable sign regulatory requirements of this Code.

(Code 2004, § 54-433; Zoning Ord. 1999, § 1402; Ord. No. 161, 12-12-2007)

State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 54-297. - Applicable conditions.

The following conditions, where applicable, shall apply to all uses permitted in this district:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers, and all goods provided on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except off-street parking, loading, unloading and seasonal outdoor sales areas as permitted and regulated in this district, shall be conducted within completely enclosed buildings.
- (3) Commercial-rated vehicles belonging to the business on the premises and which are daily used as an integral part of the business operation may be parked overnight, over weekends and during holidays in a designated area in the rear yard or interior side yard area of the off-street parking lot of the business when the yard abuts a nonresidential district, and in a nonrequired rear or interior side yard when adjacent to a residential or office district. No such parking of a commercial-rated vehicle shall be permitted in any front or exterior side yard, and no such vehicle not belonging directly to the business on the premises shall be so parked on the premises.
- (4) Except where expressly permitted elsewhere in this district, the outdoor storage of goods or materials or motor vehicles of any kind is expressly prohibited.
- (5) For regulations controlling the division of land, see section 38-291 et seq., pertaining to procedures and standards for land division and land combination.
- (6) Except where otherwise regulated in this section, see section 54-506 et seq., limiting the height and bulk of buildings, the minimum size of a lot by permitted land use, the maximum dwelling unit density permitted and building setbacks and development options.

(Code 2004, § 54-434; Zoning Ord. 1999, § 1403)

Secs. 54-298—54-327. - Reserved.

DIVISION 11. - B-3 GENERAL BUSINESS DISTRICT

Sec. 54-328. - Intent.

The B-3 general business district is a noncenter-oriented commercial district designed and intended to provide areas typically served by a more intense variety of thoroughfare-oriented commercial uses, some of which may be convenience-oriented but, due to their intense nature, are incompatible with uses permitted in the local business districts or even in the community business districts. The general business districts are characterized by more diversified business types that are often located so as to serve passerby traffic.

(Code 2004, § 54-471; Zoning Ord. 1999, § 1500)

Sec. 54-329. - Principal permitted uses.

In the B-3 general business district, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise specified in this chapter:

- (1) All principal permitted uses in the B-1 neighborhood business district.
- (2) Principal permitted uses in the B-2 community business district not specifically permitted in this district and subject to the building setback requirements of the B-2 district.
- (3) Automatic pull-through automobile car wash when all wash and wash-related services are contained within a completely enclosed building.
- (4) Veterinary offices providing medical and surgical care and grooming only.

- (5) Post office or other government buildings.
- (6) Motels and motor hotels.
- (7) Bus passenger stations.
- (8) Restaurants.
- (9) Bars or lounges.
- (10) Bowling alleys.
- (11) Other uses directly similar to the permitted uses set forth in this subsection.
- (12) Accessory uses customarily incident to the permitted uses set forth in this subsection.

(Code 2004, § 54-472; Zoning Ord. 1999, § 1501)

Sec. 54-330. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions imposed for each use and subject further to review and approval by the planning commission of a site plan prepared and submitted in accordance with the requirements of section 54-951 et seq.:

- (1) Dealerships for the sale, lease and service of new and used automobiles or recreation vehicles, including boats and camper trailers, provided:
 - a. An open, unobscured, landscaped lawn panel not less than 30 feet in width is provided across the entire frontage of the site. This lawn panel may be interrupted by periodic driveways and may, at the owner's option, display one new product on a ground level concrete or other decorative hard-surfaced pad for every 35 feet of linear site frontage;
 - b. Access to the site shall be at least 60 feet from any street intersection and from any residential district;
 - c. Area, in addition to that provided for vehicle display or storage, shall be provided for customer off-street parking and shall comply with sections 54-1020 and 54-1021. The total number of off-street parking spaces required for the use shall not be used for any other purpose except for customer off-street parking, and unencumbered access to these parking spaces shall be provided at all times during hours of operation;
 - d. Loudspeakers used for the purpose of paging shall be directed or sufficiently muffled so that the sound will not extend beyond the property lines into any residential district; and
 - e. New vehicles received for sale by the dealer may be stored outdoors, provided they are stored within a rear yard or within an interior side yard only, there being no such storage permitted in any front or exterior side yard.
- (2) Sale or leasing of used automobiles, provided the following conditions are met.
 - a. The conditions of subsection (1)a—c of this section are met.
 - b. The minimum front yard setback requirement shall be provided as required and it shall be maintained as a landscaped open space area, neat and orderly in appearance, except it may contain shrubs and trees at the owner's option, and further, at the owner's option, when the minimum front yard setback is increased to at least 30 feet in depth, one automobile may be displayed on a ground level concrete or other decorative hard surfaced pad in the front yard. One such display area may be provided for every 35 feet of linear site frontage along a major thoroughfare as designated in the township master plan.
 - c. The sales area where automobiles are displayed shall be hard surfaced and graded and drained so as to properly dispose of surface water into an approved drain.
 - d. No major mechanical repair, body repair or refinishing shall be conducted on the premises.

- e. The standards of article IX of this chapter pertaining to signs, shall apply to all used motor vehicle sales establishments, particularly the prohibited use of banners, streamers, etc.; as set forth and regulated in section 54-1043(6), in the sign control standards.
- (3) Dealerships for the sale of mobile homes, provided:
- a. Except for driveways, an open and unobstructed landscaped lawn panel not less than 30 feet in width is provided across the entire frontage of the site;
 - b. All access to the site shall be at least 60 feet from any street intersection and from any residential district; and
 - c. Off-street parking shall be provided in accordance with the requirements of sections 54-1020 and 54-1021.
- (4) Golf driving ranges and miniature golf courses, provided:
- a. Access to the site is at least 60 feet from any street intersection or residential district;
 - b. Outdoor lighting shall be directed away from any abutting residential district, including the point source of the light (the luminary itself);
 - c. Loudspeakers used for broadcasting music or for paging shall be directed or sufficiently muffled so that the sound will not extend beyond the property lines into any abutting residential district; and
 - d. Off-street parking shall be provided in accordance with the requirements of sections 54-1020 and 54-1021.
- (5) Commercial kennels providing grooming and boarding facilities for small non-farm animals, including those uses customarily accessory to the principal uses set forth in this subsection, such as fenced open yard areas and dog runs, subject to the following requirements:
- a. The kennel shall be located at least 150 feet from any residential district;
 - b. Kenneled animals shall be kept in a completely enclosed building;
 - c. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance, including offensive odors, shall be created at any time;
 - d. Live-in quarters of a night watchperson, caretaker or staff person shall be permitted, provided such quarters are housed within the principal building and provided further that such quarters meet all state construction codes and all health and safety codes applicable to quarters intended for human habitation; and
 - e. When outdoor dog runs are employed, they shall be:
 - 1. Located only within a nonrequired rear or interior side yard when located next to a residential or office district and shall be fenced and screened with walls, earth berms or landscape screen planting. They shall be used only during daylight hours but not after 5:00 p.m.;
 - 2. Located only within a rear or interior side yard when located next to any other nonresidential district and shall be fenced; and
 - 3. Separated one run from another by an opaque screening wall, or earth berm at least 3.5 feet in height, so as to block the vision of the animals from each other in the runs.
- (6) Arcades and similar uses that are not adult-oriented entertainment, subject to the requirements of section 54-296(2); except they may also be the principal use in a freestanding building when that building contains not less than 2,000 square feet of floor area.
- (7) Mechanical amusement devices other than those contained in an arcade, subject to the requirements of section 54-296(3).

- (8) Car washes, provided all vacuum machines are located in a nonrequired yard and site access is at least 60 feet from any street intersection, or any residential or office service district.
- (9) General motor vehicle repair, provided the following conditions are met:
 - a. Vehicles awaiting same-day repairs and pickup may be parked within designated off-street parking spaces in accordance with the requirements of sections 54-1020 and 54-1021;
 - b. Vehicles that must be kept overnight for service shall be kept inside the service stalls, there being no outside overnight parking or storage of motor vehicles awaiting repairs;
 - c. All motor vehicle repairs, maintenance or service shall be performed inside a fully enclosed building;
 - d. The outdoor storage of motor vehicle parts, partially disassembled motor vehicles, or wrecked or disabled motor vehicles is expressly prohibited; and
 - e. If motor vehicle towing service is provided as an ancillary function of a general motor vehicle repair facility, the towing vehicles shall be kept overnight within a building or shall be parked in an orderly manner within the rear or interior side yard. A mechanically disabled motor vehicle may be towed to the facility, provided the applicable requirements of this subsection can be met. No wrecked or partially dismantled motor vehicle shall be towed to the site.
- (10) Motor vehicle gasoline or alternative fuels filling station, provided the following conditions are met.
 - a. The property shall contain at least one acre of land and shall have not less than 200 lineal feet of street frontage along any abutting road frontage.
 - b. Entrance and exit driveways shall be no closer than 50 feet from any street intersection, and 25 feet from any residential zoning district.
 - c. A landscaped lawn panel shall be provided between the outside edges of any service apron area, excluding access driveways, and any abutting or proposed road right-of-way line, whichever shall result in the greater setback. The width of the landscaped lawn panel shall be 25 feet.
 - d. The location of any pump islands and fuel dispensing pumps shall correspond to the applicable layout standards set forth in section 54-1020(16), gasoline service stations, in this zoning code, except a pump island and its fuel dispensing pumps, introduced by an applicant that is different from that displayed in section 54-1020(16), may be considered by the planning commission at the time of site plan review, provided that adequate vehicle fueling space, vehicle stacking space and vehicle maneuvering space is provided at each fuel dispensing pump.
 - e. A detached accessory canopy structure erected in conjunction with the principal building on the site shall set back not less than 25 feet from all property lines.
 - f. The principal building and any accessory building shall comply with the minimum applicable building height and building setback requirements of this zoning code.
 - g. The applicable numerical off-street parking, vehicle stacking space and the off-street parking layout standards of this zoning code shall be met for each fueling pump as well as for the principal building, including any permitted retail adjunct and any permitted accessory uses.
 - h. The applicable loading and unloading requirements of this zoning code shall be met.
 - i. The applicable landscaping and screening requirements of this zoning code shall be met, and any freestanding signs or wall sign shall comply with the applicable requirements of this zoning code.
 - j. All exterior site lighting shall comply with the applicable exterior site lighting requirements and limitations set forth in this zoning code.

- (11) Motor vehicle gasoline and alternative fuels filling and service station, provided the requirements set forth in subsection (10) of this section are met, and provided further that the following conditions are met.
 - a. Steam cleaning, undercoating and major motor vehicle repair as defined in this zoning code shall be prohibited.
 - b. Adequate space shall be provided on site for vehicles waiting to be serviced.

The outdoor storage of any motor vehicle to be kept on the premises for the purpose of repair or service on the premises shall be kept within an obscured compound, screen in accordance with the applicable requirements of article III, division 1 of this chapter, screen walls and earth berms in this zoning code. No more than five such motor vehicles shall be so stored at one time and no such vehicle shall be stored for more than six continuous days. A towing or hauling vehicle used by the business on the premises to bring vehicles to the premises for service, may be parked in the rear or interior side yard of the property and need not be screened from view.

(Code 2004, § 54-473; Zoning Ord. 1999, § 1503; Ord. No. 132, 2-10-2003; Ord. No. 147, 12-12-2005)

State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 54-331. - Applicable conditions.

The following conditions, where applicable, shall apply to all uses permitted in this district:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers, and all goods provided on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except off-street parking and loading/unloading shall be conducted within completely enclosed buildings.
- (3) Commercial-rated vehicles belonging to the business on the premises and which are daily used as an integral part of the business operation may be parked overnight, over weekends and during holidays in a designated area in the rear yard or interior side yard area of the off-street parking lot of the business when the yard abuts a nonresidential district, and in a nonrequired rear or interior side yard when the yard abuts a residential district. No such parking of a commercial-rated vehicle shall be permitted in any front or exterior side yard, and no such vehicle not belonging directly to the business shall be so parked on the premises.
- (4) Except where expressly permitted elsewhere in this district, the outdoor storage of goods or materials or motor vehicles of any kind shall be expressly prohibited.
- (5) For regulations controlling the division of land, see section 38-291 et seq., pertaining to procedures and standards for land division and land combination.
- (6) Except where otherwise regulated in this section, see section 54-506 et seq., limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted and building setbacks and development options.

(Code 2004, § 54-474; Zoning Ord. 1999, § 1504)

Secs. 54-332—54-350. - Reserved.

DIVISION 12. - TR TECHNICAL RESEARCH DISTRICT

Sec. 54-351. - Intent.

The TR technical research district is intended to provide for particular types of uses which are technical or research-oriented and which will have no adverse impact on other uses beyond the building or buildings in which the use is located. The low-intensity, low-profile, nonmanufacturing nature of the uses permitted in the district will be such that the TR technical research district may abut a residential district with no noticeable impact. The district is further designed to encourage uses which have a high per-acre land value that will supplement and enhance the township's tax base. In spite of the restrictive nature of the district, select conditional uses which are compatible with and can supplement the principal uses permitted in the district are also permitted.

(Code 2004, § 54-511; Zoning Ord. 1999, § 1700)

Sec. 54-352. - Principal permitted uses.

In the TR technical research district, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise specified in this chapter:

- (1) Any use charged with the principal function of basic research, design, pilot or experimental product development, including transportation-related products, but excluding any basic research, design, pilot or experimental product development involving the use of extremely hazardous substances including acute concentrations of radioactive or nuclear materials.
- (2) Assembly-only and related packaging of small electronic appliances and electronic instruments, including computers and computer-related hardware and software products.
- (3) Pharmaceutical and medical laboratories, except those engaged in genetic research.
- (4) Medical clinics.
- (5) Office buildings for executive, administrative, professional, accounting, writing, clerical, stenographic, or drafting uses, or offices of a sales representative.
- (6) Banks, credit unions, and savings and loan associations.
- (7) Technical skills, training centers or adult vocational training schools, except those owned or managed by or related to any county, state or federal penal institution or facility.
- (8) Governmental buildings and uses not requiring the outdoor storage of vehicles or materials.
- (9) Other uses directly similar to the permitted uses set forth in this subsection.
- (10) Accessory uses customarily incident to any principal permitted use, except those uses involving any of the extremely hazardous materials prohibited in this district.

(Code 2004, § 54-512; Zoning Ord. 1999, § 1701)

Sec. 54-353. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions assigned to each use and subject further to review and approval by the planning commission of a site plan prepared and submitted in accordance with the requirements of section 54-951 et seq.:

- (1) Radio and television studios, including community cable television studios and necessary headend equipment. Such uses may include one tower for the exclusive use of the franchise, provided that on-premises horizontal ground area equal to the height of the tower, including any antennas attached thereto, is provided in all directions from the base of the tower.
- (2) Motels and motor hotels, provided they have direct frontage on a major thoroughfare, as designated on the township's master plan map.

- (3) Assembly halls, display halls or similar places of assembly when they have direct frontage on a major thoroughfare, as designated on the township's master plan map, and when conducted within a completely enclosed building.
- (4) Sit-down restaurants, provided they have direct frontage on a thoroughfare, as designated on the township's master plan map.
- (5) Personal service establishments, such as, but not limited to, repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors and barbershops, laundromats, dry cleaning dropoff and pickup stations only, printing or photographic reproduction, when all such uses are located in a building containing a principal permitted use or a conditional use permitted in subsections (2) and (3) of this section, and access to these uses are from the interior of the principal building.
- (6) Indoor tennis or racquetball clubs, provided they are located within a completely enclosed building; except a limited number of outdoor tennis courts and racquetball courts may be provided when they are located in a rear yard or nonrequired interior side yard, are properly fenced and screened, and are not located next to a residential district.
- (7) Health salons and physical fitness gymnasiums, provided they are located within a completely enclosed building; except that an in-ground, outdoor swimming pool intended solely for the use of members or patrons of the use may be located in a rear yard or nonrequired interior side yard, provided they are properly fenced and screened and are not located next to a residential district.

(Code 2004, § 54-513; Zoning Ord. 1999, § 1702)

State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 54-354. - Applicable conditions.

The following conditions, where applicable, shall apply to all uses permitted in this district:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers, and all goods provided on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except off-street parking and loading/unloading, shall be conducted within completely enclosed buildings.
- (3) Any use whose principal function is basic research, design, pilot or experimental product development, including transportation-related products, shall not involve the use of extremely hazardous substances including acute concentrations of radioactive or nuclear materials.
- (4) Commercial-rated vehicles belonging to the business on the premises and which are daily used as an integral part of the business operation may be parked overnight, over weekends and during holidays in a designated area in the rear yard or interior side yard area of the off-street parking lot of the business when the yard abuts a nonresidential district, and in a nonrequired rear or interior side yard when the yard abuts a residential district. No such parking of a commercial-rated vehicle shall be permitted in any front or exterior side yard, and no such vehicle not belonging directly to the business shall be so parked on the premises.
- (5) Except where expressly permitted elsewhere in this district, the outdoor storage of goods or materials or motor vehicles of any kind shall be expressly prohibited.
- (6) For regulations controlling the division of land, see section 38-291 et seq., pertaining to procedures and standards for land division and land combination
- (7) Except where otherwise regulated in this section, see section 54-506 et seq., limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted and building setbacks and development options.

(Code 2004, § 54-514; Zoning Ord. 1999, § 1703)

Secs. 54-355—54-381. - Reserved.

DIVISION 13. - I-1 LIGHT INDUSTRIAL DISTRICT

Sec. 54-382. - Intent.

The I-1 light industrial district is intended to accommodate certain industrial activities whose external effects are minimal and in no way detrimental to surrounding districts, including wholesale, warehousing and certain commercial-oriented uses, which, by the nature of the use, are better oriented for operation in an industrial use district. All uses permitted in the district are intended to be compatible with one another. Since limited industrial-zoned land is available for industrial use in the township, it is the township's intent to carefully conserve the land for manufacturing, those uses directly related to manufacturing, and for only certain limited commercial service uses designed to serve the needs of persons working in the industrial districts. In the I-1 districts, all uses permitted in this section shall comply with the strict performance standards of this chapter; therefore, all uses permitted in the district shall be so designed and operated as to produce no discernible glare, heat, odor, vibration, or toxic fumes including acute concentrations of radioactive or nuclear materials of any kind beyond the walls of the building or buildings on the property or, in the case of any outdoor operations permitted in this section, beyond the property lines of the premises on which the operation is located. Any sound generated by any use permitted in the district shall not exceed the recorded ambient pressure level of sound generated by land use on surrounding properties. It is further the intent of the I-1 light industrial district that any form of manufacturing, compounding, processing, packaging, assembly or treatment involve only finished or semi-finished products from previously prepared materials. The manufacture, compounding, assembly or treatment of any product that requires the processing of raw materials for shipment in bulk form for use in an industrial operation at another location is therefore specifically prohibited.

(Code 2004, § 54-551; Zoning Ord. 1999, § 1800)

Sec. 54-383. - Principal permitted uses.

In the I-1 light industrial districts, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) The manufacture, compounding, processing, packaging, treatment, assembly or repair of the following products:
 - a. Baked goods, candy and other food products, but excluding slaughterhouses or abattoirs;
 - b. Cosmetics, pharmaceutical, biological and chemical products, and toiletries;
 - c. Hardware and cutlery;
 - d. Tools, dies, machine products, metalworking machinery and equipment, general industrial service machinery and equipment;
 - e. Articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (except large stamping such as motor vehicle body parts), shell, textiles, tobacco, wax, wire, wood (except saw and planing mills) and yarns;
 - f. Pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
 - g. Musical instruments, toys, novelties, sporting and athletic goods, and metal or rubber stamps, or other small molded rubber products;

- h. Electrical and electronic machinery, components and supplies, radios, phonographic and television sets, electrical appliances, office, computing and accounting machines;
 - i. Professional and scientific instruments, photographic and optical goods; and
 - j. Electric or neon signs, light sheet metal products, including heating and ventilation equipment, cornices, eaves and the like.
- (2) Industrial, scientific and business research, development and testing laboratories, except those whose principal function involves the use of, the manufacture of, or which results in the creation of byproducts that are of an extremely hazardous nature, including the use of, or the creation of, acute concentrations of radioactive or nuclear materials.
 - (3) Printing, publishing or allied industries.
 - (4) Warehouse and wholesale establishments.
 - (5) Central dry cleaning plants or laundries, provided that such plants shall not deal directly with the consumer at retail.
 - (6) All public utilities, including buildings, necessary structures, storage yards and other related uses.
 - (7) Water supply and sewage disposal plants, water and gas holders and railroad transfer and storage tracks when accessory to the principal permitted use.
 - (8) Building and construction materials wholesalers and contractors.
 - (9) Other light industrial plants and uses similar to those in this section having performance characteristics which are consistent with those described in this section, including trade and industrial schools.

(Code 2004, § 54-552; Zoning Ord. 1999, § 1801)

Sec. 54-384. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions imposed for each use and subject further to review and approval by the planning commission of a site plan prepared and submitted in accordance with the requirements of section 54-951 et seq.:

- (1) Storage facilities for building materials, sand, gravel, lumber, and construction contractor's equipment; provided, the site shall abut only land within an industrial district and all such storage shall take place only in the rear yard or in an interior side yard and, wherever visible from a street or a commercial, office or residential district, shall be screened by a completely obscuring wall, landscaped earth berm or landscape planting screen, or combination thereof, as set forth and regulated in sections 54-1107—54-1114 or section 54-1138 et seq.
- (2) Major motor vehicle repair facilities, provided the following conditions are met:
 - a. The site for any such use shall abut only industrial-zoned land on all sides;
 - b. Devices and controls adequate to meet the standards enumerated in subsection (1) of this section shall be installed;
 - c. Adequate means of sanitary disposal of any and all waste materials shall be provided as required by federal, state, or local statutes;
 - d. Wrecked motor vehicles may be towed to the site only if they are to be repaired at the facility, or are to be removed from the premises within 48 hours from the time of arrival. No wrecked or partly dismantled motor vehicles shall be towed to the site or stored on the site for the purpose of salvaging at the site;
 - e. Wrecked or disabled motor vehicles brought to the site for repair or for removal to another location shall be kept indoors in a fully enclosed building or outdoors within an enclosed

compound. The compound shall be designed to fully secure the motor vehicles and to screen them from view from any abutting property or road. The outdoor storage compound shall be located in the rear yard or within an interior side yard and shall be screened in accordance with the applicable screening requirements of this chapter; and

- f. All motor vehicle parts, including all vehicle body and mechanical parts, shall be kept or stored indoors in a fully enclosed building, or outdoors in a trash receptacle, or within a completely screened enclosure. The enclosure shall fully screen its contents from view from any abutting property or road. Such enclosures shall be located in a rear yard or in an interior side yard and shall be screened in accordance with the applicable screening requirements of this chapter.
- (3) Indoor tennis or racquetball courts, roller skating rinks and ice skating arenas when, together with their related accessory uses including off-street parking, they are located at least 100 feet from any residential or office district.
- (4) Commercial kennels, subject to the requirements of section 54-330(5).
- (5) Industrial operations involving metal plating, buffing, and polishing, provided appropriate measures are taken to control the type of process involved in the operation so as to prevent toxic waste contamination or noxious odors, and provided further that all such operations are conducted within completely enclosed buildings that are located at least 100 feet from any office or residential district.
- (6) The sale and service of new heavy trucks, heavy off-road construction equipment, and large farm implement machinery. The outdoor storage of new products for sale or lease shall be limited to a nonrequired rear yard or nonrequired interior side yard when located next to an office or residential district, or in a rear yard or interior side yard when located next to any other district; except a new piece of equipment may be displayed in a nonrequired front yard or nonrequired exterior side yard at a ratio of one for every 100 feet, or fraction thereof, of frontage the property has along a public road right-of-way, provided the equipment is placed on a concrete display pad and made an integral part of the yard's landscaping.
- (7) Sexually oriented business (adult entertainment uses), subject to the requirements of section 54-1224 et seq.
- (8) Accessory uses customarily incident to the permitted uses set forth in this section.

(Code 2004, § 54-553; Zoning Ord. 1999, § 1802)

State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 54-385. - Applicable conditions.

The following conditions, where applicable, shall apply to all uses permitted in this district:

- (1) All wholesale establishments shall deal directly with wholesalers, and all goods provided on the premises shall be wholesaled on the premises where produced.
- (2) All business, servicing or processing, except off-street parking and loading/unloading, shall be conducted within completely enclosed buildings.
- (3) Commercial-rated vehicles belonging to the business on the premises and which are daily used as an integral part of the business operation may be parked overnight, over weekends and during holidays in a designated area in the rear yard or interior side yard area of the off-street parking lot of the business when the yard abuts a nonresidential district, and in a nonrequired rear or interior side yard when the yard abuts a residential district. No such parking of a commercial-rated vehicle shall be permitted in any front or exterior side yard and no such vehicle not belonging directly to the business shall be so parked on the premises.

- (4) Except where expressly permitted elsewhere in this district, the outdoor storage of goods or materials or motor vehicles of any kind shall be expressly prohibited.
- (5) For regulations controlling the division of land, see section 38-291 et seq., pertaining to procedures and standards for land division and land combination.
- (6) Except where otherwise regulated in this section, see section 54-506 et seq., limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted and building setbacks and development options.

(Code 2004, § 54-554; Zoning Ord. 1999, § 1803)

Secs. 54-386—54-413. - Reserved.

DIVISION 14. - I-2 GENERAL INDUSTRIAL DISTRICT

Sec. 54-414. - Intent.

The I-2 general industrial districts are intended to provide land for larger scale and more intense industrial land use which includes manufacturing, fabricating and assembling operations. While such uses may occasionally produce external physical effects noticeable to a limited degree beyond the boundaries of the site, nevertheless, every possible effort shall be made to minimize such effects.

(Code 2004, § 54-591; Zoning Ord. 1999, § 1900)

Sec. 54-415. - Principal permitted uses.

In the I-2 general industrial districts, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise specified in this section:

- (1) Any principal use permitted or principal use permitted subject to special conditions in the I-1 light industrial districts, subject to the specific conditions attached to each such use, but subject to the building height, bulk and setback requirements of this district.
- (2) Any manufacturing or other industrial type or related use, including the assembly, alteration, cleaning, fabrication, finishing, machining, processing, production, repair, servicing, storage, testing, or treating of materials, goods or products, which is not injurious or offensive to the occupants of adjacent premises by reason of the creation or emission of noise, vibration, smoke, dust, or other matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat, including, but not necessarily limited to, the following:
 - a. The manufacturing, fabrication or assembly of motor vehicles or motor vehicle equipment or parts, farm machinery and related equipment, heavy industrial machinery and related equipment.
 - b. Manufacture of major appliances.
 - c. Manufacture of brick or building block.
 - d. Manufacturing operations that involve the functions of pressing, stamping or forming of major sheet metal parts.
 - e. Manufacture or casting of iron, aluminum, bronze or other similar materials.

(Code 2004, § 54-592; Zoning Ord. 1999, § 1901)

Sec. 54-416. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions imposed for each use and subject further to review and approval by the planning commission of a site plan prepared and submitted in accordance with the requirements of section 54-667 et seq., at a public hearing held in accordance with section 54-1333:

- (1) Salvage yard, provided the following conditions are met:
 - a. The premises shall abut I-2 zoning on all sides;
 - b. The entire site shall be enclosed on all sides by an obscuring masonry wall at least ten feet in height and of sufficient structural strength to withstand the rigors of the operations of a salvage yard. No salvaged materials stored on the premises shall be stored to a height above the height of the screen wall;
 - c. Adequate truck standing space shall be provided within the premises so that no loaded vehicle will be required to stand at any time on any public road right-of-way awaiting entrance to the site;
 - d. Any recycling of motor vehicle body, mechanical parts or interior appointments by crushing or bailing or the salvaging of any parts of a motor vehicle shall be conducted within fully enclosed buildings. All such buildings shall be soundproof so that any vibration or noise emitted from the building shall not exceed the applicable performance standards set forth in section 54-415(2);
 - e. The operation shall be conducted so as to protect the environment from any release of fluids from motor vehicles or any other materials brought to the site, or from any of their parts; and
 - f. No burning of scrap products shall at any time be permitted, except in an incineration furnace located in a fully enclosed building which is located not less than 200 feet from any property line. The emission of smoke, dirt, dust, or fly ash shall be controlled through the use of sufficient filtration equipment which meets or exceeds federal, state, or local regulations, including occupational health and safety (OSHA) standards.
- (2) Recycling center, provided:
 - a. The premises abuts only I-2 zoning on all sides;
 - b. Only nonmotor vehicle parts or materials shall be recycled at a recycling center; and
 - c. All recycling operations shall be conducted within completely enclosed buildings and all burning of materials being recycled shall take place in an incineration furnace designed and built for the specific purpose of recycling materials. The emission of smoke, dirt, dust, or fly ash shall be controlled through the use of sufficient filtration equipment which meets or exceeds federal, state, or local regulations, including occupational health and safety (OSHA) standards.
- (3) Household equivalent refuse and garbage incinerators, subject to the following:
 - a. Such use shall be located on a site of not less than 20 acres of contiguous land, which shall abut only I-2 zoning on all sides.
 - b. The facility shall have a maximum heat-generating capability of not more than 1,000 degrees Fahrenheit.
 - c. All loaded vehicles entering the site shall be fully unloaded and their loads placed in an environmentally secured staging area within one hour after arriving on the premises, and all such materials so delivered shall be placed in an operating incinerator furnace within four hours thereafter.
 - d. The use shall not generate or store any waste or byproduct created from any incineration process that is of a hazardous or toxic nature.
 - e. No part of any structure in which any incinerator furnace is housed shall be located within 500 feet of any property line. Within the 500 feet of setback, a greenbelt shall be provided.

The greenbelt shall consist of planting materials, including shrubs and trees, to a minimum depth of 50 feet and planted so as to effectively screen the use from view from any exterior property line. The greenbelt shall be located within the interior of the minimum required setback, and placed as near as practical to the operations it is intended to screen.

- f. Areas used for outdoor storage, including any environmentally secured storage areas, shall be located next to the incinerator furnace building and no outdoor storage facilities shall extend closer than 250 feet to any property line. The greenbelt requirement set forth in section 54-416(3)e. shall be placed between and next to the storage area and any property line.
 - g. All roads and service drives within the premises shall be hard-surfaced with concrete or asphalt.
 - h. Adequate area shall be provided outside of any public right-of-way and fully within the premises for the standing of any trucks bringing materials of any kind to the site, so that no such vehicle must stand within a public street right-of-way awaiting entrance to the site.
 - i. The emission of smoke, dust, dirt, and fly ash shall be controlled through the use of sufficient filtration equipment which meets or exceeds all federal, state or local standards, including occupational health and safety (OSHA) standards.
 - j. All proposed plans for any incinerator operations shall be reviewed and approved by the state department of environmental quality and the county health department prior to issuance of any permit by the township.
- (4) Truck terminals, provided the following conditions are met:
- a. Adequate ingress and egress shall be provided from a major thoroughfare, as designated on the township's master plan map.
 - b. The facility shall not occupy more than 40 contiguous acres of land.
 - c. Dispatching and business offices shall be subject to the requirements of this district.
 - d. All maintenance and repair shall be conducted within fully enclosed buildings.
 - e. No area on the premises shall contain, or be designated for the storage of, inoperative motor vehicles, trailers, or waste materials except those that may be contained within a maintenance building.
- (5) Landfills, provided they shall meet the following requirements:
- a. The minimum parcel size for landfills shall be 40 contiguous acres.
 - b. Section 14-207 et seq., pertaining to landfills.
- (6) Concrete and asphalt batch plants, provided the following conditions are met:
- a. Any such use shall be located on a site containing at least 40 contiguous acres of land.
 - b. Section 14-79 et seq., pertaining to mineral mining and asphalt plant licensing.
- (7) Minimum-security, community correctional facility, wherein nonresidential activities such as light manufacturing, assembly, vocational education training and related operations may be conducted, but in which permanent residency is not intended, shall be permitted, provided the following conditions are met:
- a. The facility shall be a minimum-security type of correctional facility, as licensed and operated by the state.
 - b. The facility shall meet the requirements set forth in sections 54-1020 and 54-1021.
 - c. The facility shall be provided with its own direct access system. No existing internal street system within the district shall have access to the facility or be accessed by the facility.

- d. Other applicable standards of this chapter notwithstanding, all buildings, including all structures, principal and accessory, shall be located at least 250 feet from an exterior property line.
- e. The facility will be secured by at least one perimeter fence, the height, material type and construction of which shall meet all state standards applicable to such uses.
- f. All buildings shall be architecturally attractive in their design and placed so as to have minimal impact on adjacent land use.

(Code 2004, § 54-593; Zoning Ord. 1999, § 1902)

State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 54-417. - Applicable conditions.

The following conditions, where applicable, shall apply to all uses permitted in this district:

- (1) All uses permitted in this section shall comply with all federal, state and local environmental controls, including regulations pertaining to occupational safety and health (OSHA) standards.
- (2) Commercial-rated vehicles belonging to the business on the premises and which are daily used as an integral part of the business operation may be parked overnight, over weekends and during holidays in a designated area in the rear yard or interior side yard of the off-street parking lot of the business when the yard abuts a nonresidential district, and in a nonrequired rear or interior side yard when the yard abuts an office or residential district. No such parking of commercial-rated vehicles shall be permitted in any front yard or exterior side yard and, except in the case of a truck terminal, no such vehicle not belonging directly to the business shall be so parked on the premises.
- (3) Uses which, by their very nature, would be dangerous in a community of extensive existing and proposed future residential neighborhoods are specifically prohibited from this district. Uses prohibited from the I-2 districts shall include, but not be necessarily limited to, the manufacture of explosives, the refining of combustible fuels and other crude oil byproducts, including the reprocessing of used motor oils, hydraulic fluids and other such products, as well as extremely hazardous substances, including acute concentrations of radioactive or nuclear materials.
- (4) All operations, servicing or processing, except for off-street parking, loading, unloading and outdoor storage as permitted and regulated in this district, shall be conducted within completely enclosed buildings.
- (5) For regulations controlling the division of land, see section 38-291 et seq., pertaining to procedures and standards for land division and land combination.
- (6) Except where otherwise regulated in this section, see section 54-506 et seq., limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted and building setbacks and development options.

(Code 2004, § 54-594; Zoning Ord. 1999, § 1903)

Secs. 54-418—54-447. - Reserved.

DIVISION 15. - E-1 EXTRACTIVE DISTRICT

Sec. 54-448. - Intent.

The E-1 extractive district is established as a district in which the principal use of land is for the excavation and removal of sand and gravel deposits. Specifically, this district is designed and intended to allow the removal of valuable mineral deposits, to protect land surrounding excavation projects from the inherent nuisance effects of mineral mining operations, such as dirt, dust, noise, vibration and traffic, and to ensure that once the excavation operation is completed or otherwise abandoned, the land will be rehabilitated and restored in such a manner that it will not result in dangerous or unsightly conditions which could be detrimental to the general health, safety and welfare of residents and property owners in the township. Since the E-1 extractive district is tailored exclusively to mineral mining operations and those functions directly related to extractive operations, this district is considered a finite district which will someday be replaced by a more permanent zoning classification of the land.

(Code 2004, § 54-631; Zoning Ord. 1999, § 2000)

Sec. 54-449. - Principal permitted uses.

In the E-1 extractive district, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise specified in this chapter:

- (1) The excavation, mining, stockpiling or removal of sand or gravel deposits.
- (2) Processing plants used in connection with the washing, grading or other similar processing of materials excavated on the premises.
- (3) Stockpiles of sand or gravel as the product of an excavation operation being presently conducted on the premises.
- (4) Plants for the manufacture of concrete, commonly known as "ready-mix plants."
- (5) Accessory buildings and uses, including those customarily incidental to the uses permitted in this district.

(Code 2004, § 54-632; Zoning Ord. 1999, § 2001)

Sec. 54-450. - Applicable conditions.

The following conditions shall apply to all uses permitted in this district:

- (1) All mining, excavation, stockpiling or removal of sand or gravel deposits shall take place on not less than 40 contiguous acres of land.
- (2) All of the principal permitted uses set forth and regulated in this section shall also be subject to the provisions of section 14-79 et seq., pertaining to mineral mining and asphalt plant licensing, and no use permitted in this section shall be established in the E-1 district that does not fully comply with those provisions.
- (3) All processing equipment shall be located no closer than 250 feet to the nearest abutting zoning district other than an E-1 district. This setback provision does not apply to stockpiling or conveyors, which may be placed no closer than 100 feet from the nearest abutting zoning district other than an E-1 district.
- (4) For regulations controlling the division of land, see section 38-291 et seq., pertaining to procedures and standards for land division and land combination.
- (5) Except where otherwise regulated in this section, see section 54-506 et seq., limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted and building setbacks and development options.

(Code 2004, § 54-633; Zoning Ord. 1999, § 2002)

Secs. 54-451—54-468. - Reserved.

DIVISION 16. - PD PLANNED DEVELOPMENT OVERLAY DISTRICT³¹

Footnotes:

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State Law reference— Planned unit development, MCL 125.3503.

Sec. 54-469. - Location.

The PD planned development overlay district is designed to overlay conventional zoning districts. The standards of this division shall apply only to the following areas in the township:

- (1) Any former mineral mining site that is no longer being actively mined, and is available for development or redevelopment.
- (2) Property lying between the I-75 freeway corridor, the west township corporate limit line and Dixie Highway.
- (3) A site outside of the locations set forth subsections (1) and (2) of this section that after special consideration has been approved by the township board after planning commission recommendation as set forth in section 54-475.

(Code 2004, § 54-641; Ord. No. 164, 2-11-2008)

Sec. 54-470. - Intent.

- (a) The PD overlay district is intended to permit the development of a mix of land use types on a large tract, or tracts, of contiguous land containing at least 40 contiguous acres that is under single or corporate ownership. Development shall be in accord with the goals and objectives of the master plan for future land use for the township, and the standards set forth herein:
 - (1) The use patterns of the area involved shall create a desirable living and/or working environment, which shall be in harmony with surrounding land use.
 - (2) Encourage and permit a greater degree of flexibility in an overall mixed use development approach than may be achieved under conventional zoning district standards.
 - (3) Ensure that adequate safeguards and standards will be employed to maintain public health, safety, convenience, and the general welfare of the community.
 - (4) Ensure compatibility of design and function between various land use types on the site, and between the development site and neighboring properties.
 - (5) Provide convenient and safe vehicle access to and throughout the development thereby minimizing adverse traffic impacts.
 - (6) Provide complete nonmotorized circulation within the development that will be compatible with vehicle traffic patterns within the development.
 - (7) Protect and preserve natural resources, natural features, open space, and buildings, structures, and places of historic or architectural significance.

- (8) Create and maintain the development of convenient open space and outdoor recreation areas as an integral part of a mixed use development, particularly in areas containing residential dwellings.
 - (9) Promote the establishment of private or public sanitary and storm sewer systems that will serve the entire development.
 - (10) Provide strategically placed pickup and drop-off facilities for any public transportation systems that serve the area.
- (b) It is further the intent of the PD district to encourage quality design innovation by minimizing certain building heights, building bulk, density and area requirements ordinarily associated with conventional zoning districts. The intent is to give the applicant more freedom to configure buildings, off-street parking and related site amenities in ways that might otherwise be curtailed by conventional zoning standards.
- (c) Freedom from compliance with some conventional zoning standards is intended to encourage utilization of a site in ways that will more fully satisfy the overall intent and purpose of the district and the township's adopted master land use plan. It is critically important, however, that the applicant clearly understands that the absence of such restrictions and other conventional regulatory standards in no way implies, or is to be interpreted to imply, that such critical site development and layout standards are excused, or may be ignored in the general layout and composure of the design plan for the site. To the contrary, proper building setbacks and the thoughtful location and the tasteful application of site amenities shall be considered and applied as crucial design elements of any development proposed in a PD district. Site development or redevelopment plans that minimize or demonstrate little regard for such amenities, or propose to intensify development on the site over providing such amenities, will be subject to rejection by the township. Particular attention is to be given to preserving and enhancing any and all areas of environmental significance that may exist on the site. Areas of environmental significance could include lakes, streams, wetlands, woodlands or wood lots, particularly those containing healthy, mature tree growth, areas of steep topography, and buildings, outbuildings, or structures and places of historic value.
- (d) Furthermore, the intent of the PD district is to encourage:
- (1) A somewhat more compact use of land that will result in less consumption of land and natural resources while at the same time enhancing the site's natural features by preserving and sustaining them through their careful integration into the site's overall development scheme.
 - (2) Full utilization of local fire and police services.
 - (3) A high level of quality development consisting of a land use mix that will have a positive functional and visual impact on the community, thereby contributing to sustaining the quality of life in the community by:
 - a. Enhancing and diversifying the living quality of the community.
 - b. Preserving, and sustaining the environmental qualities of the community.
 - c. Enhancing and diversifying the economy of the community.
 - d. The further restoration and reuse of previously impacted land such as former mineral mining sites.
 - e. The optimum creation of interconnected open space areas throughout the development.
 - f. Excellence in the use of land, the coordinated and orderly mixing of land use types that will lend to safe and pleasant pedestrian and vehicular traffic patterns throughout the development.
 - g. Encouraging a large single development company, development team, or a consortium of developers to prepare and present their development proposals to the township for consideration.

(Code 2004, § 54-642; Ord. No. 164, 2-11-2008)

Sec. 54-471. - Principal uses permitted.

In the PD district, no building, or land shall be used and no building shall be erected except for one or more of the following specified uses, and only after review and recommendation by the planning commission to the township board for approval:

- (1) Any principal permitted use in the RE/F through RM, residential districts.
- (2) Any principal permitted use in the OS-1, office service district.
- (3) Any principal permitted use in the B-1, B-2, or B-3, commercial districts.
- (4) Any principal permitted use in the TR, technical research district.
- (5) Any principal permitted use in the I-1, light industrial district.

(Code 2004, § 54-643; Ord. No. 164, 2-11-2008; Ord. No. 185, 2-13-2012; Ord. No. 186, 4-9-2012)

Sec. 54-472. - Principal uses permitted, subject to special conditions.

In the PD district, the following uses may be permitted subject to the conditions imposed in this division for such uses, and only after review and recommendation by the planning commission to the township board for approval:

- (1) Any conditional use permitted in the RE/F through RM, residential districts.
- (2) Any conditional use permitted in the RC, recreational district.
- (3) Any conditional use permitted in the OS-1, office service district.
- (4) Any conditional use permitted in the B-1, B-2 or B-3, commercial districts.
- (5) Any conditional use permitted in the TR, technical research district.

(Code 2004, § 54-644; Ord. No. 164, 2-11-2008)

Sec. 54-473. - Procedure for application.

An applicant or applicants interested in developing land using the PD district approach may do so, but only in strict accord with the following procedures:

- (1) A pre-submittal meeting shall first be held between the applicant or applicants and the township to discuss the overall intent and purpose of the PD district and to learn of the applicant's proposal to develop land under the guidelines of the PD district. The intent of the pre-submittal meeting is to determine if development envisioned by the applicant for the site is in keeping with the intent and purpose of the PD district and conforms to the general development guidelines of the district. This meeting may be exploratory in nature, which means the applicant need not have a prepared concept plan.
- (2) If the applicant has not prepared a concept plan prior to the pre-submittal meeting, the applicant shall thereafter prepare and submit a general concept plan for review and comment by the township and its consultants involved in the site plan review process. The general concept plan shall reflect the outcome of the pre-submittal meeting.
- (3) If a concept plan was submitted for presentation and discussion purposes at the pre-submittal meeting, the plan, if needed, shall be revised to reflect the outcome of the pre-submittal meeting. Subsequent to commencement of a formal review of the plans submitted, the applicant shall pay

all necessary application fees and properly and fully prepare and submit all necessary application forms.

- (4) At a minimum, the concept plan shall consist of the following plans and materials:
- a. An existing conditions drawing of the entire development site drawn to an appropriate engineering scale. At a minimum, the drawing shall include the following information:
 1. Topography at not less than ten-foot intervals and at two-foot intervals when such data is available, throughout the site, as well as to a distance of not less than 100 feet beyond the property boundaries.
 2. The location of all existing buildings and structures on the property and to a distance of not less than 100 feet beyond the boundary lines of the property.
 3. All lakes, ponds, streams and wetland areas within the boundaries of the property and within not less than 100 feet of the property.
 4. Any existing road rights-of-way and driveways within the boundaries of the property, along with any site access points from any road rights-of-way bordering any of the site's property lines, the intersection of all roads connecting with a bordering road, and all driveways on the opposite side of a bordering roadway along the full length of the property lines.
 5. The location of all existing utility or other easements crossing the property or along any of the property lines.
 6. Any areas on the property containing significant tree cover, including wood lots, or clumps of trees.
 - b. A conceptual plan view drawing of the entire development site prepared at the same scale as the existing conditions drawing and depicting the general location of:
 1. All streets, drives, off-street parking and loading and unloading areas.
 2. All buildings and structures.
 3. Open spaces, the general location of any and all areas of environmental significance on the site including wetlands, extensive tree cover, and steep topographic conditions.
 4. General statistical information pertaining to the number of off-street parking spaces provided for the development, dwelling unit density, and the general square feet of floor area proposed for office and commercial uses. This information is necessary to provide some guidelines for the extent of surface site area that will be required for off-street parking. The numerical off-street parking requirements of the township zoning code may be used to determine general parking needs for the proposed development.
 5. Any other information considered vital to revealing the general design and function of the proposed development.
 - c. Building floor plans, exterior building wall elevation drawings and landscape planting plans shall not be required at this point. If such plans and drawings are available, however, the applicant is encouraged to submit them as part of the concept plan. All buildings and structures, and all development areas will be identified on the conceptual plan view drawing as to their proposed use, i.e., residential, office, commercial, or combinations thereof, parking, loading and unloading, trash receptacle locations, landscaping areas, and freestanding signs.
 - d. A site impact assessment report shall be submitted with the plan view drawings. The report shall provide, in sufficient detail, the following information at a minimum:
 1. The availability of suitable public or private utilities to serve the proposed development and any anticipated utility improvements that may be necessary to properly serve the development.

2. The extent of motor vehicle traffic the development is expected to generate and the anticipated site access roadway improvements that may be necessary to adequately accommodate increased traffic. Any public roadway improvements will be subject to review and approval by the county road commission.
3. If residential dwelling units are proposed as part of the development, a statement estimating the number of residents that will be living in the development when it is fully completed must be provided.
4. A statement detailing resident site amenities that are to be provided, such as parks or open spaces, pedestrian oriented design concepts, walking areas including trails, or the provision of convenient onsite shopping and service facilities that will be pedestrian oriented to provide convenient resident access so as to serve their essential shopping and service needs.
5. A statement detailing how any areas of natural environmental significance will be preserved outright, or maintained by integrating them into the general open space areas of the development. The statement will also describe the steps that will be taken to avoid disturbing, disrupting or destroying any such area during site development.
6. How general on-site drainage will be accommodated in accordance with all applicable federal, state and county requirements, including soil and sedimentation controls, the prevention of site contamination during and after development, including stormwater pollution prevention, and if necessary, what performance standards will be observed during development to control dust, noise, fumes, smoke and vibration during development.

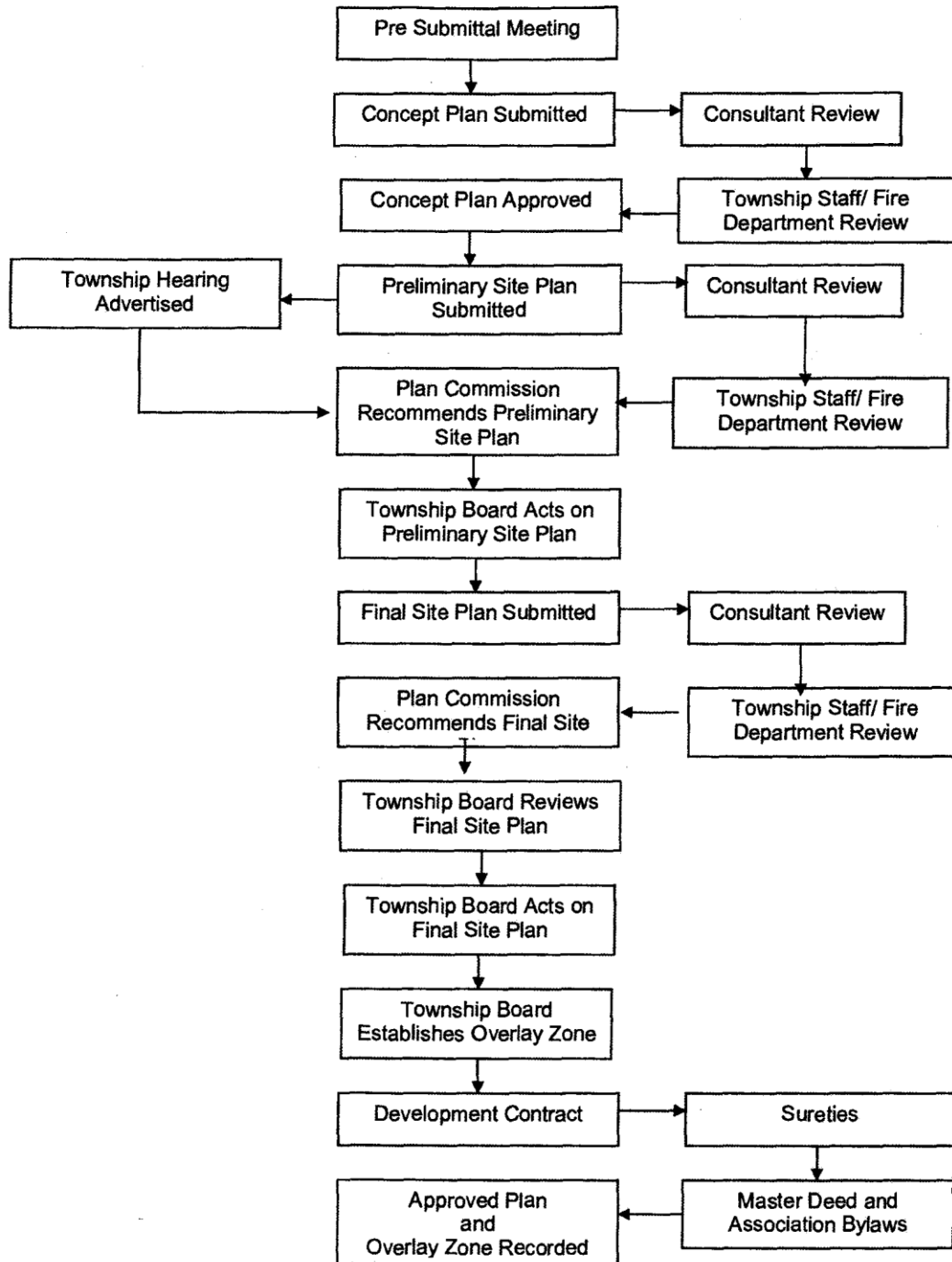
(Code 2004, § 54-645; Ord. No. 164, 2-11-2008)

Sec. 54-474. - Concept plan review procedure.

- (a) *Conceptual plan.* Township staff and its consultants shall review the concept plans for completeness as outlined in section 54-475. If the submittal package is complete and properly prepared, township staff and its consultants will review the plans and formulate their conclusions with regard to the overall concept of the proposed development conforming to the general development guidelines and requirements of the PD district and the decisions made during the pre-submittal meeting. Staff and consultant reviews shall observe the time limitations established in the site plan review section of the township zoning code for submitting their review comments. Upon completion of its review, the township shall promptly contact the applicant to inform them of any changes or modifications needed. The applicant thereafter shall submit a revised concept plan for review and comment by township staff and its consultants. When the concept plan is found to be in order the township shall so inform the applicant. Approval of the concept plan by the township staff, and its consultants shall authorize the applicant to proceed with preparation and submittal of a preliminary site plan.
- (b) *Preliminary site plan.* A complete site plan shall be prepared and submitted by the applicant for review and comment by the township. The site plan shall reflect the general layout and overall land use development concept depicted in the approved concept plan. The site plan shall be prepared and submitted in full accord with the applicable requirements of this division and all applicable requirements of article VI of this chapter, as amended in the township zoning code including the township's site plan review checklist. The site plan package shall include building floor plans, exterior building wall elevation drawings and a general overall site landscape plan.
 - (1) It shall be the responsibility of the township staff and its consultants to review the preliminary site plan for completeness and for compliance with the general development concept plan and with the applicable requirements of this division. The township staff and its consultants shall review the preliminary site plan within the time limitations set forth in the site plan review section of the township zoning code. Upon completion of the review process the township shall contact the

applicant to review any changes to the plan that may be needed to carry out the overall intent and purpose of the PD district.

- (2) When the township staff is satisfied that the site plan is in order, it shall submit the plans to the planning commission for preliminary site plan approval. The applicant shall submit the required number of sets of site plans for planning commission review. The planning commission shall schedule a duly authorized public hearing to be held in accordance with the requirements of section 54-1333, public hearings, in the township zoning code.
 - (3) Any revisions or modifications required by the planning commission to be made to the site plan shall be made a part of the recommendation to the township board for preliminary site plan approval.
 - (4) Upon receipt of a recommendation from the planning commission for preliminary site plan approval, the township board shall review the site plan, and if it finds the site plan to be in order, grant preliminary site plan approval, conditioned on any contingencies that may have accompanied the planning commission's recommendation, as well as any additional conditions the township board may attach to their approval.
 - (5) The granting of preliminary site plan approval by the township board shall authorize the applicant to proceed with preparation and submittal of the final site plan.
- (c) *Final site plan approval.* A final site plan package shall be submitted to the township for review and recommendation to the planning commission for final site plan approval. The final site plan shall mirror the approved preliminary site plan, except the final site plan shall include all changes and modifications attached to the preliminary site plan as any condition of its approval.
- (1) When the planning commission finds the final site plan to be in order it shall grant final site plan approval and recommend final site plan approval to the township board.
 - (2) Upon receipt of the final site plan from the planning commission, the township board shall grant final site plan approval when it is satisfied that the final site plan is in order.
- (d) *Reclassification of the development site.* The granting of final site plan approval by the township board shall establish the PD overlay district, which shall overlay the current zoning district classification of the land encompassed by the approved final site plan. Establishment of the overlay district shall rely upon the approved final site plan submitted and all supporting documentation, therefore being basic to establishing the overlay district. Adoption by the township board of the zoning amendment, the final approved site plan and all supporting documents shall be made an integral part of the zoning amendment to the PD overlay district, and for the purpose of recording, shall be referred to as "Planned Development No. ____," which number shall be the same as the number of the amending ordinance.
- (e) *Annual progress review.* One year after the date of final approval by the township board, and each year thereafter until the development project is completed, the applicant shall submit an annual written progress report to the planning commission. Upon review of the progress report, the planning commission shall forward the report to the township board. The board may utilize its annual review to determine and adjust the amounts reasonably necessary to ensure compliance with the applicant's or developer's monetary obligations for surety bonds, or the first priority security interest lien on the development site, as set forth in section 54-476(20).
- (f) *Procedural flow chart.* The flow chart on the accompanying page outlines the general procedure for processing a mixed use development in the township.



Procedural Flow Chart

- (g) *Development agreement.* The applicant shall submit an agreement stating all of the conditions upon which approval has been based. The agreement shall be subject to review and recommendation by the planning commission to the township board for approval. The agreement shall be entered into

between the township and the applicant and shall be recorded with the county register of deeds in the manner set forth in section 54-474(4). Approval shall become effective upon recording. At a minimum, the agreement shall provide the following information:

- (1) The approved existing conditions drawing, which shall include a complete legal description of all of the property involved in the development site, and the number of acres involved in the development site.
 - (2) The manner of ownership of the development.
 - (3) Provisions that will obligate the applicant or the development's owner to connect to any public sanitary and/or storm sewer system, or to any public water system should it ever become available to the development site.
 - (4) The manner of ownership and the manner or mechanism for designating, dedicating and protecting all common areas and open spaces in the development.
 - (5) Provision or provisions assuring that all open space areas shown on the approved final site plan for use by the public or by the residents of the development, or both, will be, or have been irrevocably committed for that purpose and that purpose only. The township board may require conveyances or other documents to accomplish this assurance.
 - (6) Satisfactory provisions have been made to provide to finance any improvements shown on the final approved site plan for site improvements, open space areas and common areas, which are to be included within the development site, and that maintenance of such improvements is ensured by means satisfactory to the township board.
 - (7) Provisions that will ensure adequate protection of natural features within the development site.
 - (8) The approved final site plan has been incorporated by reference and attached to the development agreement as an exhibit.
- (h) *Phased development.* Should the applicant elect to develop the site in phases, each phase shall be clearly delineated on the final site plan by obvious phase development lines. Each such phase shall be clearly identified as phase 1, 2, or A, B, etc.; the type and extent of development in each phase shall be clearly identified, including the amount of commercial and office floor area to be developed in each phase as well as the number of dwelling units, if any, in each phase. Each development phase shall be able to fully stand on its own in terms of meeting all of the applicable requirements of this division and the township zoning code. Upon completing its review, the township board may, at its option, elect to grant final site plan approval only to the development phase to be first developed. In such case, each subsequent and unchanged development phase shall require final site plan approval by the township board.
- (i) *Site plan revisions.* Any subsequent changes, modifications or revisions beyond any modifications or changes attached to a preliminary site plan as a condition of approval by the planning commission or the township board that are made or requested by the applicant shall require submittal of a revised site plan for a recommendation of preliminary site plan approval by the planning commission to the township board.
- (j) *Modifications to application procedure.* At the time of the pre-submittal meeting, should the township staff and its consultants determine that a site plan package, including an impact assessment as required in section 54-475(4)(d), prepared by the applicant and submitted to the township prior to the meeting, is found by the township staff and its consultants to be in substantial order and to significantly reflect the overall intent and purpose of the PD district, the township, upon meeting with the applicant, may preclude the initial site plan concept stage set forth in section 54-475.
- (k) *Modifications to the review process.* Upon completion of its review, should the township staff and its consultants find the preliminary site plan to be in such substantial order that no additional modifications or revisions are necessary or desired, the township staff may recommend both preliminary and final site plan approval to the planning commission. The planning commission may concur with the recommendation of the township staff and recommend both preliminary and final site plan approval to the township board, provided all necessary information and data required for final approval appears

on the site plan, and provided further that the site plan package is found to be in order by the planning commission, and the recommendation of the planning commission include no conditions or contingencies. Upon receipt of a recommendation from the planning commission for both preliminary and final site plan approval, the township board, at its discretion, may grant both preliminary and final site plan approval, provided it finds the site plan package to be in order and there are no conditions or contingencies to be attached.

- (l) *Variations.* The township board shall not have the authority to eliminate altogether, any procedural requirements of the PD district or any other required standards set forth in the district, but shall have the authority to review and grant, upon request by the developing authority, modifications to any of the technical standards of the district. When conducting its review of any such request, the board may seek the recommendation of the township planning commission, or its consultant.
 - (1) Variances from the strict application of the technical or numerical provisions of the PD district where by reason of exceptional narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of the PD district or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property where the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional conditions of such property the strict application of the regulations enacted would result in a peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, may be granted by the township board, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the PD district. When granting a variance, the township board may attach to its action, conditions regarding the location, character, and other features of the proposed use as the township board may deem reasonable in furtherance of the purpose of the PD district.
 - (2) A variance may be allowed by the township board only in cases where the applicant can show just cause by virtue of a true physical hardship on the property, which compels the request for the variance, or when the applicant can demonstrate that a true practical difficulty exists, thereby warranting the variance. A variance shall be considered only when it can be found that:
 - a. The alleged hardship or practical difficulty, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the township.
 - b. The alleged hardship or practical difficulty, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.
 - c. Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this article, the individual hardship that will be suffered by a failure of the township board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
 - d. The conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.
 - e. A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.
 - f. The township board shall make the foregoing findings of fact, granting a variance only after making an affirmative finding of fact on the preceding categories.
- (m) *Leadership in energy and environmental design.* The Leadership in Energy and Environmental Design (LEED) Green Building Rating System (GBRS) represents the U.S. Green Building Council's (USGBC) effort to provide a national standard for what constitutes a so-called "green building". The intent of the LEED program is to improve occupant well-being, environmental performance and economic returns of buildings using established and innovative practices, standards and technologies. A developer choosing to implement the LEED, GBRS should follow the recently updated rating system

available online from USGBC. In addition to creating what constitutes green buildings, the applicant should also utilize the other aspects of the LEED system program, as briefly outlined below:

- (1) Sustainable sites, including erosion and sedimentation controls, site selection, development density, alternative transportation, reduced site disturbance, stormwater management, heat island effects (particularly in parking lots), and light pollution reduction.
 - (2) Water efficiency, including water efficient landscaping, innovative wastewater technologies and water use reduction.
 - (3) Energy and atmosphere, including fundamental building systems, minimum energy performance, CFC reduction in HVAC and R equipment, renewable energy and reduction in ozone depletion.
 - (4) Materials and resources, including storage and collection of recyclables, construction waste management, resource reuse, recycled content, and the possible use of local or regional materials.
 - (5) Indoor environmental quality, including minimum IAQ performance, environmental tobacco and smoke (ETS) control, carbon dioxide monitoring, ventilation effectiveness, developing and implementing a construction IAQ management plan, use of low emitting materials, indoor chemical and pollutant source control, controllability of systems, thermal comfort and daylight and view.
 - (6) Innovation and design process, including innovation in design and use of LEED accredited or certified LEED professional designers and technicians.
- (n) *Federal Energy Star Program.* This is a federal government program. New homes must be at least 15 percent more efficient than homes built to the state construction code standards.
- (o) *Duration of approval.*
- (1) The granting of preliminary site plan approval by the township board shall have duration of one year from date of approval by the board. Upon request by the applicant, and after review and recommendation of the township staff, the board may grant one, one-year extension.
 - (2) The granting of final site plan approval by the township board shall have duration of two years from date of approval by the board. Upon request by the applicant, and after review of development progress to date, and upon the recommendation of the township staff, the board may grant one, one-year extension.
- (p) *Termination of approval.* Subsequent to granting final site plan approval by the township board, if substantial development is not evidenced by the township on the development site by the end of the initial two-year final approval period, commencing on the date of final site plan approval by the board, and a one-year extension has not been requested by the applicant and granted by the board, all site plan approvals may be terminated thereafter by the township board. For the purpose of this subsection, the word, "substantial" shall mean at least 25 percent of the total approved development is well underway and being actively constructed on the site at the end of the two-year final approval period. If developed in phases, 75 percent of an approved development phase must be completed before the next phase may be commenced, except if so stipulated in the township board's final approval, infrastructure (roads and utilities) may be installed simultaneously throughout the approved development site. Termination of final site plan approval by the township board shall cause the board to initiate the rezoning of the entire development site from its current PD overlay district, which action shall leave the property zoned as it was prior to establishment of the PD overlay district on the property; except, if development was approved by phases and any phase has become fully developed, and that phase contains a mix of multiple-family and one-family, or a mix of residential and nonresidential land use, that part of the development site may remain zoned PD.

(Code 2004, § 54-646; Ord. No. 164, 2-11-2008)

Sec. 54-475. - Mixed use developments beyond designated areas.

As noted in section 54-469, the primary intent of the PD district is to encourage the establishment of mixed use developments on former mineral mining sites, and on land located within the proposed development corridor between Dixie Highway, I-75 and the west township limit line. The township recognizes, however, that there may be other sites in the community that could possibly accept a mixed use development. Such an area may be brought before the township planning commission for consideration as a mixed use development site, using the PD planned development standards of this division. When determining if such a site is a proper location for a mixed use development and for establishing a planned development overlay district, the planning commission shall follow the general guidelines set forth in section 54-470.

(Code 2004, § 54-647; Ord. No. 164, 2-11-2008)

Sec. 54-476. - Required conditions.

- (a) Standards that shall apply to all development in the PD district are set forth in this section. Since it is the implied intent of the PD district to encourage innovative development, and redevelopment, such standards are limited to following specified development control standards. Proceeding with a planned development shall only be permitted if it is mutually agreeable to the township board and the administering developer.
- (1) *Minimum land area requirement.* The minimum land area required for development under the standards of the PD district shall be sufficient to fully support the type of development proposed for the site, or the minimum required in this division, or required by ordinance for any particular type of land use that may be proposed in a mixed use development. Over-intensification of development on a site will be subject to rejection by the township.
 - (2) *Development boundary.* The development site shall have at least one boundary along a major thoroughfare as designated in the township master land use plan.
 - (3) *Mixing land use.* The development shall consist of a land use mix, which may be a mix of one-family homes and multiple-family dwellings, a mix of commercial and technical research oriented land use, or a mix of residential and commercial land use, or a combination of any or all of these uses.
 - (4) *Land use alternative.* The proposed mixed use development will achieve the overall intent of the township's master plan for future land use, or in the opinion of the planning commission, will consist of a land use mix that will not be incompatible with the overall land use recommendations of the master plan for the community, thereby serving as an acceptable land use alternative.
 - (5) *Compliance.* The development shall comply with all of the applicable requirements and the application procedures of this division, the applicable site plan submittal requirements of the township zoning code, stated building bulk and density limitations, and the overall review process.
 - (6) *Distance between buildings.* The minimum distance between nonresidential buildings, between nonresidential buildings and multiple-family residential buildings and between multiple-family residential buildings shall not be less than required by application of the building separation requirements (formula) that is set forth in section 54-506(b)(5), in the township zoning code, except these distance requirements may be modified by the township board after planning commission recommendation at the time of preliminary site plan review, if it is found that the height and/or bulk of a building or buildings is such that a greater or lesser setback would be warranted in the interest of promoting the general health, safety and common good of the community, or in the interests of improving the visual aesthetics of a building, or buildings on the site.
 - (7) *Multiple dwelling densities.* Multiple-family residential dwelling density shall not exceed the maximum dwelling density requirements of the RM district, except if the mixed use development is to be fully served by public sewer or by an approved private sewer system, dwelling density for multiple dwellings as set forth in section 54-506(b)(5) may be doubled. Multiple dwelling density

for dwelling units in the upper floors of a building containing nonresidential uses shall comply with the dwelling density limitations of section 54-506(b)(5) as well. Multiple dwelling densities for senior housing units shall be subject to the density limitations and the other requirements set forth in section 54-144(1), in the township zoning code.

- (8) *Dwelling units in the upper floors of nonresidential buildings.* When multiple-family residential dwellings shall be established in the upper floors of a building containing nonresidential uses, the following conditions shall apply:
 - a. All retail commercial uses shall be located on sub-floors below grade, on the ground floor, or on the ground floor mezzanine only;
 - b. No dwelling unit shall occupy any portion of any floor occupied by a nonresidential use; and
 - c. No nonresidential use including an office shall occupy any area of the same floor as a residential use, unless all access to the nonresidential use, including an office, is physically separate from any access to a dwelling unit on the same floor, and no nonresidential use including an office, shall occupy any floor area above any floor used for residential purposes.
- (9) *Location of buildings.* The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings, or impair the value thereof.
- (10) *Off-street parking.* The numerical and the physical layout standards for off-street parking set forth in article VIII of this chapter, in the township zoning code shall apply to all uses in the PD district. Wherever possible, the surface land area required for off-street parking shall be minimized to the extent possible and landscaped in accordance with the applicable requirements of article X of this chapter, in the township zoning code. The number of off-street parking spaces and their convenience by location to pedestrian and vehicle traffic circulation, the amount and location of open spaces, and provision of other site amenities shall be at least in proportion to the anticipated needs and desirability of the proposed uses within the development.
- (11) *Roads and streets.* All public and private roads, streets, service drives and parking lanes, parking spaces, loading and unloading areas, drainage facilities, utility installations and other site improvements shall at least equal or surpass the applicable engineering standards of the township, the county, or the state. The dedication and acceptance of all public rights-of-way and any public open spaces shall be achieved prior to any construction taking place on the development site.
- (12) *Business establishments.* Any business establishment permitted in a planned development shall be retail or service-oriented establishments dealing directly with customers. Any goods produced on the premises shall be sold at retail on the premises.
- (13) *Building height.* Building height shall be limited to the ability of the township fire department to safely and effectively extinguish fire in a multiple story building, whether the building is a single or a mixed use structure. In no case shall any building be erected that may exceed the capability of the township's fire apparatus to safely and effectively extinguish a fire in the building, the fire department's capacity to do so, or in any way diminish the township's designated Insurance Services Organization (ISO) rating.
- (14) *Development next to waterways or shorelines.* Buildings next to any shoreline or water frontage shall provide an adequate setback to permit proper application of walkways, including boardwalks and other landscaping amenities, between the building and the shoreline or water frontage.
- (15) *Business servicing and processing.* All business, servicing or processing, except off-street parking, loading and unloading, and accessory outdoor eating and drinking facilities, shall be conducted within completely enclosed buildings.
- (16) *Parking of commercial vehicles.* The inconspicuous outdoor parking of commercially used or licensed vehicles will be permitted only when the vehicle is clearly incidental to a permitted use.

The parking of any such vehicle shall be limited to operable vehicles that are moved off the site on a regular basis.

- (17) *Disabled vehicles.* The parking or storage of any disabled vehicle is prohibited.
 - (18) *Abutting land use.* The development shall take into consideration the location and size, including building height, of the proposed uses with respect to surrounding land uses, the nature of the uses and the intensity of the uses, along with the overall site layout and its relationship to streets and roads providing access to the development. The overall design of the development will be such that traffic to and from the uses within the development will not be hazardous to general traffic circulation within the development or around it. Consideration shall be given to convenient and safe routes for pedestrian traffic, and the relationship of the proposed development to nearby traffic arteries and intersections.
 - (19) *Peripheral site screening.* Whenever a peripheral site boundary of any development within a PD district shall abut existing residential development, development within the PD district shall be effectively screened along the abutting site line in accordance with the applicable requirements of article X of this chapter, in the township zoning code. Except, if the type of development in the PD district will consist of the same land use as exists on the abutting property, the township board, after planning commission recommendation, may vary the screening requirement.
 - (20) *Cost estimates and sureties.* The applicant, in the course of preparing the final site plan for review by the township, shall submit a detailed cost estimate to the township for the installation of any public utilities, streets and any stormwater retention systems for the entire development. Detailed cost estimates shall also be required for any costs that may be incurred as the result of any mitigation measure or structure required to treat, retain, detain or remedy any environmental conditions on the property. If development is to occur in phases, cost estimates for each phase shall be submitted prior to that phase receiving final site plan approval. The township board may require submittal of surety in an amount equal to the costs estimated for each part of these improvements or measures, plus an additional ten percent.
- (b) As an alternative to requiring submittal of a surety performance bond to cover the cost of improvements, the applicant may pay to the township a fee intended to cover all of the costs of enforcing a first priority security interest lien on the entirety of the development site, or if approved in development phases, all of the costs of completing the approved development phase. The fee shall be in an amount as currently established or as hereafter adopted by resolution of the township board, determined annually by the township board based on amounts deemed reasonably necessary to ensure completion of the development site as approved by the township board, or of a development phase as approved by the township board. In the event that the applicant or developer elects to pay a fee to the township in lieu of posting a surety performance bond as provided herein, the applicant shall grant and convey to the township a first priority security interest lien on the entire development site that was approved by the township board, or on the entire development phase that was approved by the township board to secure payment of the fees and costs established by the township board under this subsection. The lien shall cover all lands involved in the approved development site or the approved development phase, including all related costs to build out and complete the development as approved by the township board. In fixing the amount of the fee to be paid to the township, the township board shall take into account the cost of foreclosing on the first security interest lien on the premises in order to cover the township's cost of completing the development it granted approval.

(Code 2004, § 54-648; Ord. No. 164, 2-11-2008)

Secs. 54-477—54-505. - Reserved.

ARTICLE IV. - SCHEDULE OF REGULATIONS

Sec. 54-506. - Schedule of regulations.

(a) Set forth in this section is the following schedule of regulations limiting height, bulk, density and area by zoning district:

Zoning District*	Minimum Lot Area Per Unit		Maximum Height of Buildings		Minimum Yard Setback Per Lot (feet)			Minimum Floor Area Per Unit (square feet)	Maximum Percent Lot Area Covered by All Buildings	
	Area (square feet)	Width (feet)	(stories)	(feet)	Front	Sides	Rear			
						Least One	Total of Two			
RE/F rural estate/farm**	108,900 A	165	—	25 C	50 D	40 D	80	50 H	1,400	10
R-1 one-family residential	43,560 A, B	150	—	25 C	50 D	25 D	50	40 H	1,400	25 J
R-2 one-family residential	30,000 A, B	130	—	25 C	50 D	20 D	40	40 H	1,100	25 J
RM multiple-family	E	0	2	25 C	50 D	20 D	40	30 H	F	30
RM-H mobile home residential	5,000	50	1	15	10	5	20	10	720	25
RC recreation	43,560 A	150	—	25	50 D	20 D	50	40	1,100	15
OS-1 office service	—	—	2	25	25 D	30 D	60	35 G	—	—
B-1 neighborhood business	—	—	1	15	25 D	30	60	20 H	—	—
B-2 community business	—	—	—	25	100 D	100	200	60 H	—	—
B-3 general business	—	—	—	25	25 D	30	60	20 H	—	—

TR technical research	—	—	—	35	100 D	50	100	60 H	—	35
I-1 light industry	—	—	—	40	75 D	30 D—I	60 D—I	30 H, I	—	—
I-2 general industry	—	—	—	40	100 D—I	50 D—I	100 D—I	30 H, I	—	—
E-1 extractive	—	—	—	40	250	250	500	250	—	—
<p>* Development on any land containing wetlands, lakes or streams shall be subject to all applicable lakes and wetlands regulatory requirements pertaining to the protection and preservation of wetlands, lakes and streams, including regulations pertaining to the management of soil sedimentation.</p> <p>** Horse = 5 acres; Livestock = 10 acres.</p>										

(b) Footnotes.

- (1) Except as otherwise set forth in this chapter, a lot, parcel or one-family condominium lot having direct frontage on a public road right-of-way or private road easement in existence as of September 13, 1999, may apply the land within the existing public road right-of-way or private road easement towards meeting the minimum applicable lot area requirement of the district; provided, the existing public road right-of-way or existing private road easement is part of the legal description of the property and has not been excused or excepted from the description; except the land area within an existing public road right-of-way or private road easement that may be applied towards meeting the minimum applicable lot area requirement of the district shall not include any area of the right-of-way or easement beyond the centerline of the existing public road right-of-way or private road easement in front of the property. In the case of a corner or double frontage lot, parcel or detached one-family condominium lot, the land area of either or both existing public road rights-of-way or existing private road easements may be applied towards meeting the minimum applicable lot area requirement of the district, so long as each is contained in the legal description of the property and is not excused or excepted there from.
 - a. In the case of a lot, parcel or one-family detached condominium lot that has direct frontage on a public road right-of-way or private road easement created after October 19, 1999, or which may have direct frontage on a public road right-of-way or private road easement and which was in existence as of September 13, 1999, but which does not include any of the existing public right-of-way or existing private road easement in its legal description, or which description excuses either one, no part of any of the of the fronting public road right-of-way or private road easement shall be counted towards meeting the minimum applicable lot area requirement of the district.
 - b. Except as may be otherwise permitted in this chapter, all roads constructed in the township after September 13, 1999, shall be public roads built to county road commission standards and located within public rights-of-way that meet all applicable county road commission requirements pertaining to public rights-of-way, and shall be fully dedicated to the county road commission as public road rights-of-way.
 - c. If public sanitary and public water utility systems are available, or if an approved privately held sanitary and water utility system designed to serve the development is available, the

minimum lot area and the minimum lot width requirement of each lot may be reduced to the following area and width.

Zoning District	Lot Area	Lot Width
RE/F	87,000	130
R-1	35,000	100
R-2	24,000	90

- d. Both a sanitary sewer system and a water line system must be available to the developments simultaneously before the above noted lot area, lot width reductions and their resulting increased dwelling densities may be applied. In no instance shall the length of a parcel or lot exceed four times its width, as set forth and regulated in section 54-745.
- (2) For other than one one-family detached dwelling on one lot, see section 54-507, pertaining to the one-family cluster housing option; section 54-508, pertaining to the subdivision open space option, or section 54-509, pertaining to the one-family detached site condominium option, regarding one-family residential flexibility allowances.
- (3) Except as otherwise excused in section 54-1296, for all nonresidential uses permitted in the R residential districts, the setbacks shall be equal to the height of the main building or buildings, or the minimum setback requirement of the district, whichever is the greater setback.
- (4) Front yard and exterior side yard setbacks shall be measured from the projected road or street right-of-way line, as set forth in the township's adopted master plan text and depicted on the master land use plan map. The minimum required setback for an exterior side yard shall be the same as that required for the front yard.
 - a. In the districts listed below, a portion of a front yard or exterior side yard may be used for off-street parking, but only in accordance with the following schedule. The required parking setback shall be located along the site's frontage, between the nearest off-street parking space, vehicle maneuvering lane or service drive, excluding any driveway entrance, and the projected road or street right-of-way line. The non-accessible greenbelt shall be maintained as a landscaped lawn panel, neat and orderly in appearance.

Zoning District	Required Parking Setback (feet)
RM	25
OS	25
B-1	15
B-2	25
B-3	25

- b. In the TR, I-1, I-2 and E-1 districts, no off-street parking shall extend into any required front or exterior side yard setback; except, up to seven parking spaces in excess of the minimum number of parking spaces required for the use may extend into a required front or exterior side yard from the front or exterior side of the principal building, when such building is in compliance with the minimum setback requirement of the district and when the parking is to be used exclusively for visitor parking.
- (5) No multiple-family dwelling building or buildings shall be erected on property containing less than three net acres of usable land area, or which has a width at the minimum required building setback line of the district that is less than 150 feet wide. For the purpose of determining site area, the applicable guidelines set forth in footnote (b)(1) shall apply.
- a. In the RM district, the maximum overall length of any one building or group of buildings attached together over any portion of common party wall, or by any architectural feature that attaches buildings together, shall not exceed 200 feet, measured along the centerline of the buildings.
 - b. In the RM district, the total number of rooms (excluding kitchen, dining rooms and bathrooms) permitted in the entire development shall not exceed the net usable area of the parcel in square feet, divided by 1,500. All dwelling units shall have at least one bedroom and one living room; except, up to ten percent of the total number of dwelling units permitted may be of an efficiency type of apartment dwelling. For the purpose of computing the permitted number of multiple-dwelling units per acre, the following room assignments shall control:
 - 1. Efficiency: One room.
 - 2. One bedroom: Two rooms.
 - 3. Two bedrooms: Three rooms.
 - 4. Three or more bedrooms: Four rooms.
 - c. Floor plans for proposed multiple-dwelling buildings showing one-, two- or three-bedroom dwelling units and including a den or library, or any other extra room or rooms, shall count such rooms as a bedroom for the purpose of computing dwelling unit density. Land area used for computing density shall be the total site area exclusive of any dedicated public rights-of-way of either interior or exterior roads. All multiple-family developments shall have direct fronting access to a dedicated public road or street.
 - d. In the RM districts, not more than 30 percent of any front or exterior side yard shall be devoted to off-street parking, vehicle maneuvering lanes or service drives, and no off-street parking space, vehicle maneuvering lane or service drive shall be located closer than:
 - 1. Twenty feet to any exterior wall containing openings involving any dwelling;
 - 2. Ten feet from any exterior dwelling wall which does not have openings; or
 - 3. Five feet to any peripheral interior side or rear property line.
 - e. In the RM districts, the minimum distance between any two multiple-dwelling buildings shall be regulated according to the length and height of such buildings, except that in no instance shall this distance be less than 30 feet, unless the relationship between them is corner to corner, in which case the minimum distance between the two buildings shall be not less than 15 feet.
 - f. In the RM districts, the formula for determining the minimum required distance between multiple-dwelling buildings is set forth as follows:

$$S = LA + LB + 2(HA + HB)/6$$

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

(6) The minimum amount of livable floor area to be provided for each multiple-family dwelling unit shall be in accordance with the following standards:

Type of Unit	Livable Floor Area (square feet)
Efficiency	500
One-bedroom	700
Two-bedroom	900
Three-bedroom	1,100

Livable floor area shall not include any exterior hallway or stairwell area, or any area within the unit devoted to climate control equipment or occupant storage area.

- (7) In the OS-1 district, required loading and unloading space shall be limited to the following locations:
 - a. Buildings containing up to 20,000 square feet of gross floor area may provide required loading and unloading space next to the building in any interior side or rear yard and in any nonrequired front or exterior side yard.

- b. Buildings containing 20,001 to 100,000 square feet of gross floor area may provide required loading and unloading space next to the building in a nonrequired interior side yard or in the rear yard.
 - c. Buildings containing over 100,000 square feet of gross floor area shall provide required loading and unloading space next to the building in the rear yard only; except, in the case of a double frontage parcel or a parcel whose rear yard area contains a lake shoreline, required loading and unloading may be provided next to the building in a nonrequired interior side yard.
- (8) In the B business districts, TR and I industrial districts, and for all nonresidential uses permitted in a residential district, required loading and unloading space shall be provided next to the building in the rear yard only; except, in the case of a double frontage parcel or a parcel whose rear yard area contains a lake shoreline, required loading and unloading may be provided next to the building in a nonrequired interior side yard. Area for all loading and unloading shall be provided in accordance with the applicable guidelines of section 54-1022.
- (9) The setback requirements in the schedule of regulations for buildings in the I-1 and I-2 districts shall not supersede any building setback requirements set forth in section 54-384 or section 54-416; except, if application of the building setback formula contained in this footnote results in a greater setback than stipulated in the above-referenced sections, the greater setback shall apply. In the I-1 and I-2 districts, when the overall length of a building wall exceeds 120 feet and 160 feet, respectively, along a rear yard or interior side yard that abuts an R residential district, the minimum building setback requirement for such yards shall be determined by applying the following formula:

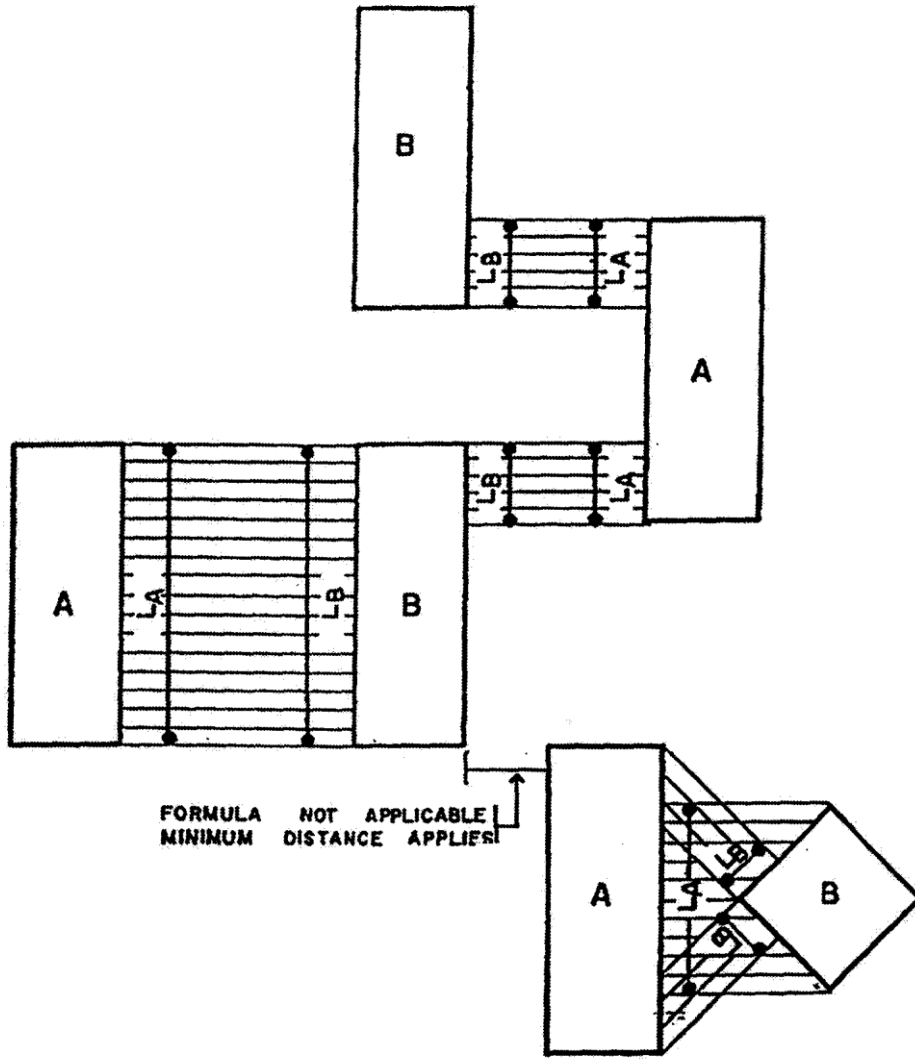
$$A = L/4.0$$

where:

A = The required minimum horizontal distance from the rear or interior side yard property line to any wall of the building.

L = The overall length of the building wall.

- (10) See section 54-615 et seq., regarding maximum floor area allowances for accessory buildings.



MIN. DISTANCE BETWEEN BUILDINGS

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

DISTANCE SPACING FOR MULTIPLE DWELLINGS

(Code 2004, § 54-671; Zoning Ord. 1999, §§ 2200, 2201; Ord. No. 143, 3-9-2004; Ord. No. 148, 12-12-2005)

Sec. 54-507. - One-family cluster housing options.

- (a) *Applicability.* This section shall apply to all of the residential districts. It is intended to provide for the creation and preservation of open spaces in the township. This is to be achieved by allowing for a

reduction in the minimum lot area and lot width requirements by residential district. This modification shall be accomplished without any attendant increase in the number of lots that would otherwise be permitted on the property.

- (b) *Open space preservation standards.* Section 506 of Public Act No. 110 of 2006 (MCL 125.3506), stipulates that open space preservation shall be offered as a development option in each zoning district that allows one-family dwellings as a permitted use. Act 110 also stipulates that the standards of Act 110 do not apply to a qualified township if certain conditions which are set forth in MCL 125.3506 are met. In May 2002, it was determined that the township met all of the above referenced conditions and is therefore exempted from strict compliance with the standards of Act 110. However, a later review raised questions about the exemption. The county is adopting the ordinance from which this amendment is derived, to ensure compliance with Act 110.
- (1) One reason why the township may be exempted from strict compliance with the standards of Act 110, is because the township has had in effect for some years, its own open space preservation standards. These standards were presented and regulated through its one-family cluster housing option and its subdivision open space option and its one-family site condo option, which have been supplemented by these standards.
 - (2) The standards of subsection (b)(1) of this section, as the standards in Act 110, are offered as an option to conventional development, to be applied to land at the discretion of the property owner or developer.
 - a. *Residential development.* A residential development may be developed in any one-family zoning district, at the option of the landowner, with the same number of dwelling units on 50 percent of the land that could otherwise be developed under existing ordinances, laws and rules on the entire land area, if the landowner commits that 50 percent or more 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 runs with the land.
 - b. *Land development.* In the alternative to subsection (b)(1) of this section, a landowner may, at the landowner's option, develop a residential development on land zoned for one-family residential development on property that is not part of a recorded subdivision plat, with the same number of dwelling units on more than 50 percent of the land which could otherwise be developed under existing ordinances, laws and rules on the entire land area, if a percentage of the land area less than 50 percent 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. A cluster development with open space consisting of less than 50 percent of the land that could otherwise be developed under existing ordinances, laws and rules on the entire land, shall be subject to the planning commission finding that at least one of the following characteristics exists on the land:
 1. The property, or a part of it, lies generally parallel to, and generally not exceeding 360 feet in depth, along a major thoroughfare of at least 120 feet in right-of-way width or along a limited access expressway, where cluster housing can serve as a desirable land use transition between the thoroughfare or expressway and a development of one-family homes.
 2. The property or part of it abuts nonresidential zoned land where cluster housing can serve as a desirable land use transition between the nonresidential zoned land and land zoned for one-family use.
 3. An unsubdivided parcel of land the shape and/or size of which is unsuitable or generally unbuildable under the conventional subdivision approach to one-family residential development.
 4. An unsubdivided parcel of land which the planning commission finds to contain generally unsuitable or unbuildable soil conditions, or which has unusually severe topographic conditions, or which is characterized by some other unusual physical

characteristic which would make sound physical development of the parcel impractical under the conventional subdivision platting approach.

5. An unsubdivided parcel of land which the planning commission finds to be characterized by major stands of trees, or to contain a stream or lake or other watercourse or wetland, or combinations thereof, which would be significantly diminished or destroyed under the conventional subdivision platting approach, and has significant natural assets which ought to be preserved.
 6. An unsubdivided parcel of land where road grades of less than six percent would be impossible to achieve unless the parcel were mass graded resulting in substantial changes to natural drainage courses on the property and in the general appearance of the land.
- (3) *Area of open space.* The area in open space, including recreation areas and water, created by application of the one-family cluster housing option under subsection (b)(2) of this section on the land, shall generally represent a significant horizontal land area of the parcel but in no instance shall less than 35 percent of the parcel be devoted to open space or undisturbed land area.
- (4) *Maximum dwelling unit densities.* Under the one-family cluster housing option, the following maximum dwelling unit densities by zoning district, shall be observed:
- a. RE/F—1.0 dwelling unit per 2.5 acres.
 - b. R-1—1.0 dwelling unit per acre.
 - c. R-2—1.4 dwelling units per acre.
- The entire area of the open space of the parcel to be developed under the cluster housing option may be used in computing density, including all proposed street rights-of-way within the development, but not including any existing rights-of-way of peripheral roads.
- (5) *Public streets.* All streets shall be public streets in public rights-of-way and built to applicable county road commission standards.
- (6) *Yards.* Except as otherwise set forth, all detached one-family dwellings erected under the one-family cluster housing alternative shall be provided with the following yards:
- a. Each one-family detached dwelling unit shall be provided with a front yard and a rear yard equal to the minimum front and rear yard setback requirements of the district.
 - b. The minimum distance from the side wall of any dwelling unit to the side wall of any other dwelling unit shall not be less than the total minimum side yard setback requirement of the district.
 - c. Where it can be demonstrated that strict adherence to the setback requirements of this subsection will result in the loss of a natural amenity on the site that ought to be preserved, the planning commission may vary a minimum interior side or rear yard setback, but in no case more than 15 feet for an interior side or rear yard in the RE/F district, or more than ten feet to either yard in the R-1 or R-2 districts.
- (7) *Rear yard or side yard.* All detached cluster housing units that directly abut a major thoroughfare or a limited access expressway, shall have a rear yard or side yard relationship to the roadway.
- (8) *Earth berm.*
- a. Except where excused in this subsection, a landscaped earth berm not less than six feet in height shall be placed along the entire property line of a site of cluster housing units abutting a major thoroughfare or limited access expressway. Land area used for berming may be counted as open space. The earth berm shall be erected within its own easement which shall not extend into any required side or rear yard setback more than ten feet in the RE/F district, or more than five feet in the R-1 and R-2 districts.

- b. Where it can be shown that a grade change of at least six feet exists along the development's frontage with a major thoroughfare or expressway, the earth berm need not be erected, but a 20-foot wide easement for landscape screening shall be provided along the grade change. Where it can be shown that a natural screen barrier exists along a major thoroughfare or expressway that will effectively screen cluster housing units from such roadways, the planning commission may waive the earth berm screening requirements of this subsection (b)(8)b.
- (9) *Land for recreation area.* Within a cluster housing development a portion of the land area to be preserved shall consist of at least one open space area of not less than 2.5 acres, located within convenient walking distance of a majority of the dwelling units. This area will be set aside as an active recreation area for the residents of the development and will consist of sufficient flat land area to permit the informal playing of field sports.
- (10) *Submittal to planning commission.* The applicant shall submit a copy of the proposed bylaws of the homeowners association to the planning commission for review by the township attorney. Approval of a site plan under this section by the planning commission, may be conditioned on the township attorney's approval of the association bylaws.
- (11) *Dwelling density limitations.* Dwelling density shall be based on the number of dwellings permitted in each one-family district as outlined in this subsection. The area of the property that may be used to compute dwelling density shall be the area of the site, less any areas in public road rights-of-way or private road easements. The number of one-family dwellings by zoning district is set forth as follows:

District	No Sanitary Sewer	Sanitary Sewer
RE/F	1.0 dwelling per 2.5 acres	1.0 dwelling per 2.0 acres
R-1	1.0 dwelling per acre	1.3 dwellings per acre
R-2	1.4 dwellings per acre	1.8 dwellings per acre
RM	1.4 dwellings per acre	1.8 dwellings per acre

- (12) *Lot area, lot width and building setback requirements.* The minimum lot area, lot width and building setback requirements of this section to the contrary notwithstanding, the following minimum lot area, lot width, and building setback requirements shall apply:
- a. *Lot area.* The minimum area of each lot shall be not less than the minimum requirements of the county for homes with individual well and septic systems. Homes for which sanitary sewers will be provided, either by an approved privately held sanitary collection and processing system, or by a public sanitary sewer system, shall be provided with a lot of sufficient size to meet the minimum building setback requirements of this subsection.
 - b. *Lot width.* No minimum lot width shall be required, except that each lot shall have sufficient width to allow the requirements of this subsection (b)(12)b to be met, and except further, the overall length of a lot shall not be more than four times its width, as set forth and regulated in section 54-745.
 - c. *Building setbacks.* The minimum building setback requirements of this section by zoning district shall be met, except the minimum side yard setback requirement in the RE/F district

may be reduced to 25 feet for an interior side yard, but not less than the minimum front yard setback requirement of the district for an exterior (street side) side yard.

- (13) *Open space preservation.* Land to be placed in perpetuity as open space shall meet the following requirements.
- a. Under subsection (b)(1) of this section, land to be set aside as open space within the development shall comprise not less than 50 percent of the gross land area of the property, less any existing public road rights-of-way or private road easements that bound or extend through the property. Land so reserved shall not include any part of a lot or home site designated as a home site on the site plan, or lot on the subdivision plat.
 - b. Under subsection (b)(2) of this section, land to be set aside as open space shall comprise not less than 35 percent of the gross land area of the property less any existing public road rights-of-way or private road easements that bound or extend through the property. Land so reserved shall not include any part of a lot or home site designated as a home site on the site plan, or lot on the subdivision plat.
 - c. A portion of the property shall be set aside as an active recreation area for the residents of the development. This area shall contain sufficient flat land to permit the informal playing of field sports if reasonably possible. This land may be provided in addition to, or as part of the open space area stipulated in subsection (b)(12)a and b of this section. All land set aside as open space shall be set aside for that purpose and that purpose only. Once established and dedicated as open space, no part of any open space so established shall be converted to land for development or for any other use or purpose without the express approval of the township and the residents living within the development.
 - d. In no event shall any reduction in open space area result in less than 50 percent of the net usable land area of the property being reserved as open space.
 - e. The open space portion of the property may include any lakes, ponds or streams, wetlands, woodlands or stands of timber, or areas of steep topography, but such features shall not make up all the open space of the site at the exclusion of any open space recreation land required in subsection (b)(9) of this section.
 - f. Open space shall extend to as many lots as feasible, but in all cases some open space shall extend to each peripheral property line. Such open space shall not be less in width along a peripheral property line than 60 feet. In those instances where open space of an existing or approved development extends to a property line of a proposed new development, open space in the new development shall meet the open space in the abutting development, or at least to the extent outlined in this subsection (b)(13)f. Such open space connections shall not be dead-end open space areas, but shall be designed to allow pedestrian, horseback and bicycle riding access from one such development to another. When a residential open space preservation development abuts a commercial nonresidential development, or land that is zoned for commercial use, open space of sufficient width to permit connecting the two sites together via a trail or pathway, shall be provided.
 - g. All open space shall 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.
- (14) *Assurance of open space preservation.* The area of the property to be preserved as open space as set forth in subsection (b)(12) of this section shall be subject to the following preservation assurances.
- a. *One-family site condominiums.* The location of all open space areas shall be described by legal description in the master deed. A general description of what the open space areas contain will be included. These areas shall be set forth as open space areas which are to be preserved as open space areas. Open space areas may be identified as common areas, as defined in this chapter. The area to be set aside for active recreation, as set forth in subsection (b)(9) of this section, shall also be detailed and described in the master deed. All areas of any open space or active recreation area that will require maintenance shall be so

identified in the master deed and the manner in which these areas will be maintained shall be clearly spelled out in the association's bylaws.

- b. *One-family subdivision plat.* The location of all open space areas shall be described by legal description, along with a general description of what the open space areas will contain. These areas shall be set forth as open space areas to be preserved as open space in the form of protective covenants, or deed restrictions. The covenants shall also require the forming of an association of homeowners who shall be governed by association bylaws. The bylaws shall clearly spell out the responsibilities of the homeowners association, including how all open space and active recreation areas required in subsection (b)(9) of this section, that will require maintenance, will be maintained by the association.
 - c. *Township approval.* A master deed, protective covenants or deed restrictions, and the bylaws of the association of homeowners, as required in this subsection, shall be subject to review and approval of the planning commission and the township attorney. Of particular importance to the township shall be assurance that all open space areas, including all active recreation areas, are properly set aside for such purposes and those elements of the open space areas that will require maintenance, will be properly cared for. The township may refer such documents to the township attorney for review and comment. The township, at its discretion, may require the assigning of a second party to partner with the development in securing these areas as open space areas only, other than the active recreation areas. A second party could be a land conservancy or similar land preservation organization.
- (15) *Screening and lot orientation.* On site screening and the location of certain lots shall be provided as follows:
- a. *Screening.* If dense natural screening exists along the property's thoroughfare road frontage, it shall be preserved and where deemed appropriate or necessary, augmented by new planting materials placed to enhance the natural screening capabilities of the existing foliage. The natural foliage screen shall be placed in a buffer area that shall be at least 50 feet wide, measured from the projected right-of-way line of the road, a minimum of 50 feet into the property. Any screening buffer so required, may count towards meeting the minimum open space requirement, as set forth in subsection (b)(9) of this section.
 - b. *Sharp change in topography.* If an effective screen of natural foliage does not exist along a site's thoroughfare frontage, but a significant and pronounced change in elevation does exist between the surface of the road, upwards to the nearest lot, the change in elevation may substitute for any lack of heavy natural foliage.
 - c. *Artificial screen.* In the event that dense foliage or pronounced changes in topography do not exist along the thoroughfare, an eight-foot-high densely landscaped earth berm shall be erected between the projected road right-of-way line of the thoroughfare and the nearest lot line. The berm shall be erected and screen planted in accordance with the applicable requirements of article X, divisions 1 and 2 of this chapter.
 - d. *Lot orientation.* All lots shall be placed with a back lot or side lot orientation to any buffer area required in this subsection.

(Code 2004, § 54-672; Zoning Ord. 1999, § 2202; Ord. No. 137, § 2202, 12-9-2003; Ord. No. 143, 3-9-2004; Ord. No. 146, 11-14-2005)

Sec. 54-508. - Subdivision open space option.

The subdivision open space option is intended to promote preservation of the natural character of the land while at the same time providing for a desirable type of one-family living environment in areas of environmental significance.

- (1) Development under the subdivision open space approach is designed to:

- a. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - b. Encourage developers to use a more creative approach in the development of residential areas.
 - c. Allow for the provision of open space within a reasonable distance to all lots within the subdivision and to further encourage the development of recreational facilities within the open space areas for the use and enjoyment of the residents of the development.
- (2) Under the subdivision open space option, certain modifications to the standards of the one-family residential districts outlined in section 54-506 may be made when the following conditions are met:
- a. The minimum lot area requirements of the one-family residential districts may be reduced in size as follows:
 1. In the RE/F districts, by up to 25 percent to a minimum lot area of not less than 80,600 square feet;
 2. In the R-1 districts, by up to 15 percent to a minimum lot area of not less than 37,000 square feet; and
 3. In the R-2 districts, by up to 15 percent to a minimum lot area of not less than 25,500 square feet.
 - b. The reductions in minimum lot area per zoning district set forth in subsection (2)a of this section may be made, provided the overall dwelling unit density of the property will be no greater per district than the following ratios of dwelling unit to acre:
 1. In the RE/F districts, 1.0 dwelling unit per 2.5 acres.
 2. In the R-1 districts, 1.0 dwelling unit per acre.
 3. In the R-2 districts, 1.4 dwelling units per acre.

The area of the property to be developed under the subdivision open space option shall be the gross area of the site less all land in existing or proposed public street rights-of-way.
 - c. Reduction of the minimum lot area requirements of the one-family residential districts outlined in this subsection (2) may be attained in part by reducing the minimum lot width requirement of the R-1 and R-2 districts, at the minimum required front yard setback line of each district, to the following minimum widths:
 1. In the R-1 districts, by up to 35 feet to a minimum width of 115 feet.
 2. In the R-2 districts, by up to 50 feet to a minimum width of 100 feet.
- (3) Under the provisions of subsection (2) of this section, for each square foot of land area gained through the reduction of lot size below the minimum lot area requirements of the district, as set forth in section 54-506, at least equal amounts of land shall be set aside as undisturbed open space in combination with area suitable for active recreational use by residents of the development.
- (4) The open space area to be reserved for active recreational purposes shall not be less than 2.5 acres in size and shall be conveniently located to a majority of the lots in the development.
- (5) Development under the subdivision open space option shall require the lawful establishment of a homeowners association. The bylaws of the association shall be prepared by the applicant and submitted to the township for review and evaluation by the township attorney.
- (6) Acceptance of the homeowners association bylaws by the township may be a condition of the preliminary plat approval process, but the bylaws shall be fully in order and accepted by the township before final plat approval is granted by the township board.

- (7) Development of a subdivision plat under the subdivision open space option shall commence within one year from the date of receiving final plat approval from the township board. Failure to commence within this time period will terminate all previous approvals. Prior to the termination date, the applicant may submit a written request to extend the date of commencement, explaining the reason for the delay. After review of the request by the township planning commission, the township board may grant a one-year extension.

(Code 2004, § 54-673; Zoning Ord. 1999, § 2203; Ord. No. 143, 3-9-2004)

Sec. 54-509. - One-family site condominium option.

The intent of this section is to permit the development of one-family detached dwellings by site planning the layout of the individual detached dwelling units, along with all streets, street rights-of-way, utility easements, open space, etc. In the one-family residential districts, the site planning of individual detached one-family dwellings shall be permitted after review of site plans submitted in accordance with article VI of this chapter, with the following additional requirements:

- (1) The total number of individual site condominium units (dwelling unit footprints) do not exceed the maximum number of dwelling units permitted per acre in the district.
- (2) Except where otherwise permitted in this section, each condominium unit is located within a limited common element and each limited common element contains land area at least equal to the minimum lot area requirement of the district in which the development is located.
- (3) Each condominium unit is provided with front, side and rear yard setbacks that are at least equal to the corresponding minimum building setback requirements of the district, as follows:
 - a. A front yard setback, measured from the street right-of-way line to the front wall of the condominium unit.
 - b. Side yard setbacks, measured from the side walls of the condominium unit to the corresponding defined edges of the condominium unit's limited common element line.
 - c. A rear yard setback, measured from the rear wall of the condominium unit to the corresponding defined edge of the condominium unit's limited common element line.
- (4) All streets shall be public streets in public rights-of-way, designed and built to county road commission standards.
- (5) The maximum number of stories and maximum height of the principal building shall meet the standards of the district, as shall the minimum floor area requirements of the district.
- (6) Any detached accessory uses shall comply with the applicable standards of this chapter for such uses. Setbacks required for detached accessory uses shall be measured from the applicable limited common unit lines.
- (7) If development is proposed along the lines of an open space subdivision, the applicable requirements of section 54-508 shall apply and all information required in section 54-508 shall be provided.
- (8) The location of all utility easements for the installation of all utilities.
- (9) The location of all septic systems and wells, which shall be restricted to areas within the limited common element of the individual condominium unit the systems are intended to serve.
- (10) Septic systems and wells shall be installed to applicable township or county standards and subject to review and approval by the township engineer.
- (11) Drainage features for each one-family site condominium unit's limited common element shall be shown and shall be subject to review and approval by the township engineer.
- (12) Submittal of the condominium association bylaws for review by the township attorney.

(13) Include a draft of the condominium association bylaws for review by the township attorney.

(Code 2004, § 54-674; Zoning Ord. 1999, § 2204; Ord. No. 146, 11-14-2005)

State Law reference— Condominium act, MCL 559.101 et seq.

Secs. 54-510—54-526. - Reserved.

ARTICLE V. - GENERAL PROVISIONS

DIVISION 1. - GENERALLY

Sec. 54-527. - Scope of chapter.

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.

(Code 2004, § 54-701; Zoning Ord. 1999, § 2300)

Secs. 54-528—54-547. - Reserved.

DIVISION 2. - AVERAGE EXISTING FRONT SETBACK LINES

Sec. 54-548. - Averaging existing front setback lines.

For any lot in a residential district where the average of the front setback for all adjacent lots which are located within 100 feet on either side of such lot, and on which there are existing buildings, is greater than the required setback specified in this chapter, a required setback shall be provided on the lot equal to this greater average depth. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front setback specified in the zoning district.

(Code 2004, § 54-731; Zoning Ord. 1999, § 2302)

Secs. 54-549—54-574. - Reserved.

DIVISION 3. - NONCONFORMING LOTS, USES OF LAND, STRUCTURES AND USES OF STRUCTURES AND PREMISES^[4]

Footnotes:

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State Law reference— Nonconforming uses or structures, MCL 125.3208.

Sec. 54-575. - Intent.

(a) It is the intent of this division to permit legal nonconforming lots, structures, or uses to continue until they are removed and to provide for their gradual elimination.

- (b) It is recognized that there exists within the districts established by this chapter, and subsequent amendments, lots, structures, and uses of land and structures which were lawful before September 13, 1999, which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. Such uses are declared by this division to be incompatible with permitted uses in the districts involved. It is further the intent of this division that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (c) Moreover, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after September 13, 1999, by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted in the district involved.
- (d) To avoid undue hardship, nothing in this division shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to September 13, 1999, or date of amendment to this chapter, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except, where demolition or removal of an existing building has been substantially begun, preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(Code 2004, § 54-761; Zoning Ord. 1999, § 2303(1))

Sec. 54-576. - Lots.

- (a) If any lot or parcel of record on September 13, 1999, does not meet the minimum area and bulk requirements as stated in section 54-506 et seq., such lot may receive a building permit under hardship conditions; provided, that where contiguous vacant lots are commonly owned, no hardship conditions exist, and a proper combination of such lots, or portions thereof, must be made in order to create a building site or sites which meet the minimum area and bulk requirements for the district. If any lot or lots, or any portion or portions thereof, are included within the boundaries of a building site for the purpose of securing issuance of a building permit under this subsection, no portion thereof shall at any time thereafter be taken into consideration in the calculations of minimum area and bulk requirements under this chapter for any other building site.
- (b) Any variance to minimum setbacks for front, side or rear shall require the board of zoning appeals' approval.

(Code 2004, § 54-762; Zoning Ord. 1999, § 2303(2))

Sec. 54-577. - Uses of land.

Where, as of September 13, 1999, or date of amendment to this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter, as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following:

- (1) No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied as of September 13, 1999, or date of amendment to this chapter.
- (2) No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use as of September 13, 1999, or date of amendment to this chapter.
- (3) If such nonconforming use of land ceases to exist for any reason for 12 consecutive months or for 18 months during any three-year period, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(Code 2004, § 54-763; Zoning Ord. 1999, § 2303(3))

Sec. 54-578. - Structures.

Where a lawful structure exists as of September 13, 1999, or date of amendment to this chapter, that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
- (2) Should such structure be destroyed exclusive of the foundation, by any means, to an extent of more than 50 percent of its replacement costs, it shall be reconstructed only in conformity with this chapter.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Code 2004, § 54-764; Zoning Ord. 1999, § 2303(4))

Sec. 54-579. - Uses of structure and land.

If a lawful use of a structure, or of structure and land in combination, exists as of September 13, 1999, or date of amendment to this chapter, that would not be permitted in the district under the terms of this division, the lawful use may be continued so long as it remains otherwise lawful, subject to the following:

- (1) No existing structure devoted to a use not permitted by this division in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed as of September 13, 1999, or date of amendment to this chapter; but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the structure, or structure and land in combination, or more restricted classification; provided, that if the board of zoning appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming permitting such change, the board of zoning appeals may require conditions and safeguards in accord with the purpose and intent of this division. Where a nonconforming use of a structure, land, or structure and land in combination is changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (5) When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for 12 consecutive months or for 18 months during any three-year period, the structure, or structure and land in combinations, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this subsection, unless such a uses are not utilized during a normal seasonal use period. Where nonconforming use status applies to a structure and land

in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Code 2004, § 54-765; Zoning Ord. 1999, § 2303(5))

Sec. 54-580. - Repairs and maintenance.

- (a) On any building devoted, in whole or in part, to any nonconforming use and/or structure, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 50 percent of the assessed value of the building, provided that the cubic content of the building as it existed as of September 13, 1999, or date of amendment to this chapter shall not be increased.
- (b) Nothing in this division shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Code 2004, § 54-766; Zoning Ord. 1999, § 2303(6))

Sec. 54-581. - Special exception uses.

Any use for which a special exception is permitted, as provided in this division, shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

(Code 2004, § 54-767; Zoning Ord. 1999, § 2303(7))

Sec. 54-582. - Change of tenancy or ownership.

There may be a change of tenancy, ownership, or management of any existing nonconforming use of land, of structures, or of structures and land in combination.

(Code 2004, § 54-768; Zoning Ord. 1999, § 2303(8))

Sec. 54-583. - Acquisition of private property to remove uses.

- (a) The township may acquire, by purchase, condemnation or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the township.
- (b) The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The township board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Public Act No. 149 of 1911 (MCL 213.21 et seq.) or other applicable statute.

(Code 2004, § 54-769; Zoning Ord. 1999, § 2303(9))

Secs. 54-584—54-614. - Reserved.

DIVISION 4. - ACCESSORY BUILDINGS AND STRUCTURES

Sec. 54-615. - Attached accessory buildings.

Except as otherwise permitted in this chapter, accessory buildings shall be subject to the following regulations:

- (1) Where an accessory building is in any way structurally attached to a main or principal building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main or principal building.
 - a. If that portion of an attached accessory building, that is used for the uses permitted in the applicable zoning district, is structurally and functionally an integral part of the main or principal building area, exclusive of any basement area of the home shall not exceed 50 percent of the gross floor area of the main or principal building, but in no case shall it exceed 900 square feet of gross floor area.
 - b. All accessory buildings shall conform to the height requirements of the main or principal building to which it is attached.
 - c. All accessory buildings shall conform to the setback requirements applicable to the zoning district it is in.
 - d. All accessory buildings shall be comparable with the main or principal building to which it is attached in at least the following features:
 1. The value and overall quality of the construction.
 2. The use of exterior materials
 3. The style and design of the main or principal building.
 - e. Compliance to d(1), d(2), and d(3) shall be subject to and reviewed by the building department. Appeals to the decision of the building department shall be made to the board of zoning appeals (BZA) pursuant to section 54-1264.
- (2) Accessory buildings that are intended to be attached to existing detached accessory buildings shall conform to the requirements of section 54-616, Detached accessory buildings.
- (3) Attached accessory buildings shall be subject to all applicable codes and ordinances regarding construction, installation and operation.

(Code 2004, § 54-801; Zoning Ord. 1999, § 2304(1); Ord. No. 181, 7-11-2011; [Ord. of 9-10-2018\(1\)](#).)

Sec. 54-616. - Detached accessory buildings.

Except as otherwise permitted in this chapter, detached accessory buildings shall be subject to the following regulations:

- (1) A detached accessory building may be erected on the property and in front of the principal or main building provided it meets the applicable conditions of this section pertaining to the regulation of detached accessory buildings and in conformance to the schedule of regulations specified section 54-506.
- (2) In the RE/F, R-1 and R-2 districts on parcels with 2.0 acres or less, no detached accessory buildings shall be erected in front of the principal or main building.
 - a. The maximum total floor area permitted for an individual detached accessory building shall be 1,800 square feet.
 - b. The maximum percent lot area covered by all buildings shall not exceed ten percent.
 - c. All setbacks must be met.

- d. All height restrictions must be met.
- (3) In the RE/F, R-1 and R-2 districts on parcels with greater than 2.0 acres but less than five acres, detached accessory buildings shall be erected in conformance to the following requirements:
- a. The maximum total floor area permitted for an individual detached accessory building shall be 3,200 square feet.
 - b. The maximum percent lot area covered by all buildings shall not exceed ten percent.
 - c. All setbacks must be met.
 - d. All height restrictions must be met.
 - e. A detached accessory building may be constructed in front of the main or principal building provided the following conditions are met:
 - 1. It must be comparable to the principal or main building in construction, design and exterior finish.
 - 2. A detached accessory building shall have no more than 50 percent of the square footage of the principal or main building.
 - 3. Only one detached accessory building shall be constructed in front of the principal or main building.
- (4) In the RE/F, R-1 and R-2 districts on parcels with greater than five acres, detached accessory buildings shall be erected in conformance to the following requirements:
- a. The maximum total floor area permitted for an individual detached accessory building shall be 4,000 square feet.
 - b. The maximum percent lot area covered by all buildings shall not exceed ten percent.
 - c. All setbacks must be met.
 - d. All height restrictions must be met.
 - e. A detached accessory building may be constructed in front of the main or principal building provided the following conditions are met:
 - 1. It must be comparable to the principal or main building in construction, design and exterior finish.
 - 2. A detached accessory building shall have no more than 50 percent of the square footage of the principal or main building.
 - 3. Only one detached accessory building shall be constructed in front of the principal or main building.
- (5) In the RE/F districts on parcels with greater than ten acres and with intended principal agricultural use, a detached accessory building shall conform to the requirements specified in division 2: RE/F Rural Estate/Farm District of this chapter.
- (6) In all zoning districts a detached accessory building shall be used for only those intended uses specified in the applicable zoning district. If a detached accessory building shall be used for a use not identified in the applicable zoning district the detached accessory building shall require review and approval by the township planning commission at a duly advertised public hearing.
- (7) No detached accessory building shall be located within an easement or within a dedicated right-of-way.
- (8) Detached accessory buildings shall be set back in accordance with the following applicable requirements:

- a. When a rear yard line abuts a street right-of-way line, the detached accessory building shall set back a distance at least equal to the minimum front yard setback requirement of the district.
 - b. In the RE/F district, detached accessory farm buildings containing poultry or animal livestock shall be located at least 100 feet from any residential dwelling on the property, 50 feet from a potable well, and at least 100 feet from any property line.
 - c. In an RE/F district, a detached non-farm-related accessory building shall be located at least ten feet from a principal building and, except as otherwise regulated in this subsection, no closer to an interior side or rear propertyline than one-half the setback required for a principal building in the district.
 - d. In an R-1 and R-2 district, a detached accessory building shall be located at least ten feet from a principal building and, except as otherwise regulated in this subsection, at least ten feet from an interior side or rear property line.
 - e. In an RE/F, R-1 and R-2 district, a detached accessory building located in front of the principal or main building shall be set back at least 100 feet from the front property line.
- (9) A detached non-farm-related accessory building in RE/F, R residential, and OS-1 districts shall not exceed a height of 25 feet. Detached accessory farm buildings in the RE/F district and detached accessory buildings in the nonresidential districts may be built to the maximum building height limitations of the district; provided, if the detached accessory building exceeds 15 feet in height, it shall set back one additional foot for each foot the building exceeds 15 feet in height.
- (10) Within all zoning districts, detached accessory buildings may be erected simultaneously with the principal building or after construction of the principal building is completed. Detached accessory buildings shall not be erected prior to commencement of the principal building; except, in extenuating circumstances, the township building inspector may permit the construction of a detached accessory building for parking or storage of mechanical equipment and/or building materials prior to erection of the principal building, provided:
- a. No living quarters are proposed as part of the accessory building;
 - b. If the building is a temporary building, to be removed upon completion of construction on the site, it shall meet all building setback requirements of the district required for a main or principal building; or
 - c. If the building is to be a permanent building, it shall be located on the property in accordance with all requirements of this section applicable to a detached accessory building, including its location with respect to the principal building on the property.

(Code 2004, § 54-802; Zoning Ord. 1999, § 2304(2); Ord. No. 143, 3-9-2004; [Ord. of 9-10-2018\(2\)](#))

Sec. 54-617. - Accessory structures.

Except as otherwise permitted in this chapter, accessory structures shall be subject to the following regulations:

- (1) Accessory structures shall be restricted to a location in the rear yard or in an interior side yard.
- (2) Accessory structures shall be subject to the minimum applicable setback requirements of a detached accessory building.
- (3) Flagpoles may be erected in any yard, including any required yard, provided they shall be set back from any property line a distance equal to the height of the flagpole.
- (4) A detached canopy covering gasoline pump islands may extend into a required front or exterior side yard to a point 15 feet from the street right-of-way line.

- (5) Ground-mounted private communication antennas shall:
 - a. Be restricted to a location in the rear yard; except, when the applicant submits documented evidence that restricting the antenna to a location in the rear yard will sufficiently diminish its ability to effectively send or receive a signal, the antenna may be located in a nonrequired interior side yard.
 - b. Except as may otherwise be required in subsection (5)c of this section, observe all setbacks pertaining to a detached accessory building.
 - c. Not exceed the height limitations of the district in which the antenna is located and shall be placed so that a horizontal distance at least equal to the vertical height of the antenna, measured from the ground at the base of the antenna to the top of the antenna, shall be provided to any property line; except, in those instances where an antenna extending upward from the ground is also secured elsewhere along its vertical length to a building, the required distance to the nearest property line may be equal in distance to the height of the tower measured from the highest point of its attachment to the building to the top of the antenna.
 - d. Have all electrical wiring linking the antenna to the applicant's receiving or sending device placed underground to a depth of at least four inches.
 - e. Not exceed a horizontal dimension of 14 feet by 14 feet or a vertical diameter of 14 feet.
- (6) An antenna may be attached to a monopole structure, a tower, or the rooftop of a principal or accessory building.
- (7) In residential districts, no roof-mounted, pole-mounted, or tower-mounted antenna shall exceed a horizontal dimension of ten feet by ten feet or a vertical diameter of three feet, and shall not project upwards more than four feet above the roof on which it is located or beyond the maximum building height limitation of the district, whichever is the lesser height.
- (8) In nonresidential districts, no roof-, pole-, or tower-mounted antenna shall exceed a horizontal dimension of 15 feet by 15 feet or a vertical diameter of ten feet.
- (9) All antennas, whether ground-mounted or mounted to a building or structure, shall comply with all applicable building, structural, and electrical codes.
- (10) Wind powered generators shall be permitted, provided:
 - a. They are located in the rear yard only.
 - b. They do not exceed the maximum building height limitation of the district.
 - c. They are so located on the premises that the distance from the generator to any property line shall be at least equal to the height of the generator, measured from the ground at the base of the generator to the top (apogee) of the generator blades.
 - d. All electrical wires on the premises extending to or from the generator shall be placed underground.
 - e. They comply with all applicable building, structural, and electrical codes.
- (11) Solar energy panels, when located on the ground, shall observe all applicable requirements pertaining to a detached accessory building. When roof-mounted, they shall be mounted flat against the surface of the roof; except, in those instances where the applicant submits documented evidence that location of a solar energy panel flat against the surface of the roof will unduly restrict the effectiveness of the panel, they may extend upwards from the roof not more than four feet or to the maximum building height limitation of the district, whichever is the lesser height.
- (12) Private in-ground swimming pools shall be located in the rear yard or in a nonrequired interior side yard only, and shall be fenced with a decorative wood or woven wire (chainlink) fence of sufficient height to prevent trespass, and shall have a controlled access gate. All exterior lighting shall be placed so as not to impact adjacent properties, and all local and state building, structural,

electrical, and health codes applicable to the installation and operation of a swimming pool shall apply.

- (13) Stormwater retention and detention ponds or basins shall be permitted in any district when required to best meet on-site and off-site drainage requirements. All such ponds or basins:
- a. Shall be located at least 50 feet from any property line and from any principal building.
 - b. When located in a front or exterior side yard, shall maintain a maximum slope not to exceed five to one, five feet of horizontal plane for each foot of vertical rise, and shall be made an integral part of the landscaping of the property.
 - c. When designed and intended to retain stormwater runoff, shall be designed to circulate or otherwise maintain a level of water quality acceptable to county or state health codes.
 - d. When located in a rear or interior side yard, may have a side slope not to exceed three to one, three feet of horizontal plane for each foot of vertical rise; provided:
 1. When constructed with a side slope steeper than five to one, the pond or basin shall be fenced with a close-weave woven wire (chainlink) material not less than six feet in height with a controlled access gate.
 2. The pond or basin shall include a driveway access ramp that may be accessed by maintenance equipment needed to maintain and/or repair the basin.
 - e. Shall be maintained in a functioning manner at all times, free from excessive silting and soil erosion, and shall be kept free of unsightly weeds, debris and trash.
 - f. If private ponds for other than the required purpose of retaining or detaining stormwater runoff, shall be:
 1. Located at least 50 feet from any property line or beyond any minimum applicable yard setback line, whichever is the greater distance.
 2. Provided with a side slope no steeper than five to one, five feet of horizontal plane for each foot of vertical rise.
 3. Made and maintained as an integral part of the landscaping of the property.
 4. Designed to continuously circulate or otherwise maintain a level of water quality acceptable to public health standards.
 - g. Shall be subject to review and approval by the township engineer and township building inspector before issuance of a permit. Plans submitted to the township for review and approval shall:
 1. Be prepared on the size of paper and to a scale set forth in section 54-951 et seq.;
 2. Include:
 - (i) Elevation contours at two-foot intervals;
 - (ii) A cross section drawing of the pond, including a vehicle access ramp, if necessary, and type and location of a fence, if required;
 - (iii) Calculations of required capacity for stormwater detention or retention ponds and expected rate of drainage flow;
 - (iv) Design and manner of engineered drainage system;
 - (v) Detail of how water quality in a pond designed and intended to retain water will be maintained to public health standards;
 - (vi) The location and type of structures or buildings to be built in conjunction with the pond; and

- (vii) Any additional information that the township engineer or township building inspector may require in carrying out the review of the proposed pond.
- h. Along with private ponds, if intended to store water for use by livestock, shall not be used for human recreation, such as swimming, diving, boating or fishing; and no such water impoundment intended for human recreation shall be used for the watering of livestock.

(Code 2004, § 54-803; Zoning Ord. 1999, § 2304(3))

Secs. 54-618—54-637. - Reserved.

DIVISION 5. - RECREATIONAL AND COMMERCIAL-RATED VEHICLE PARKING AND STORAGE

Sec. 54-638. - Mobile homes and recreational vehicles.

In the RE/F agricultural and R residential districts, except the RM-H district, no mobile home, travel trailer, recreational vehicle, camper or other recreation-oriented vehicle shall be parked or stored, except in accordance with the following conditions:

- (1) No mobile home shall be parked, stored or occupied on any land in the township, unless:
 - a. By a permit issued by the township authorizing placement and occupancy of a mobile home on the property; or
 - b. That land is specifically zoned for a mobile home park.
- (2) Recreational vehicles and equipment may be parked or stored in a residential district, provided the following conditions are met:
 - a. Such vehicles and equipment may be parked anywhere on a residential premises, not to exceed 72 hours, for the express purpose of loading and unloading.
 - b. No such vehicles or equipment so parked or stored shall be connected to any sanitary facilities nor shall it be occupied.
 - c. Recreational vehicles and equipment not exceeding six feet in height, measured from the ground beneath the equipment to the top of the main body or principal portion of the equipment, may be stored in the rear or interior side yard, including any minimum required rear or interior side yard setback; provided, they shall observe the setback requirements of a detached accessory building.
 - d. Recreational vehicles and equipment exceeding six feet in height, measured from the ground beneath the equipment to the top of the main body of principal portion of the equipment, may be stored within any rear yard, including any required rear yard, but shall observe the minimum requirements applicable to a detached accessory building, or in any nonrequired interior side yard.
 - e. Recreational vehicles and equipment parked or stored on any residential property shall be kept in good repair and carry a current license plate and/or registration certificate.
 - f. At no time shall any recreational vehicle or equipment be used for living or housekeeping purposes, nor may it be connected to any water or sanitary service facilities.
 - g. The outdoor storage of any recreational vehicle or equipment on any residential property shall be limited to only that recreational vehicle or equipment owned by and licensed or registered to, the occupant of the residential lot or premises on which the recreational vehicle or equipment is to be stored, except, not more than two additional recreational vehicles or equipment not owned by the property owner or resident, may be stored on the property with the express permission of the property owner or resident. Any additional vehicles or

equipment so stored, shall be subject to all of the applicable requirements of article V, division 5 of this chapter.

- h. In the case of a multiple-family dwelling building or complex of multiple-family dwellings, or a mobile home park, the township shall require a fenced and screened area to be provided in the rear yard, in addition to any required off-street parking areas, for the storing of the resident's recreational vehicles and equipment.

(Code 2004, § 54-831; Zoning Ord. 1999, § 2305(1); Ord. No. 133, 4-15-2000; Ord. No. 143, 3-9-2004)

Sec. 54-639. - Commercial-rated motor vehicles.

The off-street parking or storing of a commercial-rated motor vehicle shall be subject to the following regulations:

- (1) Except as otherwise permitted in this chapter, no person shall store a commercial-rated motor vehicle on any off-street parking lot in any zoning district, nor shall the registered owner of a commercial-rated motor vehicle permit to be parked or stored any commercial-rated vehicle on any residential-zoned property for any purpose or for any length of time, except for the expeditious loading, delivery, pickup, or unloading of materials, goods, or merchandise, or when the parking or storage of such motor vehicle is a recognized and necessary function of a principal permitted use on the property.
- (2) The owner of a residential-zoned property shall not permit a commercial-rated vehicle to remain on the property in violation of this chapter; except, nothing in this chapter shall prevent a commercial-rated vehicle that is not a dump truck, stake truck, flatbed truck, or semitrailer tractor, and which is owned or registered to the occupant of the residential-zoned property, and which is that occupant's principal means of transportation in the conduct of that resident's employment, or is that resident's sole means of motor vehicle transportation, from being parked on the premises.
- (3) The owner and occupant of a residential-zoned property may keep a commercial-rated vehicle that is a dump truck, stake truck, flatbed truck, or semitrailer tractor which is owned or registered to the owner and occupant of the residential-zoned property, and which the occupant must consistently use in an occupation which is that resident's principle means of employment and income, so long as any such vehicle is kept in a fully enclosed building on the property, and in which building no mechanical maintenance or body repair of any kind is conducted.
- (4) In any proceeding for a violation of this section, where the owner of a motor vehicle alleged to be in violation of this section possesses a commercial vehicle registration for the vehicle, or the vehicle displays commercial license registration, either or both shall constitute prima facie presumption that it is a commercial vehicle at the time of any alleged violation.

(Code 2004, § 54-832; Zoning Ord. 1999, § 2305(2))

Secs. 54-640—54-666. - Reserved.

DIVISION 6. - EXTERIOR LIGHTING

Sec. 54-667. - Standards.

- (a) The intent of this section is to encourage site lighting that will be attractive to the eye while at the same time adequately illuminating a site for safety and convenience. It is further the intent of this section to discourage excessively bright and harsh site illumination that creates undesirable halo effects on the property, projects a glare visible from adjacent streets and properties, diminishes the

visual environment of nearby land uses, and presents a potential hazard to vehicle and pedestrian traffic on abutting streets and sidewalks.

(b) All exterior site lighting designed and intended to light private property shall comply with the following applicable requirements.

(1) *Exterior lighting in all zoning districts.* Exterior site lighting shall comply with the following applicable standards:

a. *Exterior light fixtures.* Exterior light fixtures shall be subject to the following requirements:

1. Freestanding fixtures and their vertical support structures (i.e., light poles) shall be constructed of metal, concrete, wood laminates or composite materials and shall be of an architectural nature.
2. Fixtures for a nonresidential use in or adjacent to a residential zoning district, or adjacent to a residential use, shall not exceed 25 feet in height.
3. Fixtures for a nonresidential use in a nonresidential zoning district not adjacent to a residential zoning district or residential use may extend to a maximum height of 25 feet or the maximum allowable building height for that zoning district, whichever is greater.
4. Fixture height shall be measured from the surface (ground or pavement) at the base of the structure, including any supporting pedestal, to the base of the fixture. At the discretion of the planning commission, decorative elements such as caps or goosenecks that extend above the fixture may or may not be included in the height of the fixture.
5. Fixtures and their support structures, including protective bollards, shall meet the minimum building setback requirements of the zoning district.
6. All light fixtures shall be full-cutoff as described by the International Illuminating Engineering Society of North America (IES-NA).
7. Fixture lamps contained within a permitted canopy structure, including the canopy for a fueling station, shall not extend beyond the ceiling surface of the canopy, and shall be either recessed within or flush with the ceiling surface of the canopy. No fixture lens shall extend more than one inch beyond the ceiling surface of the canopy.
8. No flashing light shall be permitted.

b. *Wall-mounted exterior light fixtures.* Wall-mounted exterior light fixtures, including those intended to illuminate service areas, shall be subject to the following requirements:

1. Wall-mounted exterior light fixtures shall be full-cutoff as defined by IES-NA; unshielded "wall packs" shall not be permitted.
2. The light emitted by wall-mounted exterior light fixtures is subject to the illumination requirements of this article with respect to intensity and uniformity and shall be accounted for in the required photometric plan.
3. No wall-mounted exterior light fixture shall extend beyond the parapet or eave line of a roof.
4. Wall-mounted exterior light fixtures shall comply with the minimum building setback requirements of the zoning district.
5. No flashing light shall be permitted.
6. Where deemed appropriate, the requirements of this article may be waived at the discretion of the planning commission for wall-mounted exterior light fixtures for the purposes of decorative lighting, accent lighting, and/or uplighting.

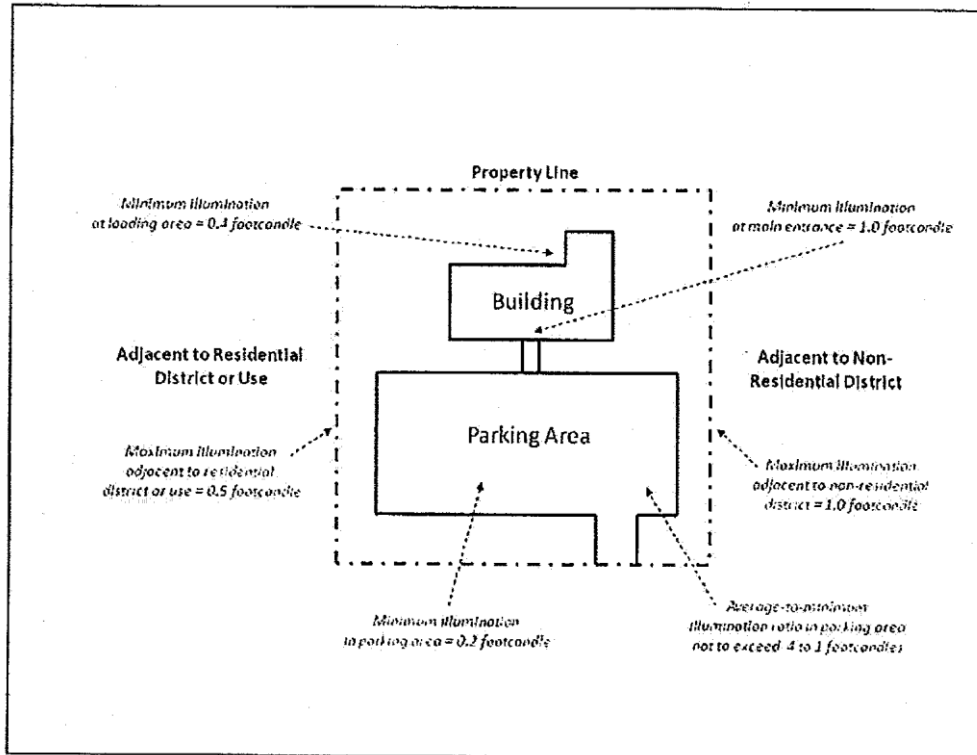
c. *Photometric plan.* A photometric plan prepared by a lighting professional shall be required for all developments that require site plan approval. The photometric plan shall illustrate the

levels of illumination at ground level, accounting for all light sources that impact the subject site. The photometric plan shall demonstrate the following:

1. In order to achieve uniform illumination levels, the ratio of the average light level of the surface being lit to the lowest light level of the surface being lit, measured in foot-candles, shall not exceed 4:1.
2. The following illumination levels shall act as minimum standards for all exterior lighting, while maximum illumination levels shall be governed by the 4:1 ratio of average-to-minimum light level:

Minimum Illumination Levels	
Use	Minimum Illumination (foot-candles)
Parking areas	0.2
Loading/unloading areas	0.4
Designated walkways	0.2
Building entrances - frequent use	1.0
Building entrances - infrequent use	0.2

3. Where a site abuts a residential zoning district or residential use, maximum illumination at the property line shall not exceed 0.5 foot-candle.
4. Where a site abuts a nonresidential zoning district, maximum illumination at the property line shall not exceed 1.0 foot-candle.



- d. *Exterior fixture lamps.* All exterior fixture lamps shall meet the following requirements:
1. All exterior fixture lamps shall be oriented so that their light is cast directly downward and only onto the property they are intended to light.
 2. Exterior fixture lamps shall be of a true color rendering type such as metal halide. High and low pressure sodium lamps shall only be permitted at the discretion of the planning commission.
 3. Exterior fixture lamps shall be designed and oriented to minimize glare.
- e. *Wiring requirements.* All electrical service to any exterior light source shall be placed underground and within the interior of any canopy structure and shall meet all applicable electric codes and ordinances.
- f. *Architectural exterior lighting.* Designed to enhance the architectural appearance of a building or to highlight an architectural feature of a building shall consist of:
1. A low wattage luminary designed to cast only a soft light on the subject; and
 2. A luminary that when directly visible from a fixture, shall not be an irritant to pedestrians, or vehicle traffic on adjacent streets, or to residents in any adjacent residential zoning district.
- (2) *Exterior site lighting in multiple-family residential districts.* Shall be subject to the following requirements:
- a. Exterior lighting may consist of a low wattage incandescent, LED, or compact fluorescent luminary contained in a decorative light fixture attached to the wall next to the door of each exterior entry to a dwelling unit.
 - b. Exterior lighting may also consist of a low wattage incandescent, LED, or compact fluorescent luminary contained in a decorative light fixture attached to the top of a low profile yard type of light pole. All wiring to pole fixtures shall be underground and shall comply with all applicable electric codes and ordinances.

- c. Carports in a multiple dwelling complex may be lighted so long as all such lighting is limited to the underside of the carport roof. The fixtures shall be placed no closer to the front of the underside roof structure than half the distance from the rear roofline to the front roofline.
- d. Luminary shall be limited to not more than the illumination equivalent of a 100-watt incandescent lamp and shall be housed in fixtures.

(Code 2004, § 54-861; Zoning Ord. 1999, § 2315; Ord. No. 149, 12-12-2005; Ord. No. 190, 12-10-2012)

Secs. 54-668—54-692. - Reserved.

DIVISION 7. - RESIDENTIAL ENTRANCEWAY

Sec. 54-693. - Structures.

In R residential districts, so-called entranceway structures, including, but not limited to, walls, columns, and gates, marking entrances to one-family subdivisions or multiple housing projects may be permitted and may be located in any required yard, except as provided in section 54-715, pertaining to corner clearance; provided that such entranceway structures shall comply with all codes and ordinances of the township and be approved by the building inspector, and that a permit shall be issued.

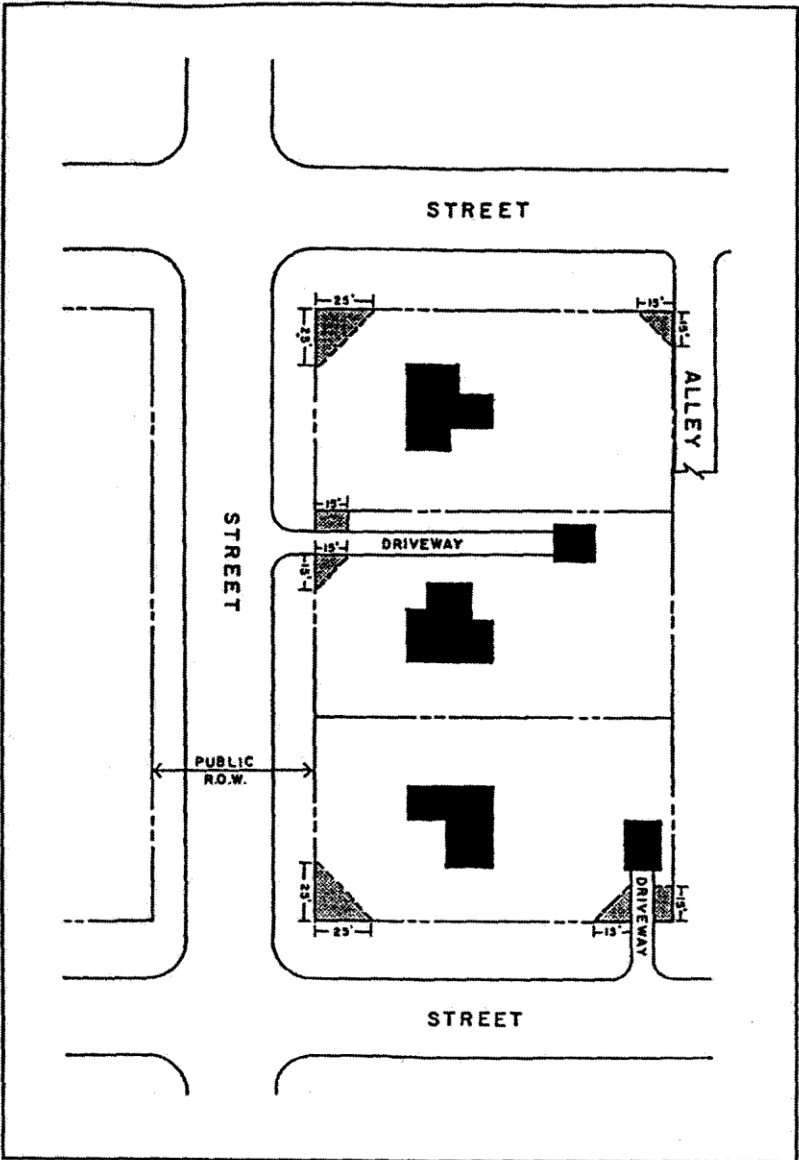
(Code 2004, § 54-891; Zoning Ord. 1999, § 2316)

Secs. 54-694—54-714. - Reserved.

DIVISION 8. - CORNER CLEARANCE

Sec. 54-715. - Obstructions to vision.

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection.



CORNER CLEARANCE

(Code 2004, § 54-921; Zoning Ord. 1999, § 2317)

Secs. 54-716—54-743. - Reserved.

DIVISION 9. - LENGTH TO WIDTH PROPORTIONS

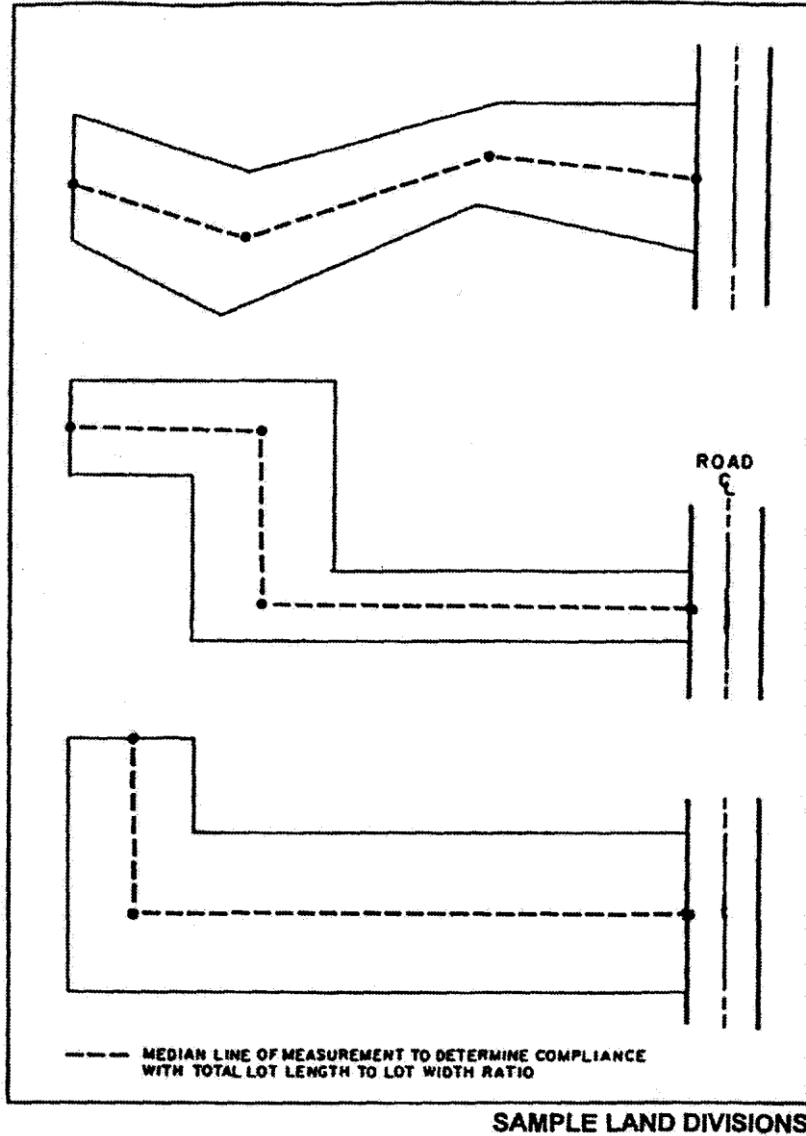
Sec. 54-744. - Residential buildings.

The overall front to rear length of a residential building in the RE/F, R-1, R-2 and RM-H districts shall not exceed four times its width.

(Code 2004, § 54-951; Zoning Ord. 1999, § 2318; Ord. No. 143, 3-9-2004)

Sec. 54-745. - Property.

The overall length of a lot or parcel shall not exceed four times its width measured from the front property line, which shall also be the corresponding road right-of-way line, as depicted on the sample land divisions drawing.



(Code 2004, § 54-952; Zoning Ord. 1999, § 2319)

Secs. 54-746—54-773. - Reserved.

DIVISION 10. - ACCESS

Sec. 54-774. - Major or secondary thoroughfare.

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major or secondary thoroughfare, as depicted on the township master plan map, or freeway

service drive; provided that access driveways may be permitted to a street or road other than a major or secondary thoroughfare, or freeway service drive, when it can be shown that such access will be:

- (1) Provided to a street where the property directly across the street from the driveway and the major or secondary thoroughfare, or freeway service drive, is zoned for multiple-family use or any nonresidential use;
- (2) Developed with permanent uses other than one-family residences; or
- (3) An area which, in the opinion of the planning commission, will be used for other than one-family purposes in the future. This exception shall apply only if the planning commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a major or secondary thoroughfare, or freeway service drive.

(Code 2004, § 54-981; Zoning Ord. 1999, § 2320)

Sec. 54-775. - Residential zoning districts.

Access to a nonresidential use in a nonresidential district shall not be through or across land zoned for residential use.

(Code 2004, § 54-982; Zoning Ord. 1999, § 2321)

Sec. 54-776. - Private streets.

All local streets shall comply with the following standards:

- (1) Except where otherwise permitted, all proposed divisions of land that necessitate construction of a local street to satisfy frontage requirements, shall front on a public street, built to county road commission (RCOC) standards and dedicated to the RCOC for public use.
- (2) Under clearly unique circumstances, the planning commission may permit construction of a private street within a designated private easement when the commission shall find at least one of the following characteristics clearly exists on the land:
 - a. The topography of the site, such as excessively steep slopes which extend throughout the site, precludes extending any street, safely engineered to RCOC specifications, to any interior border of the site;
 - b. Conditions such as soils, topography, wetlands, woodlands, etc., on lands surrounding the site, precludes any opportunity to extend a public street safely engineered to RCOC specifications, to any interior border of the site; and
 - c. The extension of a street to an interior border of the site would in the opinion of the planning commission, unduly diminish or destroy a significant natural resource such as woodlands, wetlands, or where natural assets of environmental importance which should be preserved.
- (3) When the planning commission shall find that one or more of these conditions exist on the land, it may permit the construction of a private road in place of a public street; provided further, that when a private road shall be permitted, the following conditions shall apply:
 - a. No private street shall be permitted within any development that shall require platting the land under the township and the state subdivision control act (Public Act No. 288 of 1967 (MCL 560.101 et seq.));
 - b. All private road easements shall be a minimum of 60 feet in width and shall be shown on the land division drawing as a perpetual easement for roadway purposes; and

- c. Written notice shall be given to each new owner of record of the divided parcel containing a legal description of any and all private roads abutting, traversing, and/or adjacent to the original parcel prior to division. The notice shall be attached to each transmitting instrument of interest in each successive division, and said legal description of the private road shall be recorded with the county register of deeds at the time of land division.

(Code 2004, § 54-983; Ord. No. 146, 11-14-2005)

Secs. 54-777—54-805. - Reserved.

DIVISION 11. - WATER SUPPLY FOR FIRE PROTECTION

Sec. 54-806. - Hydrants.

- (a) For the purposes of providing fire protection to the public, all buildings and structures shall have water supply for firefighting purposes, that will provide a reasonable degree of protection to life and property in accordance with the standards set forth in NFPA-1231, as amended, in accordance with the following requirements:
 - (1) For residential protection, one hydrant for every 1,000 feet of road frontage for every eight conventional home sites and one hydrant for every 500 feet of road frontage for clustered home sites, which shall be supplied by a pressurized well guaranteeing 500 gallons per minute at 20 psi residual.
 - (2) For nonresidential protection, one hydrant for every 200 feet of development frontage, capable of supplying water at sufficient volume and duration to satisfy applicable building and fire codes.
- (b) All hydrants so required by subsection (a) of this section shall be placed within public road rights-of-way or within private road easements not more than five feet from the road edge.

(Code 2004, § 54-1011; Zoning Ord. 1999, § 2322)

Secs. 54-807—54-835. - Reserved.

DIVISION 12. - TEMPORARY BUILDINGS AND USES

Sec. 54-836. - Conditions for permit.

Upon review and approval by the planning commission, the temporary continuation of an existing former publicly or quasi-publicly owned use of land as a use permitted in the RE/F district, or the temporary use of a building or use, shall be permitted in the township, subject to the following conditions:

- (1) *Continuation of an existing use of land.* Permit, upon proper application, the continued use of an existing former public or quasi-public use that was in an RC district as a permitted use of land in the RE/F district, provided:
 - a. The purchaser has applied to the township for a temporary use permit to continue the existing facility as a temporary conforming use of land in an RE/F district;
 - b. The use was a lawfully permitted use in the RC district at the time the property was purchased by the private entity;
 - c. The property has been rezoned to an RE/F rural estate/farm district as stipulated in article III, division 2 of this chapter.
 - d. A site plan prepared by the applicant, in accordance with the applicable requirements of section 54-951 et seq., has been reviewed and approved by the planning commission; and

- e. The requirements of subsection (3) of this section have been met.
- (2) *Temporary buildings, structures and uses.* Permit, upon proper application, a temporary use of a building or structure or a temporary use which does not require the erection of any capital improvement of a structural nature. In classifying a use as not requiring capital improvement, the planning commission shall determine that the use either consists of a demountable structure or structures related to the permitted use of land, or recreational uses, such as, but not limited to, outdoor archery ranges and golf driving ranges, or structures which do not require foundations, heating systems, or sanitary connections.
- (3) *Conditions applicable to any temporary building structure or use.* Before granting a temporary use permit for any temporary use outlined in subsection (1) or (2) of this section, the planning commission shall find that the following conditions are met:
 - a. The granting of a temporary use permit shall in no way constitute a change in the basic uses permitted in the district or on the property wherein the temporary use will be located. For the purpose of this requirement, a use of the type set forth in subsection (1) of this section shall be considered as a permitted use in an RE/F district if approved on a temporary basis.
 - b. The granting of a temporary use permit shall be given in writing and shall stipulate all conditions as to time, the nature of the use permitted, and the arrangements for removing the use at the termination of a temporary use permit. The planning commission may require the submittal of surety in an amount equal to the cost of removing the use once a temporary permit has expired, plus ten percent.
 - c. A cost estimate for removing the use, and undertaking any site restoration deemed necessary by the township, shall be prepared by the owner and submitted to the township for review and approval of the cost estimate, and verification of the authenticity of the surety.
 - d. All setbacks, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and the general welfare of the inhabitants of the township, including land coverage limitations, shall comply with the applicable requirements of this chapter.
 - e. The use shall be in harmony with the general character of the district in which it is located.
- (4) *Time limitations for temporary use building or structure.* A use of the type permitted in subsection (1) of this section may be granted a one-year temporary use permit. The life of a temporary use permit shall commence on the date of issuance of the permit and terminate on that date one year later. Additional one-year temporary use permits may be granted by the planning commission in accordance with the same procedures set forth in this chapter for the initial permit. A temporary use as outlined in subsection (2) of this section may be granted for a maximum period of up to six months in developed areas of the township and for up to a maximum of 12 months in undeveloped areas of the township.
- (5) *Notice of public hearing.* No temporary use permit for any use, building or structure outlined in this section shall be granted without notice first being given by the township to owners of adjacent property of the time and place of a public hearing to be held by the planning commission in the manner prescribed in this chapter.

(Code 2004, § 54-1041; Zoning Ord. 1999, § 2323; Ord. No. 143, 3-9-2004)

Secs. 54-837—54-865. - Reserved.

DIVISION 13. - FENCES

Sec. 54-866. - Zoning district regulations.

Fencing regulations shall apply to zoning districts as follows:

- (1) In the RE/F districts, farm fences designed and intended to enclose property may extend to any peripheral property line. All other fences and walls in the RE/F district shall observe the requirements of this section pertaining to one-family homes on metes-and-bounds properties.
- (2) In the RE/F, R-1 and R-2 districts, decorative fences or walls designed and intended to enclose yard area in a subdivision of platted lots, or one-family condominium sites, for detached one-family homes, unless otherwise prohibited by the development's residential bylaws or protective covenants, shall be restricted to locations along a rear yard or interior side yard line. No fence or wall shall extend towards the front of the lot or home site beyond the front wall of the principal building on the property; except, on a corner lot, a decorative fence or wall not exceeding three feet in height and observing the clear corner vision restrictions of section 54-715, and which is not designed or intended to enclose property, may extend on a diagonal line from the outside front corner of the principal building towards the front outside corner of the property. The sole intent of such a fence or wall shall be to discourage diagonal trespass across a front lawn area. A decorative fence or wall designed and intended to enclose a particular property shall not exceed six feet in height, measured from the ground at the base of the fence to the top of the fence; except decorative finials placed on top of a fence post may exceed the maximum permitted fence height.
- (3) Decorative fences or walls which are clearly an integral part of a landscaping feature of a residential lot or home site, and which are not designed or intended to enclose property, may be permitted in any yard, subject to the clear corner vision restrictions of section 54-715.
- (4) Nothing in this section shall prevent the erection of architectural wood or masonry retaining walls in any yard of a one-family residential lot or home site when such walls are made necessary due to the topography of the property; provided such walls are designed and intended to permit access or to prevent erosion, and are not designed or intended to enclose property.
- (5) Architectural fences, walls, or other wire fences on unplatted metes-and-bounds properties shall observe all the requirements of this section pertaining to the location and height of decorative fences and walls; except, a decorative fence or wall, or other wire fence, may extend forward into a front yard to the minimum required front yard setback line of the district.
- (6) Walls and screening barriers permitted in the multiple-family residential districts and in nonresidential districts shall be subject to the requirements of sections 54-1107 through 54-1113.

(Code 2004, § 54-1071; Zoning Ord. 1999, § 2324; Ord. No. 143, 3-9-2004)

Secs. 54-867—54-895. - Reserved.

DIVISION 14. - LOCAL STREET STANDARDS

Sec. 54-896. - Generally.

- (a) Except where otherwise permitted in this section, all proposed divisions of and that necessitate construction of a local street to satisfy frontage requirements, shall front on a public street in a public street right-of-way, built to the county road commission (RCOC) standards and dedicated to the RCOC for use as a public street.
- (b) Except as otherwise permitted in this section, no private street shall be permitted within any development that shall require subdividing land under local or state subdivision platting procedures, not within any one-family site condominium development as regulated under local and state requirements, nor within any land divisions as regulated under local or state land division procedures, that do not have direct frontage access to an existing public road or to an existing approved private street, or which cannot gain direct access to either via an approved deed strip.

- (c) Under clearly unique circumstances the planning commission may permit construction of a private street within a designated private street easement when the commission shall find at least one of the following characteristics clearly exists on the land:
 - (1) The topography of the site such as excessively steep slopes which extends throughout the site, precludes extending any street, engineered to RCOC specifications, to any interior border of the site.
 - (2) Conditions such as soils, wetlands, woodlands, or steep topographic conditions at the property lines of land abutting the site, precludes any opportunity to extend a public street across a common parcel line.
 - (3) The extension of a street to a common property line would, in the opinion of the planning commission, unduly diminish or destroy a significant natural resource on the land such as a woodland, wetland or other natural asset of environmental importance which should be preserved.
- (d) When the planning commission shall find that one or more of the conditions outlined in subsection (c) of this section exists on the property, it may permit the construction of a private street in a private street easement in place of a public street in a public right-of-way, provided further, that the following conditions are met:
 - (1) All private roads and private road easements will be built to the same RCOC standards that are required for public streets in public rights-of-way.
 - (2) Written notice shall be given to each new owner of record of the divided parcel containing a legal description of any and all private roads and private road easements abutting, traversing, and/or adjacent to the original parcel prior to the division. The notice shall be attached to each transmitting instrument of interest in each successive division, and the legal description of the private street or private street easement shall be recorded with the county register of deeds at the time of the land division.
 - (3) No existing private street or private street easement shall be extended to provide frontage access to any new land divisions without the express approval in writing from each landowner who abuts any part of the existing private street or private street easement.
 - (4) All drawings for land divisions, legal descriptions, and private streets and private street easement specifications shall be drawn to an appropriate scale and sealed by a registered civil engineer or registered land surveyor.
 - (5) Construction permits shall be obtained from the RCOC before an approved private road in an approved private road easement may be connected to any public road maintained by the RCOC.
- (e) Private streets and private street easements constructed under the provisions of this section shall not obligate the township or the RCOC to maintain the private street or private street easement in any way or at any time during the life of the street or the easement.
- (f) It shall be the sole responsibility and obligation of the property owner whose property abuts the private street or private street easement, whether or not that property owner accesses the private street or private street easement, to maintain their portion of the street and the easement.
- (g) Upon the effective date of adoption of the ordinance from which this section is derived, no building permits shall be issued by the township for any land fronting on any newly approved private street or private street easement until such street or easement is improved to the specifications and standards contained in this section. The township shall designate a registered professional engineer to inspect and approve all private street and private street easement improvements prior to issuing any building permits along the private street or private street easement. The township board may establish a fee to cover the cost of such inspections as currently established or as hereafter adopted by resolution of the township board from time to time, such fee to be paid by the developer.

(Code 2004, § 54-1101; Ord. No. 127, 6-10-2002)

Secs. 54-897—54-925. - Reserved.

DIVISION 15. - DANGEROUS, WILD OR EXOTIC ANIMALS

Sec. 54-926. - Findings; statutory authority.

- (a) With the increasing residential population, number of private and public campsites, and public-owned land within the township, the residents of and domestic pets and/or livestock within the township must be protected from attack, the threat of injury and/or disease from dangerous, wild, or exotic animals harbored, possessed or maintained in the township.
- (b) Except as otherwise may be set forth herein, this division is intended to be consistent with all state law, including, but not limited to, Public Act No. 426 of 1988 (MCL 287.321 et seq. regarding dangerous animals); Public Act No. 466 of 1988 (MCL 287.701 et seq., the "animal industry act"); Public Act No. 339 of 1919 (MCL 287.261 et seq., the "dog law of 1919"); Public Act No. 246 of 2000 (MCL 287.1001 et seq., the "wolf-dog cross act"); and Public Act No. 274 of 2000 (MCL 287.1101 et seq., the "large carnivore act").

(Code 2004, § 54-1111; Ord. No. 168, § 54-1401, 11-9-2009)

Sec. 54-927. - Unlawful possession of dangerous, wild or exotic animal.

- (a) It is unlawful to and at no time shall any person, entity, organization, or agent thereof harbor, possess, keep, shelter, breed, sell, trade, barter and/or exchange any dangerous, wild or exotic animal within the township.
- (b) Notwithstanding subsection (a) of this section, any exotic animal or inherently dangerous exotic animal, to the extent allowed by county, state and federal laws, that is harbored, possessed or maintained in the township at the time that this division is adopted shall be grandfathered. Owners of grandfathered exotic animals shall be required to register such animals with the township clerk within 30 days from the date of adoption of the ordinance from which this division is derived, and shall have three months from the date of adoption of the ordinance from which this division is derived to have a microchip or similar device professionally imbedded in the grandfathered animal, at the owner's sole and exclusive expense, with all the typical and usual information as required by law and/or the then current practice of the professional performing the operation. The data in the microchip device shall be transcribed and promptly provided to the township clerk. Grandfathering only covers the existing and duly registered exotic animal until their death. Owners possessing or harboring an exotic animal at the date of adoption of the ordinance from which this division is derived who do not register their grandfathered animal as provided herein forfeit their grandfathered status.
- (c) After the effective date of the ordinance from which this division is derived, it will be unlawful for any person, entity, organization, and/or agent thereof, to possess, keep, shelter, breed, sell, trade, barter or exchange any inherently dangerous exotic animal within the township.

(Code 2004, § 54-1112; Ord. No. 168, § 54-1402, 11-9-2009)

Sec. 54-928. - Notification of escaped dangerous, wild or exotic animal.

The owner of an escaped dangerous, wild or exotic animal shall notify the township and the county animal control division within 24 hours from the time that the animal was discovered missing or escaped. Notification will be made during normal business hours.

(Code 2004, § 54-1113; Ord. No. 168, § 54-1403, 11-9-2009)

Sec. 54-929. - Exceptions.

This division does not apply to the following:

- (1) Veterinary clinics in possession of such animals for treatment or rehabilitation purposes;
- (2) Nonresident circuses for no longer than one seven-day period, per each separate location where such circus is held within the county per calendar year;
- (3) Nonresident carnivals or traveling fairs for no longer than one seven-day period, per each separate location where such carnival or traveling fair is held within the county, per calendar year;
- (4) Duly licensed persons or organizations transporting and displaying such animals for academic or educational purposes, provided such exhibitions shall not exceed 24 hours;
- (5) Persons temporarily transporting such animals through the township, provided that such transport time shall not be more than 24 hours; and
- (6) Duly licensed stores or places of business located within a commercial zoned district of the township that sells such animals, provided such sold animals shall not be kept or maintained within the township.

(Code 2004, § 54-1114; Ord. No. 168, § 54-1404, 11-9-2009)

Sec. 54-930. - Destruction or removal.

- (a) Upon a sworn complaint that an animal is one of a species of animals prohibited by this division and is currently being illegally possessed or maintained, a district court or district court magistrate or other court of competent jurisdiction shall issue a summons to the owner and/or possessor ordering such owner and/or possessor to appear to show cause why the animal should not be removed from the township.
- (b) Upon the filing of a sworn complaint as provided in this section, the court or magistrate may order the owner and/or possessor to immediately turn the animal over to the animal control officer, an incorporated humane society, a licensed veterinarian or other appropriately licensed facility, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the animal. The expense of the boarding and retention of the prohibited animal is to be borne by the owner and/or possessor. After a hearing, the court or magistrate shall order the destruction of the animal at the expense of the owner and/or possessor, or in the alternative and at the court's discretion, order the animal removed from the township under terms and conditions which ensure such removal.

(Code 2004, § 54-1115; Ord. No. 168, § 54-1405, 11-9-2009)

Sec. 54-931. - Penalties.

A person, entity or organization found to be in violation of this division, including, but not limited to, being a harbinger of a dangerous, wild, or inherently dangerous exotic animal, is subject to the court's discretion as outlined in section 54-930, and the general penalties as set forth in section 1-7.

(Code 2004, § 54-1116; Ord. No. 168, § 54-1406, 11-9-2009)

Secs. 54-932—54-950. - Reserved.

ARTICLE VI. - SITE PLAN REVIEW⁵

Footnotes:

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State Law reference— Site plans, MCL125.3501.

Sec. 54-951. - Submittal and review procedures; purpose and intent.

The site plan review procedures and standards set forth herein provide a consistent and uniform method for review of proposed development plans, to ensure full compliance with the standards contained in this section, other applicable local ordinances, standard engineering practices, and county, state, and federal rules, and laws.

- (1) Site plan review requirements and the procedure for preparing and submitting site plans for review by the township are set forth in this article, and in the Engineering Design Standards for Groveland Township Manual.
- (2) Before preparing a site plan for submittal to the township for review, the applicant and/or owner's representative should obtain a copy of this chapter and a copy of the Engineering Design Standards for Groveland Township Manual. Copies of both of these documents may be obtained at the township hall.
- (3) Site plan review requirements and the procedure for reviewing site plans are intended to provide an essential vehicle for the design and expeditious review of new land development proposals, redevelopment proposals, and for the occupation of vacant existing buildings in the township. These procedures are further designed and intended to promote compatibility between land use with respect to their internal and external functions and for compliance with the applicable requirements of this chapter.
- (4) For these purposes, as well as for the purpose of promoting and protecting the public health, safety and general welfare of the inhabitants of the township, and for the preservation and management of its land resources, provision is made in this article for the submittal and review of site plans.

(Code 2004, § 54-1131; Ord. No. 146, 11-14-2005)

Sec. 54-952. - Developments requiring site plan review.

A site plan shall be submitted for review and approval by the township before a building permit shall be issued. A site plan shall be submitted for any:

- (1) New multiple-family residential development;
- (2) New mobile home park or any expansion of an existing mobile home park;
- (3) One-family site condominiums (with and without cluster option);
- (4) Nonresidential use permitted in a residential district;
- (5) Public use or public building, or public utility building or substation;
- (6) New office, commercial or industrial building;
- (7) Commercial communication tower and its accessory buildings or structures, whether deemed an essential service or not;
- (8) Use permitted as a conditional use or a use subject to special conditions as set forth in this chapter;
- (9) Addition to an existing multiple-dwelling building or nonresidential building;
- (10) Revision to a previously approved site plan;

- (11) Building or land use for which a site plan is required as set forth in this chapter; and
- (12) Any development or site improvement when the planning department deems it necessary to submit a site plan in order to determine if the applicable requirements of the zoning code are met, including, but not limited to, any request to occupy a vacant building with a nonresidential use.

(Code 2004, § 54-1132; Ord. No. 146, 11-14-2005; Ord. No. 155, 3-12-2007)

Sec. 54-953. - Site plan process.

The site plan review process is a four-step method outlined below. This process must be followed to obtain full approval of the site plan. Full approval of the site plan is required prior to the issuance of any building permits.

- (1) *Pre-application meeting.*
 - a. The pre-application meeting process allows the applicant and township, along with township consultants, to discuss the concepts of the applicant's development. The applicant shall convey the intent of the proposed development. The township will outline the processes and procedures set forth in this chapter for the applicant's development.
 - b. The pre-application meeting may be waived at the discretion of the township planning department.
- (2) *Preliminary site plan.* The preliminary site plan process provides requirements so that the applicant can provide sufficient information to permit the township, township consultants and planning commission to assess the overall constructability of the development.
- (3) *Engineering/construction plan.* The engineering/construction plan process provides requirements so that the applicant can produce detailed information regarding how the site's infrastructure is to be constructed. The information provided will require that detailed information, drawings, details and notes be provided to ensure that compliance is achieved.
- (4) *Final site plan.* The final site plan process presents requirements so that the applicant can prepare plans indicating how the final completed development will appear and be constructed.

(Code 2004, § 54-1133; Ord. No. 146, 11-14-2005)

Sec. 54-954. - Prior to site plan submittal.

Before submitting a site plan to the township for review, the applicant shall:

- (1) Obtain a copy of the township zoning chapter and a copy of the current township zoning map. The applicant shall check the applicable elements of these documents to determine if the land use proposed for the property is a use permitted in the zoning district in which the subject property is located.
- (2) Obtain a copy of this chapter, the Engineering Design Standards for Groveland Township Manual, familiarize oneself with the review process and prepare the site plan in accordance with the requirements and standards set forth in these ordinances and supporting documents. A completed site plan review checklist must accompany all site plans submitted to the township for review.
- (3) Pay all applicable site plan review fees, including any township consultant fees and any township attorney fees that may accrue during the site plan review process as currently established or as hereafter adopted by resolution of the township board from time to time.

(Code 2004, § 54-1134; Ord. No. 146, 11-14-2005)

Sec. 54-955. - Site plan requirements.

The requirements for each stage of the site plan review procedure are outlined in the following sections.

- (1) *Pre-application meeting.* The applicant shall schedule a pre-application meeting with the township and township consultant. The applicant shall bring the following items to the pre-application meeting:
 - a. Sketch plan. The sketch plan shall provide, at a minimum, the following information:
 1. The zoning classification (existing and proposed, if rezoning is proposed) of the proposed development. Reference section 54-42 for established zoning districts. If rezoning is proposed, the indication of the proposed rezoning and attendance of the pre-application meeting does not imply or guarantee approval of rezoning by the township board, planning commission, staff and/or township consultants.
 2. The general layout of the development. This will include the number of units or dwellings, street layout, classification of streets (public or private), open space areas, locations of stormwater detention or retention ponds, existing general topography (trees, drainage swales, waterways, wetlands, etc.), north arrow, a local vicinity map, legal description and area calculations. The area calculation shall include gross area, net area and percentages of open space area.
 - b. Documentation of ownership or rights to develop the parcel.
- (2) *Preliminary site plan.*
 - a. A site plan shall be submitted and reviewed as set forth in this section before the issuance of a building permit and before any new building construction or development, any new construction of usable floor area, any change in use of usable floor area, any special or conditional land use or activity, parking change, drainage change or change in ingress or egress, except in the case of construction limited to one one-family home for location in a previously approved subdivision or plat, or a previously approved acreage parcel. The preliminary site plan shall be prepared, signed and sealed by either a professional engineer, licensed and registered in the state, an architect, licensed and registered in the state or a landscape architect, licensed and registered in the state.
 - b. The preliminary site plan shall meet the applicable requirements of the zoning district in which the development is proposed. In carrying out the site plan review responsibilities set forth in this section, the township staff, township consultant and/or the township planning commission may require the applicant to furnish such surveys, plans, drawings, reports or other information the township staff, township consultant or planning commission deems necessary for the proper consideration of the matter before them. Furthermore, the township staff, township consultant and/or the planning commission may impose such other reasonable conditions on the applicant as may, in the township staff's or planning commission's judgment, is necessary to fulfill the spirit and purpose of this chapter.
 1. Petitioner's name, address and telephone number.
 2. Engineer/architect name, address and telephone number.
 3. Date (month, day, year) and subsequent revision dates.
 4. Title block.
 5. North arrow.
 6. Submitted on 24-inch by 36-inch bond paper with a standard engineering scale.
 7. Two unique benchmarks shall be provided based upon North American Vertical Datum - 1988 (NAVD '88).

8. Existing street names, site dimensions, legal description (including lot numbers or metes and bounds, Sidwell Number shall be shown), location map, roads, right-of-way limits, water sources (well or water main), sanitary facilities (sanitary sewer or septic fields) and storm management system.
9. The zoning classification of the petitioner's parcel and all abutting parcels.
10. Existing grades and existing drainage patterns shown (shown minimum of 100 feet beyond property lines).
11. Wetland limits shown with size. Indicate if wetlands are regulated or unregulated. Any impacts to wetlands shall be identified and quantified.
12. Existing ditches, culverts, sidewalks, power poles, easements, building footprints and finish grades of adjacent buildings.
13. Legal description including gross and net acreage figures.
14. Dwelling density calculations including open space calculations.
15. Proposed building dimensions, traffic control plan for parking lot (truck route geometry), typical parking stall dimensions and typical handicap parking stall dimensions.
16. Walls (retaining or decorative) and/or berms shown on the plans.
17. Proposed well location. Including fire protection well.
18. Proposed septic field location. Including location of reserve septic fields.
19. The runoff coefficient calculation shall be shown on the plans for the stormwater management system.
20. The general layout of the stormwater management system. This shall include the rim elevations of any structures and the elevations of any outlet structures. The stormwater management system shall conform with the current county drain commissioner's office current standards and regulations.
21. Preliminary sizing calculations shall be provided for the detention or retention pond. Minimum sizing is for the ten-year storm event.
22. Indicate the outlet location. Indicate the overflow route if the pond capacity is exceeded in a storm event.
23. A five-foot tall fence will be required if the side slopes of the pond are in excess of one on four.
24. Sufficient grades shall be provided to ensure that:
 - (i) Drainage is adequately discharged offsite with proper detention or retention.
 - (ii) No upstream drainage is restricted.
 - (iii) Paving slopes are adequate.
 - (iv) The site in general drains without standing water.
 - (v) Site lines are not obstructed.
25. Slopes to adjacent property lines shall not exceed one in four.
26. Trash receptacle location and method of shielding, a typical wall cross-section including wall height and exterior wall material shall be provided.
27. Transformer location and method of screening.
28. Front, side and rear yard setbacks and dimensions. Location of the building envelope is acceptable.

29. Exterior lighting locations, method of shielding and wattage. Exterior lighting shall be in conformance with current township lighting standards.
30. A photometric plan.
31. Landscape improvements within the site are extensive enough and are located so as to provide a safe and attractive appearance throughout the site. The method of landscape irrigation shall be indicated on the plans.
32. Satisfactory and harmonious relationships between development proposed on the property and existing development on abutting properties will be achieved by:
 - (i) Ensuring that loading and unloading areas and trash receptacles are located so as to minimize their impact on the site itself, as well as on abutting properties;
 - (ii) Sufficient use of screening devices to the extent necessary to effectively carry out the intent and purpose of the screening requirements of this chapter;
 - (iii) Evaluating the exterior appearance of the proposed building or buildings, including all detached accessory buildings. Consideration will be given to the type and extent of exterior building wall materials to be used, the color of these materials and their overall compatibility with buildings on abutting properties;
 - (iv) Providing adequately sized and properly located recreation facilities or areas and/or open space areas where applicable; and
 - (v) Assuring the preservation and maintenance of areas of natural significance on the development site, as well as like features on abutting properties.
33. Proposed pavement cross-section (normal, public, private and loading zones).
34. Parking spaces, including handicap spaces. Parking calculations per township ordinance.
35. Entrance details, including any signs, clear distance sight triangles and pavement markings.
36. Improvements in existing public rights-of-way.
37. Interior pedestrian pathways and sidewalks, if applicable. All pedestrian facilities shall be compliant with current American's with Disabilities Act guidelines and standards.
38. Traffic circulation within the site relative to the location and functional layout of off-street parking areas and loading and unloading areas is acceptable. Traffic should flow freely within the designated parking areas. There should be no use or doubling of vehicle maneuvering lanes for vehicle stacking space, loading and unloading operations, etc. When a row of off-street parking spaces number more than five spaces in a row, adequate additional area shall be provided to permit motor vehicles, including trucks, to turn around at the end of the row, or a crossover lane shall be provided so that motor vehicles can freely pass from one lane to another.
39. The location and design of driveways providing vehicular ingress and egress for the site is acceptable with respect to their relationship to the site in general, crossroad driveways, road intersections and pedestrian circulation within the site. Driveway location shall comply with the township's access management guidelines.

(3) *Engineering/construction plan.*

- a. The requirements for engineering/construction plans are listed under separate cover, in the Engineering Design Standards for Groveland Township Manual. The engineering/construction plan shall be prepared, signed and sealed by a professional engineer, licensed and registered in the state.

- b. Any changes to an approved preliminary site plan that impacts building setbacks, building location, off-street parking, loading/unloading zone, trash receptacle location, landscaping revisions, or any revision that the township planning department deems appropriate shall be resubmitted for preliminary site plan review.

(4) *Final site plan.*

- a. The overall site layout shall be primarily unchanged from the approved preliminary site plan.
- b. Incorporate any information required in the engineering/construction plan review and subsequent recommendation for approval.
- c. Incorporate any information required by outside agencies (county road commission, county drain commissioner's office, county health department, state department of environmental quality, etc.).
- d. Indicate the locations of any property irons and/or monuments. A detail of the property irons and/or monuments shall be provided on the plans.
- e. Any necessary easements shall be presented at this time. These easements shall be prepared in a ready to be recorded fashion. It should be noted that easements should not be recorded at this time due to the possibility of the easement boundaries needing adjustment for as-built conditions.

(Code 2004, § 54-1135; Ord. No. 146, 11-14-2005)

Sec. 54-956. - Site plan reviews; decisions.

(a) *Acting authority.* Site plans submitted to the township for approval shall be reviewed by township staff, township consultant, the planning commission and/or the township board in the manner prescribed in this article and in accordance with the Engineering Design Standards for Groveland Township Manual. Township staff and planning commission may forward plans to township consultants at their discretion.

(b) *Review body.* The following reviewing bodies shall perform reviews of site plans on behalf of the township. This does not alleviate the applicant for reviews required by agencies outside of the township.

(1) *Pre-application meeting.*

- a. Township staff.
- b. Township consultants.

(2) *Preliminary site plan.*

- a. Township staff.
- b. Township consultants.
- c. Township planning commission.

(3) *Engineering/construction plan.*

- a. Township staff.
- b. Township consultants.

(4) *Final site plan.*

- a. Township staff.
- b. Township consultants.
- c. Township board, when applicable.

- (c) *Review decision.* Upon completion of the review of a site plan, the township staff, planning commission or township board shall act on the site plan submitted in one of the following ways:
 - (1) Approve the site plan and notify the applicant in writing of the approval;
 - (2) In the case of township staff or consultant review, continue its review or, in the case of the township planning commission or township board, table its review, pending receipt of a revised site plan from the applicant containing those items required to be changed. The township shall notify the applicant in writing of the necessary revisions or procedure that must be taken to gain site plan approval; or
 - (3) Disapprove the site plan and notify the applicant in writing of the reason for disapproval.

(Code 2004, § 54-1136; Ord. No. 146, 11-14-2005)

Sec. 54-957. - Site plan approval.

- (a) Except as otherwise set forth in this chapter, site plans given site plan approval by township staff, by the township planning commission or the township board shall be approved for a period of one year, commencing on the date of approval. The grantor of the original site plan approval may give a one-year extension.
- (b) Property not clearly under development by the end of the first year, and for which no request for an extension is requested, shall be considered as null and void, thereafter requiring resubmittal of the site plan for review.
- (c) Property not clearly under development by the end of the one-year extension, if granted, shall be considered as null and void, thereafter requiring resubmittal of the site plan for review.

(Code 2004, § 54-1137; Ord. No. 146, 11-14-2005)

Secs. 54-958—54-987. - Reserved.

ARTICLE VII. - SITE IMPROVEMENTS

Sec. 54-988. - Guarantees.

- (a) A guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, surety bond, etc., in a form acceptable to the township, may be required by the township. The same shall be provided by the project developer. The township shall cover all improvements not normally covered in a building permit. These improvements may include, but not be limited to, landscaping, including earth berms and irrigation systems; walls; exterior site lighting; surfacing of driveways, including acceleration and deceleration lanes, service drives, vehicle maneuvering lanes, parking spaces, and loading and unloading areas; and other pedestrian and motor vehicle traffic circulation improvements, including sidewalks, etc.
- (b) The guarantee shall include a schedule of costs assigned to the several improvements. Moneys may be released to the applicant in proportion to the work completed and accepted on the various improvements. Any partial release of funds shall leave a balance of not less than ten percent of the guarantee, which balance shall be retained by the township until all work is completed and subsequently inspected and approved by the township, county or state.

(Code 2004, § 54-1161; Zoning Ord. 1999, § 2311)

State Law reference— Performance guarantee, MCL 125.3505.

Secs. 54-989—54-1019. - Reserved.

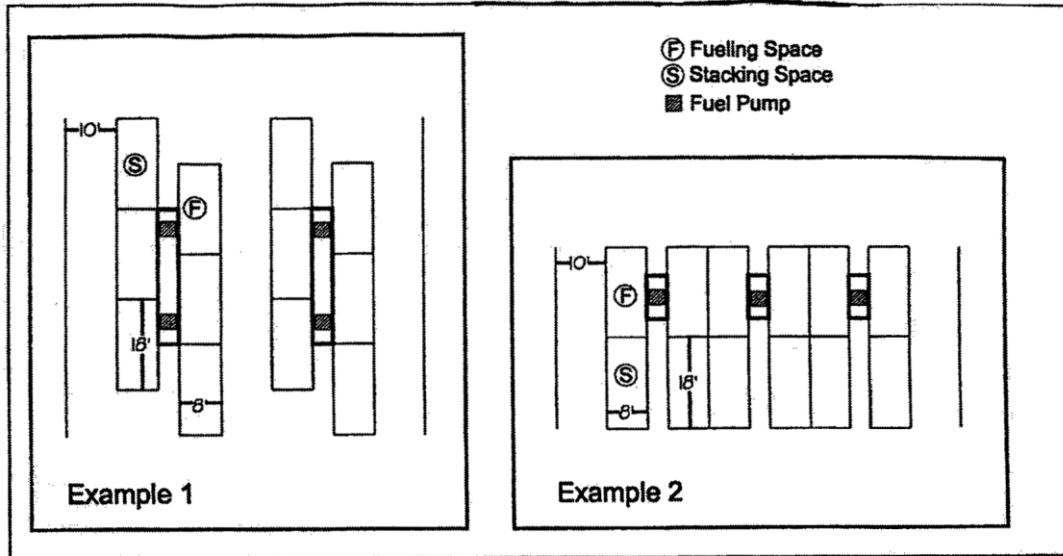
ARTICLE VIII. - OFF-STREET PARKING, LOADING AND UNLOADING

Sec. 54-1020. - Parking requirements.

There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to issuance of a certificate of occupancy, as prescribed in this article.

- (1) Off-street parking or off-street parking lots shall not be permitted as the sole or principal permitted use in any zoning district.
- (2) Residential off-street parking of a motor vehicle or the storage of a motor vehicle or a nonmotorized vehicle, or machinery or implement shall be on the same lot or parcel as the principal use and shall be subject to the following conditions:
 - a. *Parking.* Parking ordinance as defined in this Code, relating to a residential use in a residential district shall be off-street and shall meet the minimum numerical off-street parking space requirement set forth in subsection (16) of this section. Excluding visitor parking, up to a maximum of two additional motor vehicles per resident of driving age may be parked on residential zoned property provided they:
 1. Are owned by a resident living in the dwelling unit;
 2. Are maintained in running order; and
 3. Display a current license tag or plate.
 - b. *Storage.* Except as permitted in section 54-638(2), the outdoor storage of a motor vehicle as defined in this chapter is prohibited, except the following vehicles, machinery or implements may be stored outdoors on the same lot or parcel as the principal use:
 1. Any farm related motor vehicle, farm machinery and implements that are maintained in running or working order and which are customarily used in a bona fide farming or agricultural operation as defined in this chapter, may be stored outdoors.
 2. Motor vehicles and motorized or nonmotorized machinery, including towed machinery or implements and walk behind implements which are used exclusively for the general maintenance of the property may be stored outdoors.
 3. Any number of motorized and nonmotorized vehicles, as well as machinery and implements regardless of their running order may be stored in a garage attached to the principal use, or in an accessory building that is located on the same parcel or property as the principal use, provided all applicable safety codes are met relative to the keeping of flammable materials, including fuel in vehicle tanks and any fuel that may be stored in other containers in the building.
 4. Except as otherwise permitted in section 54-638(2)g, all motor vehicles so kept shall be owned or leased by the property owner or occupant of the premises.
 - c. *Vehicle service or repair.* Except as otherwise permitted in this subsection mechanical service, repair or body work of any kind shall be undertaken outdoors on the premises and only one vehicle shall be serviced outdoors on the property at a time and all work shall be completed on that vehicle before outdoor service on any other vehicle may commence. All necessary precautions shall be taken to place and keep all potential contaminants in appropriate containers so they may be safely stored and transported to an approved disposal facility.

- (3) Required off-street parking for one-family or two-family dwellings may be provided in a stacking configuration in a driveway or garage, or combination thereof. Required off-street parking for all other uses shall consist of an unencumbered parking stall or strip, parking bay, vehicle maneuvering space or driveway, garage, or combination thereof. Parking garages or parking structures shall be subject to the applicable standards of section 54-1020.
- (4) Off-street parking for other than residential use shall either be on the same lot as the principal use or off-site, but within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
- (5) No off-street parking intended for a use in a nonresidential district shall be permitted in a residential district.
- (6) For nonresidential uses permitted in residential districts, no off-street parking and accompanying maneuvering lanes shall be permitted in any front yard or exterior side yard. Off-street parking may be permitted in a rear yard or within an interior side yard.
- (7) In the RM district and nonresidential districts, no off-street parking and accompanying maneuvering lanes shall be permitted in a front yard or exterior side yard, except as otherwise permitted in section 54-506(b)(4), (5). Off-street parking and accompanying maneuvering lanes shall be permitted in any rear yard or interior side yard.
- (8) Any area once designated as required off-street parking shall not be changed to any other use, unless or until at least an equal number of off-street parking spaces are provided elsewhere.
- (9) Off-street parking existing as of October 19, 1999, in connection with the operation of an existing building or use shall not be reduced to an amount less than the minimum number of off-street parking spaces required for any new building or use.
- (10) Two or more buildings or uses may collectively provide the required off-street parking; in which case, the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (11) In the instance of dual function of off-street parking spaces, where operating hours of buildings do not overlap, the planning commission may grant an exception.
- (12) Except as otherwise permitted and regulated by this chapter, the sale, renting, leasing, or storage of construction trailers, merchandise or motor vehicles; or trailers for rent, lease or sale; or the repair of vehicles is prohibited in any off-street parking lot; except further, where law permits, the sale of a vehicle may be permitted in an off-street parking lot which is owned by the same owner of the vehicle that is for sale.
- (13) For a use not specifically assigned a numerical off-street parking requirement as set forth in subsection (16) of this section, the numerical off-street parking requirements for that use shall be in accord with a use which is considered to be similar in type.
- (14) When units of measurement result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (15) For the purpose of computing the number of off-street parking spaces required, the definition of the term "floor area, usable nonresidential," provided in section 54-19 shall govern.
- (16) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:



Use	Minimum Parking Spaces per Unit of Measure
Laundromat and coin-operated dry cleaner	1 for every 2 washing or dry cleaning machines
Miniature or "par 3" golf course	3 for each hole, plus 1 for each employee
Mortuary	1 for every 50 square feet of usable floor area
Motel, motor hotel, or other commercial lodging establishment	1 for every lodging room and 1 for each employee, plus parking for accessory uses at ½ the required number of spaces for the use, as set forth in this schedule
Motor vehicle sales and service	1 for every 200 square feet of usable floor area in the sales room, plus 1 space for each employee, and 1 space for each service stall in the service area
Planned commercial shopping center	1 for every 150 square feet of usable floor area for the first 20,000 square feet, and 1 for every 200 square feet of usable floor area thereafter, up to 400,000 square feet of usable floor area, and 1 for every 250 square feet of usable floor area thereafter
Restaurant, drive-in	1 for every 10 square feet of usable floor space in patron self-service area, plus 1 additional space for each employee; if a dining room or seating area is provided, 1 space for every 2 seats or stools
Restaurant, fast food carryout	1 space for every 2 seats or stools, and 1 space for each employee in the largest working shift, plus vehicle stacking space as set forth in subsection (17) of this section

Restaurant, sit-down	1 for every 2 seats in the restaurant, plus 1 for every 2 employees in the largest working shift, plus vehicle stacking space as set forth in subsection (17) of this section
Retail store not specifically set forth in this schedule	1 for every 150 square feet of usable floor area
Industrial or research establishment	5, plus 1 for every 1½ employees in the largest working shift. Space on-site shall also be provided for all construction workers periods of plant construction
Warehouse and wholesale establishment and related accessory office	5, plus 1 for each employee in the largest working shift, or 1 for every 1,700 square feet of usable floor area, whichever is greater

(17) Vehicle stacking space. In addition to the requirements of subsection (16) of this section, wherever an accessory drive-through is utilized, the following vehicle stacking space standards shall apply:

Use	Vehicle Stacking Spaces
Fast food carryout	10
Bank, savings and loan, credit union, ATM station, etc.	5 for each window or teller machine
Auto wash, automatic	4 times the maximum capacity of the auto wash. Maximum capacity shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 18.
Auto wash, self-service or coin-operated	4 for each wash stall
Gasoline service station	1 for each vehicle fueling space
Other drive-through window facilities	4 vehicle stacking spaces

Each vehicle stacking space shall be 18 feet long by eight feet wide and shall be located independently of any parking space, vehicle maneuvering lane, loading area, or trash pickup station.

(Code 2004, § 54-1191; Zoning Ord. 1999, § 2306; Ord. No. 133, 4-15-2000)

Sec. 54-1021. - Parking space layout standards, construction and maintenance.

Whenever the off-street parking requirements set forth in section 54-1020 shall require the establishment of an off-street parking lot, such off-street parking lots shall be laid out, constructed and maintained in strict accordance with the following standards and regulations:

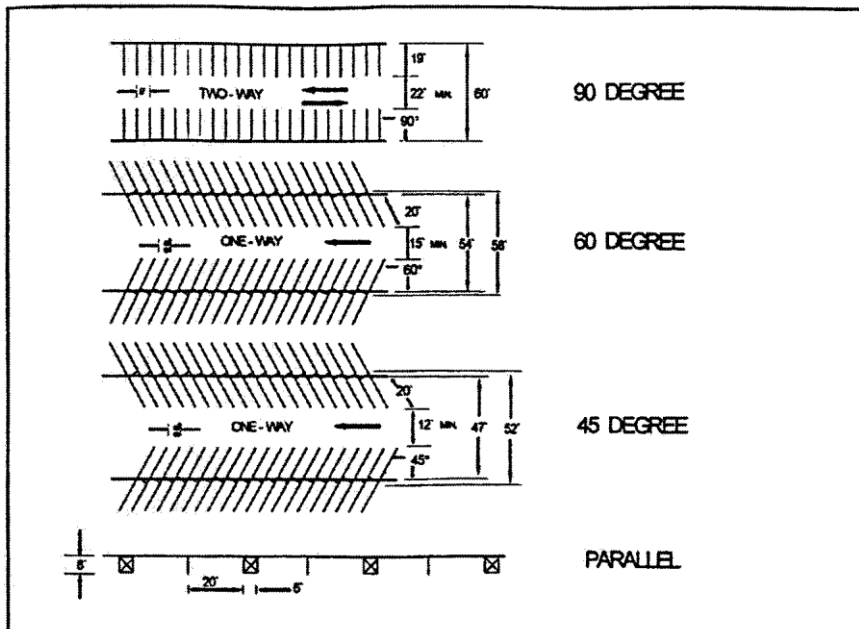
- (1) No parking lot shall be constructed or an existing parking lot improved, unless and until a permit is first issued by an authorized township official. Applications for a permit shall be submitted to the township in such form as may be determined by the township.
- (2) Plans for the layout of off-street parking facilities shall be in accordance with the minimum dimensional requirements depicted on the accompanying page.
- (3) Except for one-family and two-family residential uses, adequate lighting shall be provided throughout the hours when the parking area is in operation. All lighting shall conform to the requirements of section 54-667, pertaining to exterior lighting.
- (4) Adequate ingress and egress to the parking lot shall be provided and shall be designed in accordance with county road commission guidelines.
- (5) The planning commission may require the joining of parking lots in order to reduce the number of curb cuts into a public street and to facilitate movement between sites.
- (6) All parking spaces shall be clearly striped with lines at least four inches in width.
- (7) Except for parallel parking, when the front of a parking space abuts a raised (curbed) private sidewalk or other curbed on-site pavement that is not less than seven feet in width, two feet may be credited toward the total required parking space length.
- (8) Except for one-family and two-family uses, all parking lots shall have access from clearly limited and defined driveways not less than 12 feet wide for a one-way drive and 22 feet wide for a two-way drive.
- (9) The required number, size, spacing and layout of handicapped parking spaces shall be determined by state rules and regulations.
- (10) Parallel parking spaces shall be striped so as to show a space 20 feet in length with a six-foot maneuvering space for each two parking spaces.
- (11) Except for one-family dwellings and their accessory uses, all parking spaces shall have access from an aisle on the site.
- (12) Vehicle access to a parking lot shall not be across any zoning district that does not permit the principal use.
- (13) Bumper stops, curbing or wheel blocks shall be provided to prevent any vehicle from damaging or encroaching upon any required wall, fence or buffer strips or upon any building adjacent to the parking lot.
- (14) All required parking spaces, drives and aisles shall be hard-surfaced with concrete or asphalt, except for such seasonal and transient uses as public or private parks, golf courses, carnivals, stadiums and sports arenas and like uses.
- (15) Except for one-family residential uses, all hard-surfaced parking areas shall be constructed with concrete curbs.

Parking Pattern (degrees)	Aisle Width* (feet)	Parking Space Length (feet)	Parking Space Width (feet)	Total Width of One Tier of Spaces plus Aisle (feet)	Total Width of Two Tiers of Spaces plus Aisles (feet)
0 (parallel)	12	23	8	28	36

45	12	20	8.5	32	52
60	15	20	8.5	36	58
90	22	19	9	41	60

* The required aisle width may be reduced by not more than four feet, provided that the depth of each parking space shall be increased by a dimension not less than the reduction of the aisle width for that portion of the parking area so reduced.

- (16) All interior and abutting streets shall have rights-of-way of a sufficient width to accommodate the vehicular traffic generated by the uses permitted in the district or adequate provision shall be made at the time of the approval of the parking plan for such sufficient width of rights-of-way. The rights-of-way provided to satisfy this condition shall conform to the right-of-way standards set forth in the township master plan.
- (17) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than one-family residential use shall be at least 25 feet distant from adjacent property.
- (18) Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage onto adjacent property or toward buildings.
- (19) Maneuvering lanes serving angle parking shall permit one-way traffic movements only. Lanes serving right-angle parking shall permit two-way movement. The mixing of one-way and two-way movements within a lot shall be permitted only in exceptional instances and with the approval of the planning commission.



PARKING LAYOUTS

- (20) Dead-end off-street parking aisles are discouraged, especially in connection with business uses. Such aisles shall be no more than eight spaces deep and should, in any case, be used only

when there is no reasonable alternative. If more than eight spaces deep, the layout shall provide a means for vehicles to turn around.

- (21) Where required, walls and earth berms shall be provided in accordance with section 54-1107.
- (22) Parking lot trees shall be provided in accordance with section 54-1137 et seq.

(Code 2004, § 54-1192; Zoning Ord. 1999, § 2307)

Sec. 54-1022. - Loading and unloading.

On the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Such space shall be provided as follows:

- (1) Unless otherwise indicated, all spaces shall be laid out in the dimensions of at least ten by 80 feet, with a clearance of at least 14 feet in height for uses in the B-2, B-3, TR, I-1 and I-2 districts.
- (2) Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder so as to provide a permanent durable and dustless surface. Loading space may be enclosed.
- (3) Access to a loading space shall be provided directly from a public street or service drive and shall be arranged so as to provide sufficient off-street maneuvering space, as well as adequate ingress to and from a street or service drive.
- (4) Unless otherwise indicated, loading space is permitted in a rear yard only. In exceptional instances, loading space may be permitted in an interior side yard, with approval of the planning commission, when it can be shown that such location is necessitated by site conditions.
- (5) Loading space shall be distinct from, and shall not interfere with, parking aisles or spaces.
- (6) Loading and unloading spaces shall be effectively screened from view from any public street and from any office or residential zoning district.
- (7) In the OS-1, B-1, B-2, B-3 and TR districts, off-street loading and unloading shall be provided according to the following provisions:
 - a. For office buildings of less than 20,000 square feet in gross floor area, at least one loading space with minimum dimensions of nine feet by 20 feet, separate from off-street parking, shall be provided and may be located in any yard.
 - b. For office buildings greater than 20,000 square feet, loading shall be provided at the ratio of one space for each 40,000 square feet above 20,000 square feet.
 - c. For commercial uses, loading shall be provided as set forth in subsection (1) of this section, or at a ratio of ten square feet per front foot of building, whichever is the lesser amount.
 - d. For automobile service stations, required loading space may be located in any yard.
- (8) All spaces in I-1 or I-2 districts shall be provided in the following ratio of spaces to usable floor area:
 - a. For uses with a gross floor area of less than 20,000 square feet, one loading space shall be provided.
 - b. For uses with a gross floor area from 20,000 to 100,000 square feet, one loading space shall be provided, plus one space for each additional 50,000 square feet.
 - c. For uses with a gross floor area from 100,000 to 500,000 square feet, three loading spaces shall be provided, plus one space for each 50,000 square feet in excess of 100,001 square feet.

- (9) Unless otherwise provided, within any zoning district, loading space shall be provided as follows for uses other than one-family or multiple-family dwellings:
 - a. Funeral homes and mortuaries shall provide one loading space for each 5,000 square feet of gross floor area, plus one space for each additional 10,000 square feet.
 - b. For hospitals and similar uses of less than 10,000 square feet in gross floor area, at least one loading space with minimum dimensions of nine feet by 20, separate from off-street parking, shall be provided and may be located in any yard.
 - c. For hospitals and similar uses with a gross floor area of 10,000 square feet or greater, one loading space shall be provided, plus one space for each 50,000 square feet in excess of 10,000 square feet.
 - d. For all other uses, one space shall be provided per building or use. The planning commission shall determine the appropriate size of such space.

(Code 2004, § 54-1193; Zoning Ord. 1999, § 2308)

Secs. 54-1023—54-1042. - Reserved.

ARTICLE IX. - SIGNS^[6]

Footnotes:

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State Law reference— Highway advertising act, MCL 252.301 et seq.

DIVISION 1. - GENERALLY

Sec. 54-1043. - General restrictions.

The following conditions shall be applicable to all use districts:

- (1) All signs shall conform to all ordinances of the township and, where required, shall be approved by the building inspector and a permit shall be issued.
- (2) No sign, except those established and maintained by the township, county, state or federal governments, shall be located in, project into, or overhang a public right-of-way, dedicated public easement, or deed strip.
- (3) All wall signs shall be attached directly to a building wall and shall not extend above the height of the wall, nor beyond the width of the wall, to which it is attached. Furthermore, the exposed face of a wall sign shall be on a plane parallel to the building wall to which it is attached and shall not project out more than 18 inches beyond the vertical surface of the wall to which it is attached. A wall sign may include a sign mounted flat against the building fascia and which does not project beyond the fascia.
- (4) Except as otherwise permitted in this division, all freestanding signs shall be permanent signs affixed securely to a structure affixed securely to the ground, there being no sign or signs of a movable or portable nature permitted.
- (5) Except as otherwise permitted in subsection (2) of this section, no freestanding sign shall extend into or be otherwise located in the restricted clear corner vision triangle, as set forth in section 54-715.
- (6) Except as otherwise permitted in this division, no sign shall contain brightly flashing, scintillating, or turning features, fixtures, or movements of any kind, including pennants, streamers, banners,

flags, and electronically controlled change of word or message signs; except, electronic time and temperature signs may be permitted so long as time and temperature are the only messages displayed. Signs with manually changeable letters shall also be permitted.

(Code 2004, § 54-1221; Zoning Ord. 1999, § 2325(1))

Sec. 54-1044. - Accessory signs.

The following conditions shall be applicable to accessory signs:

- (1) An accessory sign may be permitted in any use district, and may consist of a wall sign and a freestanding sign.
- (2) Except where prohibited in this division, a freestanding accessory sign may be located in any yard, including a required front yard.
- (3) On a corner property, a freestanding accessory sign may be located in the required exterior side yard, provided the existing exterior side yard setback is equal to the front yard setback; otherwise, the sign shall be restricted to a location in the front yard.
- (4) A sign used for advertising land or buildings for sale, lease or rent shall be permitted when the sign pertains to the premises upon which it is located.

(Code 2004, § 54-1222; Zoning Ord. 1999, § 2325(2))

Sec. 54-1045. - Non-accessory signs.

- (a) Non-accessory signs shall be limited to freestanding signs only; there being no non-accessory wall signs permitted in the township.
- (b) Subject to subsection (c) of this section, a freestanding non-accessory sign is permitted in the I-1, I-2, E-1, B-1, B-2, B-3 and TR zoning districts having property frontage along I-75.
- (c) Along Interstate Highway 75 (I-75), any freestanding non-accessory sign shall be limited to within 100 feet of the existing right-of-way of I-75. All such signs shall be set back a minimum of 15 feet from all property lines.
- (d) Non-accessory signs shall be limited to a total surface area, facing in the same direction, of 672 square feet adjacent to I-75. Such signs shall have a maximum of two sign faces.
- (e) Any non-accessory sign shall be separated by minimum of 1,000 feet from any other non-accessory sign along the same side of the roadway, and 500 feet from any other non-accessory sign along the opposite side of the roadway.
- (f) The maximum total height of any non-accessory sign shall be 40 feet from ground level. The permitted maximum total height may be increased to 60 feet by the zoning officer if it can be shown that excessive grades, buildings, bridges, or other similar conditions would obstruct the view of the sign.
- (g) All non-accessory signs shall be constructed with noncombustible material. No wood products or other combustible materials shall be permitted for such signs.
- (h) All non-accessory sign drawings, prints or attachment details shall be signed and sealed by a licensed professional engineer.
- (i) A freestanding non-accessory sign pertaining to real estate development located within the township and designed to promote the sale of lots or homes within a subdivision being developed in the township shall be permitted in any zoning district. The sign shall possess limited capital investment value and shall not have footings or electrical service. No such sign shall be located upon subdivided land that is not part of the subdivision being advertised for sale. Such signs shall be subject to all applicable

requirements and conditions of this Code and shall be permitted on the property for a maximum of two years, with a one-year extension permissible after review by the building inspector.

(Code 2004, § 54-1223; Zoning Ord. 1999, § 2325(3); Ord. No. 208, 6-8-2015)

Sec. 54-1046. - Directional signs.

The following conditions shall be applicable to directional signs:

- (1) All directional signs required for the purpose of orientation, when established by the township, county, state or federal government, shall be permitted in all use districts.
- (2) Directional signs designed and intended to direct traffic on private property shall be permitted, provided the sign:
 - a. Does not contain more than six square feet of display area per side, with not more than two display sides permitted per sign.
 - b. Contains a directional symbol, such as an arrow or similar indicator of direction and/or words, such as entrance, exit, drive-through.
 - c. Does not exceed a height of four feet when a freestanding sign; and, when placed on a building wall, shall be placed flat against the wall and shall not project above or beyond any corner or above the height of the wall. Directional signs so mounted shall not be included as any part of the display area limitations applicable to an accessory wall sign.
 - d. Is not located in or does not project in any way into a public right-of-way.
- (3) A directional sign may be illuminated.
- (4) The number of directional signs placed on the property shall be limited to the minimum number needed to provide adequate direction.

(Code 2004, § 54-1224; Zoning Ord. 1999, § 2325(4))

Sec. 54-1047. - Public signs.

All street signs, all traffic control devices and all other public signs deemed necessary by the local, county, state or federal government shall be exempt from the standards of this division. Furthermore, a flag of the local unit of government or of the county, or of the state or other states, or of the nation or other nations, or of a single use occupying a single building on a single parcel of land, or a single grouping of any or all of the above-mentioned flags shall be exempt from the standards of this division.

(Code 2004, § 54-1225; Zoning Ord. 1999, § 2325(6))

Sec. 54-1048. - Temporary signs.

The following conditions shall be applicable to temporary signs:

- (1) Shall be permitted in any business or industrial zoning district.
- (2) Located on private property and comply with applicable requirements of this division.
- (3) Temporary signage shall only include pennants, flags, banners or bunting.
- (4) Temporary signage shall not include balloons or similar objects filled with, or using air pressure, or flashing and/or intermittent illuminated, freestanding wall signs.

- (5) Temporary signage shall be permitted for a period of 30 days upon submittal of an application and upon receiving a permit and payment of temporary sign fee from the township as currently established or as hereafter adopted by resolution of the township board from time to time.
- (6) Temporary signage shall not be redisplayed on the same premises in the district until an interim period of 90 continuous days has expired.
- (7) The township shall determine the location of the temporary sign after an inspection of the subject premises.
- (8) Temporary political signage is permitted in any zoning district, provided that all such signs are located on private property and provided further that such signs shall:
 - a. Be removed from the premises on which they are displayed within ten days following the date of the particular election to which the political sign pertains.
 - b. Not contain more than 20 square feet of display area per side, with not more than two display sides.

(Code 2004, § 54-1226; Zoning Ord. 1999, § 2325(7); Ord. No. 175, 6-14-2010)

Sec. 54-1049. - Awnings and canopies.

The following conditions shall be applicable to awnings and canopies:

- (1) Retractable awnings, as well as permanent awnings and canopies, may project into any minimum required building setback requirement, but not into any public right-of-way or into any public utility easement or deed strip.
- (2) An awning or canopy that is attached to a building wall and extends along the building wall and which contains a sign of any kind, except a directional sign, shall, for the purpose of this division, be considered a wall sign. Similarly, an awning or canopy which extends out perpendicular to the wall of a building and which contains a sign of any kind shall, for the purpose of this division, be considered a freestanding sign.

(Code 2004, § 54-1227; Zoning Ord. 1999, § 2325(8))

Sec. 54-1050. - Exceptions.

Wherever in this division reference shall be made to this section, the display area of a wall sign may be increased by one square foot for every three feet, or fraction thereof, that the specific wall to which the sign is to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 250 square feet of display area, or up to a maximum display equal to ten percent of the area of the specific wall to which the sign is to be attached, including all openings, whichever is the lesser amount.

(Code 2004, § 54-1228; Zoning Ord. 1999, § 2325(9))

Sec. 54-1051. - Maintenance.

All signs shall be kept in a proper, safe and workable order. All plastic faces shall be maintained intact and all metal on the sign shall be kept free of rust and painted with a rustproof paint. The township building department shall make periodic inspections of all signs and, if any sign is found to be in a deteriorating or unsafe condition, the township shall so notify the owner in writing. The notation shall state the particular condition or conditions of the sign that need attention, and that the owner has 30 days from the date of receipt of the notice to make the necessary corrections.

(Code 2004, § 54-1229; Zoning Ord. 1999, § 2325(10))

Sec. 54-1052. - Permits.

Licenses, insurance and all necessary permits applicable to the erection and maintenance of signs regulated in this division shall be required and shall be obtained from the township prior to erection or maintenance of any such signs. When mandated by law, all signs shall bear the seal or emblem of a nationally recognized testing laboratory.

(Code 2004, § 54-1230; Zoning Ord. 1999, § 2325(11))

Sec. 54-1053. - Changeable signs.

Changeable copy signs may only be permitted as part of a freestanding sign provided the following requirements are met:

- (1) Changeable copy signs are permitted in the I-1, I-2, E-1, B-1, B-2, B-3, and TR zoning districts having property frontage along I-75, Dixie, M-15 or Grange Hall Road west of Dixie Highway.
- (2) The image or message on the electronic bulletin board does not change more frequently than once every ten seconds.
- (3) The sign does not contain moving images (i.e., television type screens).
- (4) The display shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or other similar movements.
- (5) All electronic signs within 150 feet of a residential zone district, shall discontinue the display between the hours of 11:00 p.m. and 8:00 a.m.
- (6) The LED of the electronic message board is not illuminated beyond the default settings of the sign manufacturer's brightness/dimming controls which shall be submitted to the township as part of the permit. All signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.
- (7) The owner of an electronic message board shall allow the township to use the electronic message board to communicate emergency public service information approved by the township supervisor relating to a disaster or emergency. The operational restrictions on electronic message boards set forth above shall not apply during any time that the electronic message board is used to communicate authorized emergency public service information for the township.
- (8) The owner agrees to update an approved emergency public service information communication, or discontinue the emergency public service message, as soon as possible after receiving a request from the township supervisor. The owner shall file and keep current at all times with the township supervisor's office the name, e-mail address, phone number, cell phone number, pager and other available emergency contact information of the employee or representative of the owner who has been authorized and designated by the owner to communicate the approved emergency public service message using the electronic message board.

(Code 2004, § 54-1231; Ord. No. 171, 11-9-2009; Ord. No. 208, 6-8-2015)

Secs. 54-1054—54-1074. - Reserved.

DIVISION 2. - DISTRICT REGULATIONS FOR ACCESSORY SIGNS

Sec. 54-1075. - Additional applicable conditions.

In addition to compliance with the applicable requirements of sections 54-1043 and 54-1188, the provisions of this subdivision shall apply to all accessory signs permitted in the various use districts indicated.

(Code 2004, § 54-1261; Zoning Ord. 1999, § 2325(5))

Sec. 54-1076. - RE/F districts.

The following provisions apply in the RE/F districts:

- (1) *Wall signs.* Wall signs shall be permitted as follows: For each dwelling unit, one nameplate not to exceed two square feet in area and indicating only the name of the occupant.
- (2) *Freestanding signs.* Freestanding signs shall be permitted as follows:
 - a. For a nonresidential use permitted in the district, one illuminated bulletin board-type sign not exceeding 20 square feet in area or six feet in height; except stables permitted in the district may have one non-illuminated freestanding sign containing not more than 32 square feet of display area per sign side, with a maximum of two display sides and an overall height of not more than six feet.
 - b. Illuminated entrance signs to a one-family subdivision or one-family site condominium development, identifying the name of the development only. Such signs shall not exceed 32 square feet in display area per side, shall not have more than two display sides, and shall not exceed six feet in height.
- (3) *Reflecting address numbers.* To aid public safety personnel in carrying out their duties as expeditiously as possible, every one-family residential property owner shall display the address of the property along the property frontage. The numbers shall be:
 - a. Placed in a conspicuous location that can be easily seen and read from the frontage road;
 - b. Three-inch high white reflecting figures on a reflecting green background;
 - c. Placed on a mail box or on a supporting leg of a mail box, provided the mail box is on the same side of the road as the property it is serving, or on a self-supporting structure of its own, which shall also be located on the same side of the road as the property it is identifying;
 - d. Placed in a public road right-of-way or private road easement along the edge of the frontage road near the property's driveway entrance;
 - e. Maintained in a clean and viewable manner free of weeds or other planning materials or other obstruction along the road that may block easy view of the numbers from the road; and
 - f. Promptly replaced when they become damaged or dislodged.
- (4) *Changeable signs.* Changeable sign pursuant to the conditions outlined in section 54-123.

(Code 2004, § 54-1262; Zoning Ord. 1999, § 2325(5)a; Ord. No. 119, 8-14-2000; Ord. No. 143, 3-9-2004; Ord. No. 171, 11-9-2009)

Sec. 54-1077. - R-1 and R-2. districts.

The following provisions apply in the R-1 and R-2 districts:

- (1) *Wall signs.* Wall signs shall be permitted in this section as permitted and regulated in section 54-1076(1).

- (2) *Freestanding signs.* Freestanding signs shall be permitted in this section as permitted and regulated in section 54-1076(2)a., pertaining to nonresidential uses permitted in the districts only, and as permitted and regulated in section 54-1076(2)b.

(Code 2004, § 54-1263; Zoning Ord. 1999, § 2325(5)b)

Sec. 54-1078. - RM and RMH districts.

The following provisions apply to RM and RMH districts:

- (1) *Wall signs.* Wall signs shall be permitted in this section as permitted and regulated in section 54-1076(1).
- (2) *Freestanding signs.* Freestanding signs shall be permitted as follows:
 - a. As permitted and regulated in section 54-1076(2)a, pertaining to nonresidential uses permitted in the districts.
 - b. Illuminated entrance signs to a one-family subdivision, one-family site condominium development, or a multiple-family residential development, identifying the name of the development only. Such signs shall not exceed 32 square feet in display area per side, shall not have more than two display sides, and shall not exceed six feet in height.

(Code 2004, § 54-1264; Zoning Ord. 1999, § 2325(5)c)

Sec. 54-1079. - RC districts.

The following provisions apply to RC districts:

- (1) *Wall signs.* Wall signs shall be permitted as follows: One illuminated identification sign per building entrance, identifying the name of the building and/or the function of the building, and not exceeding eight square feet in area.
- (2) *Freestanding signs.* Freestanding signs shall be permitted as follows: One illuminated freestanding sign per public entrance, provided such signs shall be at least 500 feet apart on the same side of the road. Such signs shall identify only the name of the recreation facility, shall contain not more than 32 square feet of display area per side, with not more than two display sides, and shall not exceed six feet in height.

(Code 2004, § 54-1265; Zoning Ord. 1999, § 2325(5)d)

Sec. 54-1080. - OS-1 districts.

The following provisions apply in OS-1 districts:

- (1) *Wall signs.* Wall signs shall be permitted as follows:
 - a. Except as otherwise permitted in section 54-1043, one illuminated wall sign not exceeding 100 square feet in total display area for each office building, displaying only the name of the building or the use, if a single building, or a single use in a building.
 - b. For each company office occupying a building, one wall sign not exceeding nine square feet of display area for each wall containing a pedestrian door designed for public entry.
- (2) *Freestanding signs.* Freestanding signs shall be permitted as follows: One illuminated sign for a single office building on a single parcel of land, or one illuminated sign for a complex of office buildings on a single parcel of land. Such signs shall not exceed 32 square feet of display area per side, shall not have more than two display sides, and shall not exceed six feet in height.

(Code 2004, § 54-1266; Zoning Ord. 1999, § 2325(5)e)

Sec. 54-1081. - B-1, B-2 and B-3 districts.

The following provisions apply in B-1, B-2 and B-3 districts:

- (1) *Wall signs.* Wall signs shall be permitted as follows:
 - a. Except as otherwise permitted in section 54-1043, one illuminated sign for each wall containing a customer entry in a single building containing a single use on one parcel of land. Each such sign shall not exceed 100 square feet in display area, or not more than ten percent of the total area of wall to which it is to be attached, including all openings, whichever is the lesser amount. A motor vehicle service facility may have additional wall signs identifying an automotive service performed on the premises when such signs are located directly above the entrance to a service bay. No such sign shall exceed nine square feet in display area.
 - b. Except as otherwise permitted in section 54-1043, one illuminated sign for a single building or group of buildings containing store bays attached by means of common party walls, displaying the name of the building or center only and not exceeding 100 square feet in display area. Each independent use within a store bay may have one illuminated sign not exceeding 32 square feet in display area for each wall containing a door designed and intended for customer entry.
- (2) *Freestanding signs.* Freestanding signs shall be permitted as follows:
 - a. One illuminated sign for a single building containing a single use on a single parcel of land. The sign shall not exceed 100 square feet in display area per side, shall not have more than two display sides, and shall not exceed 20 feet in overall height. A gasoline service station may add 20 square feet of illuminated display area per sign side, for the display of gasoline prices only.
 - b. One illuminated sign for a single building or group of buildings containing more than one use on a single parcel of land, containing not more than 100 square feet of display area per side, with not more than two display sides, displaying only the name of the center, and not exceeding 20 feet in height.
 - c. Changeable sign pursuant to the conditions outlined in section 54-1053.

(Code 2004, § 54-1267; Zoning Ord. 1999, § 2325(5)f; Ord. No. 171, 11-9-2009)

Sec. 54-1082. - TR districts.

The following provisions apply to TR districts:

- (1) *Wall signs.* Wall signs shall be permitted as follows: Except as otherwise permitted in section 54-1043, one illuminated wall sign not exceeding 100 square feet in display area for a single use in a single building, to be placed on the wall containing the principal entrance, or not more than 32 square feet in display area for each individual use in a single building, to be placed on the wall containing the principal entrance to each individual use in the building.
- (2) *Freestanding signs.* Freestanding signs shall be permitted as follows: One illuminated sign containing not more than 32 square feet of display area per side, with not more than two display sides, and not exceeding five feet in height.

(Code 2004, § 54-1268; Zoning Ord. 1999, § 2325(5)g)

Sec. 54-1083. - I-1 and I-2 districts.

The following provisions apply to I-1 and I-2 districts:

- (1) *Wall signs.* Wall signs shall be permitted as follows: Except as otherwise permitted in section 54-1043, one illuminated wall sign not exceeding 100 square feet in display area for each wall containing a principal entryway to the building.
- (2) *Freestanding signs.* Freestanding signs shall be permitted as follows:
 - a. One illuminated sign containing not more than 100 square feet of display area per side, with not more than two display sides, and not exceeding 20 feet in height.
 - b. An illuminated non-accessory sign containing not more than 300 square feet of display area per side, with not more than two display sides, and not exceeding 25 feet in height. All such signs shall be located at least 1,320 feet from any other such sign.

(Code 2004, § 54-1269; Zoning Ord. 1999, § 2325(5)h)

Sec. 54-1084. - E-1 districts.

The following provisions apply to E-1 districts:

- (1) *Wall signs.* Wall signs shall be permitted as follows: One illuminated accessory sign per building entrance, identifying the name and/or the function of the building, and not exceeding eight square feet of display area.
- (2) *Freestanding signs.* Freestanding signs shall be permitted as follows: One illuminated accessory sign depicting only the name of the company and containing not more than 100 square feet of display area per side, with not more than two display sides, and not exceeding 20 feet in height.

(Code 2004, § 54-1270; Zoning Ord. 1999, § 2325(5)i)

Secs. 54-1085—54-1106. - Reserved.

ARTICLE X. - LANDSCAPING AND SCREENING

DIVISION 1. - GENERALLY

Sec. 54-1107. - Screen walls and earth berms—Where required.

Except as otherwise provided in this section, there shall be provided and maintained an obscuring wall or earth berm in accordance with this section between:

- (1) Any one-family residential district and any mobile home park district;
- (2) Any one-family residential district and any multiple-family residential district;
- (3) Any residential district and any office district;
- (4) Any residential district and any commercial district;
- (5) Any residential district, any technical research district, and any industrial district; or
- (6) Any off-street parking areas of nonresidential uses permitted in a residential district and any residential uses;
- (7) Any mineral mining operation and any other land use.

(Code 2004, § 54-1311; Zoning Ord. 1999, § 2312(1))

Sec. 54-1108. - Same—Height requirements.

The height of an obscuring screen wall or landscaped earth berm shall be in accordance with the following specified heights:

- (1) In the cases of section 54-1107(1) through (4), six feet.
- (2) In the case of section 54-1107(5), six feet, or to a height sufficient to effectively screen outdoor storage areas; except, in no case shall a screening device designed and intended to screen outdoor storage exceed a height of 12 feet, unless the screen consists of natural features, such as changes in topography or heavy natural foliage, all of which shall exist on the property of the use it is intended to screen.
- (3) In the case of section 54-1107(6), four feet six inches; except in the case of a hospital or medical clinic emergency entrance, or ambulance delivery area, and in the case of public utility buildings with outdoor substations, eight feet.
- (4) In the case of section 54-1107(7), as required in the E-1 district.

(Code 2004, § 54-1312; Zoning Ord. 1999, § 2312(2))

Sec. 54-1109. - Same—Location on property line.

Required screen walls and earth berms shall be located on the property line, except where underground utilities interfere and except in those instances where this chapter requires conformance with front yard setback lines in abutting residential districts. Any request or necessity for locating a screen wall or earth berm other than along a property line shall require review and approval of an alternate location by the planning commission. The planning commission, in making its review of alternate screen wall or earth berm locations, shall consider the following:

- (1) Ability of the screen wall to maintain continuity beyond the property line;
- (2) Effectiveness of the screen wall or earth berm to screen effectively in an alternate location; and
- (3) Impact an alternate location may have on site drainage, overall site appearance and the functional well-being of the development proposed for the property.

(Code 2004, § 54-1313; Zoning Ord. 1999, § 2312(3))

Sec. 54-1110. - Openings for vehicular traffic.

Screen walls and earth berms shall have no openings for vehicular traffic or for any other purpose, except as otherwise provided for in this chapter and except in the instance of providing for public safety, when recommended by the township building inspector.

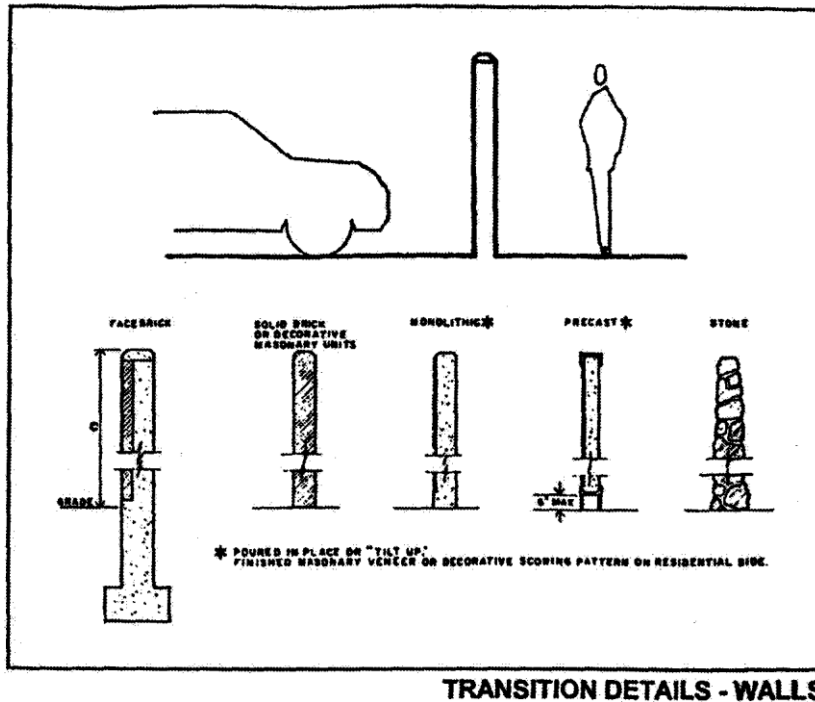
(Code 2004, § 54-1314; Zoning Ord. 1999, § 2312(4))

Sec. 54-1111. - Construction materials for screen walls.

Where in this chapter, a screen wall shall be required, the screen wall shall be constructed of architectural masonry materials other than standard concrete masonry units (CMU). Architectural masonry materials may include decorative concrete panel walls, poured-in-place concrete walls scored to appear like brick or stone, brick as defined in this zoning code, stone (real or cultured), or reinforced concrete or treated heavy plank wood when the wall shall also serve as a retaining wall. No masonry screen wall shall be painted. Screen wall materials may be stained in earth tone colors or made colorfast by mixing the color into the material being prepared for use in the construction of the wall. A masonry

screen wall structure shall include a masonry cap, which shall extend along the full length of the wall top. The cap shall be triangular shaped in the form of an inverted V, or shall be rounded, and shall project outward on both sides of the wall at least one inch. No attachments shall be made to the top of the cap on any screen wall structure that will contain or consist of sharp or pointed materials, including any kind of spikes, or sharp wire, or wire with barbs, or wire with an electric charge.

(Code 2004, § 54-1315; Zoning Ord. 1999, § 2312(5); Ord. No. 150, 12-12-2005)

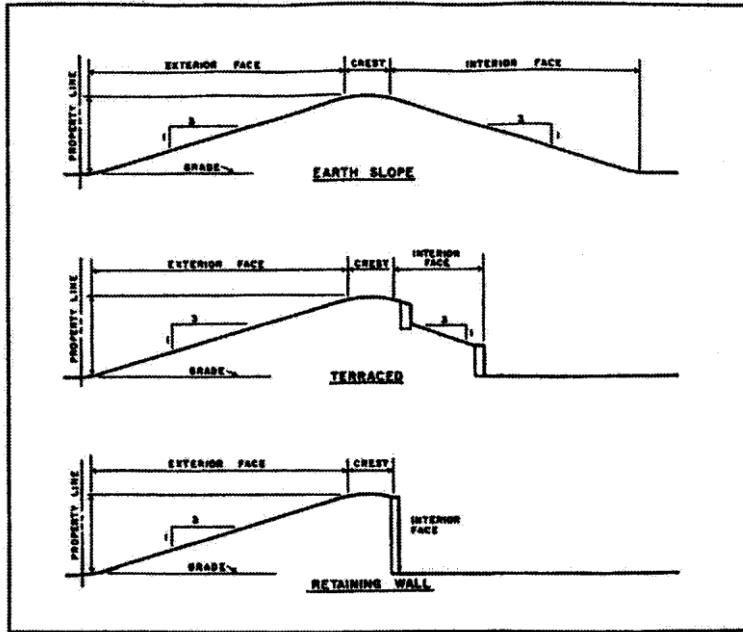


Sec. 54-1112. - Earth berm may be permitted instead of screen wall; construction requirements.

The planning commission may permit, in place of an architectural masonry screen wall, the erection of a landscaped earth berm, provided the earth berm shall have a minimum height of not less than that required for a screen wall. An earth berm shall:

- (1) Have a side slope of not greater than three on one (three feet of horizontal plane for each foot of vertical rise);
- (2) Consist of undulating top and side slopes;
- (3) Have a crest at the top of the earth berm of not less than two feet across;
- (4) Include an adequately designed drainage swale on the property line side of the berm to accommodate stormwater runoff. The drainage swale shall be subject to review and approval by the township engineer and the county drain commission; and
- (5) Be sodded or seeded so as to prevent erosion of the sides of the earth berm and be attractively landscaped with plant materials acceptable to the township. The township, in making its review of the landscape planting plan for the earth berm, may require installation of an automated irrigation system. All landscape materials approved by the township for the earth berm shall be maintained in a living, growing condition, neat and orderly in appearance.

(Code 2004, § 54-1316; Zoning Ord. 1999, § 2312(6))



TRANSITION DETAILS - BERM ILLUSTRATIONS

Sec. 54-1113. - Landscape planting screen.

The planning commission may permit, in place of an architectural masonry screen wall or a landscaped earth berm, the placement of a dense landscape planting screen consisting of evergreen planting materials, the minimum height of which, at the time of planting, shall be not less than the minimum height required for a screen wall. When permitted by the planning commission, the landscape planting screen shall be planted and maintained in accordance with the landscape screening requirements of section 54-1137 et seq.

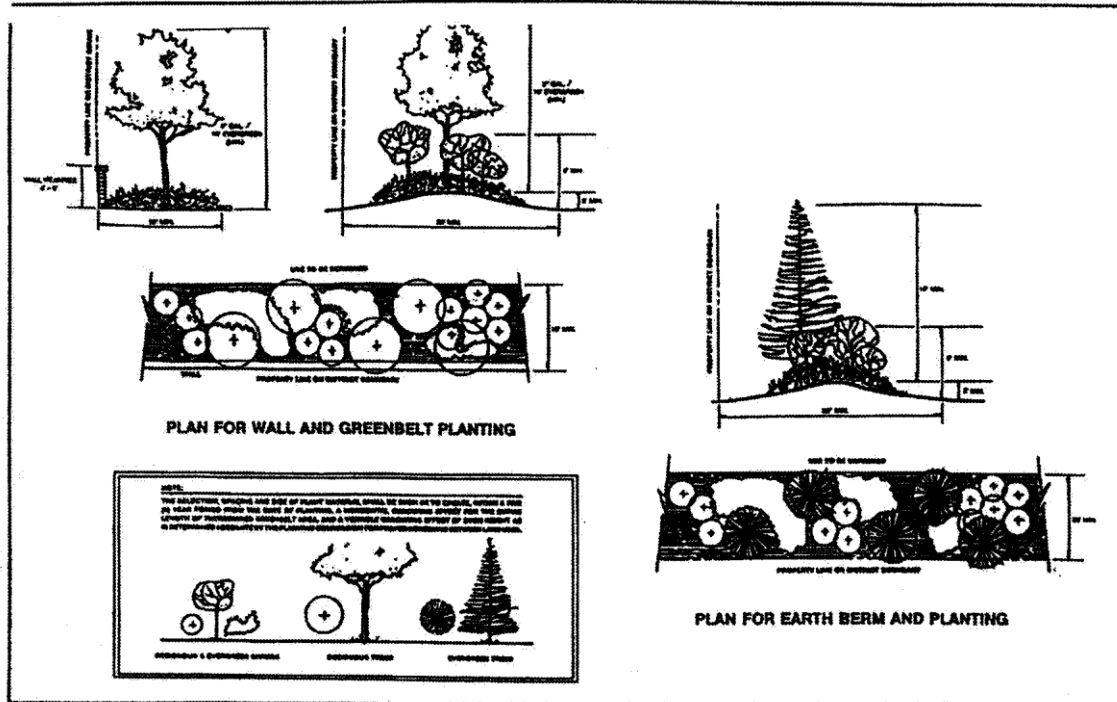
(Code 2004, § 54-1317; Zoning Ord. 1999, § 2312(7))

Sec. 54-1114. - Planning commission approval.

Except where this chapter requires action by the board of zoning appeals, the planning commission may approve one of the screening alternatives set forth in this chapter or a combination thereof. The planning commission may also waive the screening requirements of this section, provided it finds at least one of the following conditions to exist on the property:

- (1) The abutting residential district for which a screening device is required is determined to be an area in land use transition, which is likely to become a nonresidential district in the future. The planning commission shall rely on the land use recommendations of the township master plan map when evaluating the future use of the land abutting the subject property.
- (2) Changes in topographic conditions between the nonresidential and residential lands that are to be screened is such that a screen wall or alternative screening device, as set forth in this section, would not screen effectively and therefore would serve no useful purpose.
- (3) Sufficient natural vegetation exists along the common property line between the nonresidential district and the affected residential district to serve as an equally effective or better screen than the required screen wall or other permitted screening device would provide. The planning commission, in determining this alternative, shall:
 - a. Find the existing foliage to be extensive enough to create an effective year-round screen; and

- b. Require documentation in writing from the landowner that the natural screen will be preserved and maintained as a natural screen for as long as a screening device shall be required for the property by the township. The planning commission, in reviewing the effectiveness of a natural screen, may require the placement of additional planting materials to augment the screening capability of the natural screen.



TRANSITION DETAILS - GREENBELT PLANTING SCREEN ILLUSTRATIONS

- (4) A building wall of an existing or proposed building may serve as a screen, or partial element of a screen wall, when the wall shall generally parallel the parcel line or district line for which a screen is required by this section; provided, the building wall shall be at least six feet in height along its entire length, shall consist of architectural masonry materials other than cinderblock, shall have no openings, and shall have no other accessory buildings, uses or functions located between the building wall and the property/zoning district line. This yard area shall consist of a landscaped lawn area that shall be maintained in a healthy growing condition, neat and orderly in appearance.

(Code 2004, § 54-1318; Zoning Ord. 1999, § 2312(8))

Secs. 54-1115—54-1136. - Reserved.

DIVISION 2. - LANDSCAPE PLANTING STANDARDS

Sec. 54-1137. - Intent.

The purpose of this division is to establish minimum standards for the development, installation and maintenance of landscaped pervious areas within all multiple-family and all nonresidential districts and for all nonresidential uses permitted in a residential district. This division further recognizes that the proper management and use of trees, plants and other types of vegetation will improve the appearance, value, character and quality of the living environment in the township and promote resourceful site planning and creative design. To this end, the regulatory standards set forth in this division are established.

(Code 2004, § 54-1351; Zoning Ord. 1999, § 2313(1))

Sec. 54-1138. - Required conditions for screens and materials.

Wherever in this chapter a landscape planting screen or landscape planting materials are required, such landscape planting materials shall be subject to the following conditions:

- (1) All planting screens and landscape planting materials shall be planted in accordance with an approved planting plan and planted to completion prior to issuance of a certificate of occupancy by the township. If a use is ready for occupancy between April 1 and September 30, a certificate of occupancy may be issued. If a use is ready for occupancy between October 1 and March 31, a temporary certificate of occupancy may be issued; however, all required planting materials shall be placed to completion within 60 days after March 31. Failure to have such required planting material placed to completion within 60 days after March 31 shall be grounds for termination or revocation of a temporary certificate of occupancy. No additional certificate of occupancy, either temporary or final, shall be issued thereafter until all required landscape planting materials are placed to completion. A period of establishment shall start at the completion of all planting and shall continue through the succeeding summer growing season of June, July and August as set forth in this division.
- (2) Whenever any cosmetic planting areas or required planting screens approach a street or driveway intersection, the clear corner requirements of section 54-715 shall be observed; however, in all cases, care shall be taken relative to plant material, height and location so as not to create a traffic hazard.
- (3) Trees of a species whose roots are known to cause damage to public roadways or other public utilities shall not be planted closer than 12 feet to such roadway or public utility unless the tree root system is completely contained within a barrier, for which the minimum interior containing dimensions shall be five feet square and five feet deep, and for which the construction requirements shall be four-inch-thick concrete reinforced with No. 6 road mesh (six inches by six inches by six inches, or equivalent).
- (4) Ground covers used in lieu of grass shall be planted in such a manner that they will not exceed spacing of 18 inches, so as to provide reasonably complete coverage.
- (5) Grass areas shall be planted and grown as permanent lawns. Grass may be sodded or seeded and mulched, and shall be protected from erosion until the coverage is permanently established.
- (6) To prevent vehicular encroachment, including vehicle overhang, onto or into landscaped areas, planting materials in areas involving motor vehicles shall be protected by the use of wheel stops, raised concrete or asphalt curbing, or other satisfactory and acceptable methods of barrier.
- (7) All open ground areas on any site, including pervious surfaces used in the calculation of lot coverage requirements, yard areas, open ground areas disturbed by construction, and other similar areas where such landscaping is appropriate and feasible, shall be provided with coverage of grass, ground cover, shrubs, or other approved landscaping material. Materials that prevent or inhibit, to an unreasonable extent, the percolation of water into the soil shall be considered unacceptable materials for the treatment of these areas.
- (8) The trunks or main stems of trees and shrubs shall be provided with a minimum thickness of at least two inches of mulch no less than at least 24 inches beyond the trunks or stems of all newly planted trees and shrubs. Such mulch shall be provided at the time of planting and shall be maintained and resupplied as needed thereafter.
- (9) All landscaped areas shall be provided with an acceptable irrigation system or available water supply with at least one hose connection within 50 feet of all plant material to be maintained. Individual planters and isolated planting areas shall have appropriate irrigation sources provided within each separate planting area.

- (10) All irrigation systems shall be maintained in an operable condition capable of providing adequate irrigation to landscaped areas as required. All inoperable irrigation systems and components thereof shall be promptly repaired or replaced so that adequate coverage of landscaped areas is restored and maintained.
- (11) All planting materials shall be properly planted so as to be in a healthy, growing condition at the time of establishment. All planting material shall consist of permanent, living plant materials and, when planted to completion, shall thereafter be maintained in an attractive and presentable condition, free of weeds, refuse and debris, and shall be continuously maintained in a sound, healthy and vigorous growing condition, free of plant diseases and insect pests.
- (12) Top pruning or other severe pruning or maintenance practices of landscaping materials that results in stunted, abnormal, or other unreasonable deviation from the normal healthy growth of trees, shrubs, and other required landscaping components shall be considered as the destruction of these materials, and replacement shall be required as described in this division. Failure of the owner of the property to maintain the premises in good condition, as set forth in subsection (11) of this section, shall make him liable for the penalties set forth by this chapter.
- (13) All plant materials shall meet current American Association of Nurserymen standards.
- (14) No landscaped area may be abandoned, paved, encroached upon by vehicular traffic, or otherwise used without submission of a site plan and approval by the township pursuant to the procedures set forth in this division.

(Code 2004, § 54-1352; Zoning Ord. 1999, § 2313(2))

Sec. 54-1139. - Planting screens—Detailed planting plan.

Whenever a landscape planting screen is permitted under the provisions of this chapter, a detailed planting plan of such screen shall be submitted to and approved by the planning commission prior to issuance of a building permit. The planting plan shall indicate, to scale, the location, spacing, starting size and description for each unit of plant material proposed for use within the required screening area. Detailed plans shall be submitted in accordance with the following:

- (1) Minimum scale shall be one inch equals 30 feet, or same scale as the site plan involved, if a requirement for site plan approval.
- (2) Existing and proposed contours shall be depicted with contour intervals not to exceed two feet.
- (3) The planting plan shall indicate the location, size, spacing and root type (bare root, balled in burlap, balled and potted, or container-grown) of all plant materials.
- (4) Where earth berms are used in conjunction with a planting screen, the planting plan shall provide typical cross sections depicting the slope, height and width of the berms and the type of ground cover intended to be placed on them. If masonry walls are used in conjunction with earth berms, the height of the wall and the type of materials to be used in the construction of the wall, as well as the type of materials to be used in the wall footings, shall also be shown in cross section format.
- (5) The planting plan shall depict significant construction details, where applicable, to reflect specific site conditions; e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns, etc.
- (6) The planting plan shall indicate existing tree cover that is to be used in conjunction with, or in place of, the screen planting requirements of this chapter, including types of trees and overall tree height.

(Code 2004, § 54-1353; Zoning Ord. 1999, § 2313(3))

Sec. 54-1140. - Same—Planting plan review.

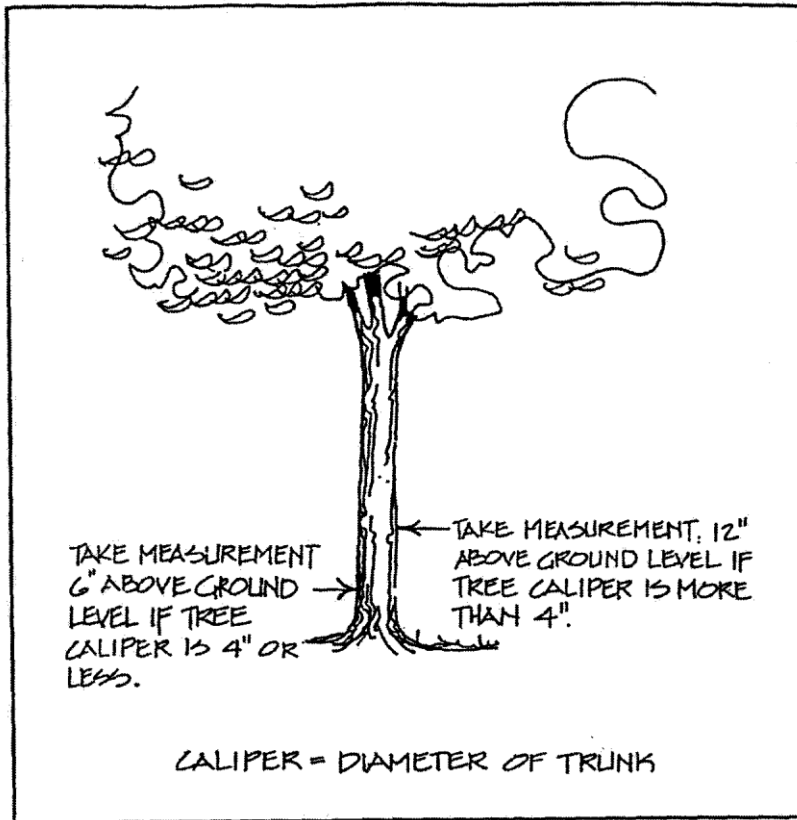
The planting plan shall be reviewed for conformance with the following guidelines:

- (1) The proper types, spacing, height, placement and location of plant materials relative to the length and width of the screen so as to ensure that the required horizontal and vertical obscuring of the land use the screen is intended to obscure will be achieved.
- (2) The choice and selection of plant materials so as to ensure that root systems will not interfere with public utilities and so that fruit and other debris, except leaves, will not constitute a nuisance within public rights-of-way or to abutting property owners.
- (3) The choice and selection of plant materials so as to ensure that the type of planting materials selected will be of a type that will thrive in the area in which they are to be located.
- (4) The proper relationship between deciduous and evergreen plant materials exists so as to ensure that the desired obscuring effect will be accomplished.
- (5) The size of plant material (both starting and ultimate) to ensure adequate maturity and optimum screening effect of proposed plant materials.
- (6) Compliance with the applicable landscape design principles set forth in this division.

(Code 2004, § 54-1354; Zoning Ord. 1999, § 2313(4))

Sec. 54-1141. - Same—Layout standards.

- (a) Landscape planting screens, when permitted as an alternative to a masonry screening wall or earth berm, or in conjunction with either, shall be laid out in conformance with the following guidelines:
 - (1) Plant materials, except creeping vine-type planting materials, shall not be located within four feet of the property line.
 - (2) Where plant materials are placed in two or more rows, they shall be staggered in rows.
 - (3) Evergreen trees shall not be less than six feet in height. When planted in informal groupings, they shall be spaced apart no less than ten feet on center. When spaced further apart, additional screen planting materials shall be used to achieve the desired screening effect intended by this division. When planted in rows, they shall be planted not less than ten feet apart on center.
 - (4) Narrow evergreen trees shall not be less than five feet in height at the time of planting. When planted in informal groupings, they shall be spaced not more than ten feet apart on center. When planted in rows, they shall be planted not more than five feet apart on center.
 - (5) Large shrubs shall not be less than 30 inches in height. When planted in informal groupings, they shall be spaced not more than six feet apart on center. When planted in single rows, they shall not be spaced more than four feet apart on center.
 - (6) Small shrubs shall not have a spread of less than 18 inches, and shall not be planted more than four feet apart on center.
 - (7) Large deciduous trees shall not be less than 2½ inches in trunk caliper. For the purpose of this division, the caliper of the trunk shall be taken six inches over ground level, up to and including four-inch caliper size, and 12 inches above the ground level for larger trees. When placed in informal groupings, they shall be planted not more than 30 feet apart on center.



TREE CALIPER MEASUREMENTS

- (8) Small deciduous trees shall not be less than two inches in trunk caliper, measured in the same manner as set forth in subsection (7) of this section. When planted in informal groupings, they shall be spaced not more than 15 feet apart on center.

RECOMMENDED DISTANCES BETWEEN LIKE AND UNLIKE PLANT MATERIALS

<i>Plant Material Types</i>	<i>Evergreen Trees</i>	<i>Narrow Evergreen Trees</i>	<i>Large Deciduous Trees</i>	<i>Small Deciduous Trees</i>	<i>Large Shrubs</i>	<i>Small Shrubs</i>
<i>Evergreen Trees</i>	Min. 10' Max. 20'	Min. 12'	Min. 20'	Min. 12'	Min. 6'	Min. 5'
<i>Narrow Evergreen Trees</i>	Min. 12'	Min. 5' Max. 10'	Min. 15'	Min. 10'	Min. 5'	Min. 4'
<i>Large Deciduous Trees</i>	Min. 20'	Min. 15'	Min. 20' Max. 30'	Min. 5'	Min. 15'	Min. 3'

<i>Small Deciduous Trees</i>	Min. 12'	Min. 10'	Min. 15'	Min. 8' Max. 15'	Min. 6'	Min. 3'
<i>Large Shrubs</i>	Min. 6'	Min. 5'	Min. 5'	Min. 6'	Min. 4' Max. 6'	Min. 5'
<i>Small Shrubs</i>	Min. 5'	Min. 4'	Min. 3'	Min. 3'	Min. 5'	Min. 3'

(b) Suggested (not required) plant material:

(1) Trees:

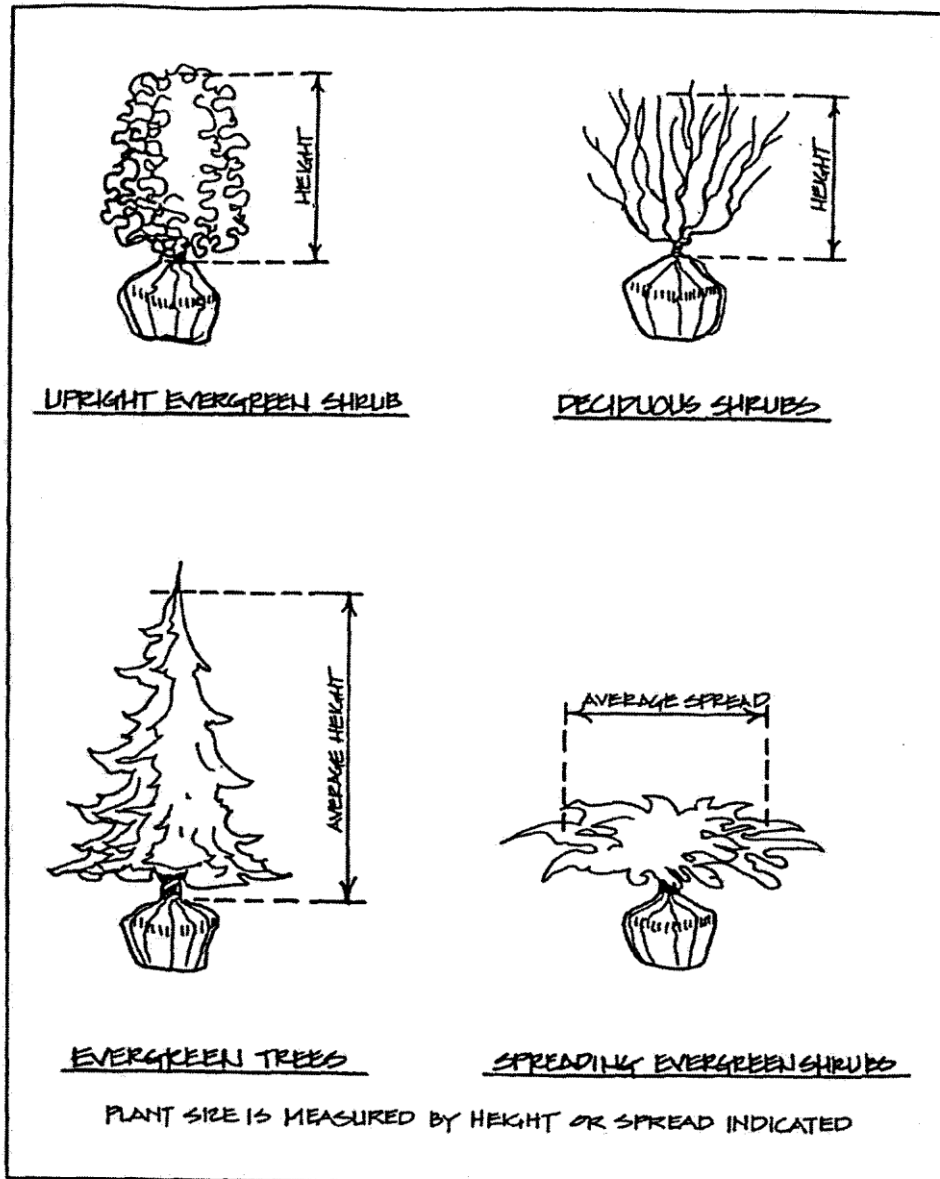
- a. *Evergreen*: Abies (fir), Picea (spruce), Pinus (pine), Psuedostuga (Douglas fir), and Tsuga (hemlock). Note: Exceptions are dwarf, globe, pendulous specie/cultivars.
- b. *Narrow evergreen*: Juniperus (juniper), and Thuja (arborvitae). Note: Exceptions are dwarf, globe, spreading specie/cultivars.
- c. *Large deciduous*: Acer (maple, except Japanese), Betula (birch), Fraxinus (ash), Gleditsia (honey locust, thornless cultivars only), Ginkgo (ginkgo), Platanus (sycamore, linden), and Quercus (oak).
- d. *Small deciduous*: Amelanchier (juneberry), Cercis (redbud), Cornus (dogwood, tree form), Crataegus (hawthorn), Malus (crabapple, disease-resistant cultivars), Prunus (flowering plum, tree form), Pyrus (flowering pear), Sorbus (mountain ash), and Syringa (lilac, tree form).

(2) Large shrubs:

- a. *Deciduous/broadleaf evergreen*: Cornus (dogwood, shrub form), Cotoneaster (cotoneaster), Forsythia (forsythia), Lonicera (honeysuckle), Philadelphus (mock orange), Prunus (flowering plum), Rhamnus (buckthorn), Rhus (sumac), Spiraea (spirea), Syringa (lilac), Viburnum (viburnum), and Weigela (weigela). Note: Defined as plants maturing at five feet and up.
- b. *Evergreen*: Juniperus (hertz, pfitzer, savin juniper), and Taxus cuspidata 'Capitata' (pyramidal Japanese yew). Note: Defined as plants maturing at five feet and up.

(3) Small shrubs:

- a. *Deciduous/broadleaf evergreen*: Berberis (barberry), Buxus (boxwood), Chaenomeles (quince), Cotoneaster (cotoneaster), Euonymus (euonymus), Forsythia (forsythia), Hydrangea (hydrangea), Llew (holly), Ligustrum (privet), Lonicera (honeysuckle), Potentilla (potentilla), Ribes (currant), (willow), Spiraea (spirea), Syringa (lilac), Viburnum (viburnum), and Weigela (weigela). Note: Defined as plants maturing under five feet.
- b. *Evergreen*: Abies (fir), Chamaecyparis (false cypress), Juniperus (low spreading juniper), Picea (spruce), Pinus (pine), Taxus (globe, spreading, upright yew), and Thuja (globe/dwarf arborvitae).



PLANT SIZES

- (c) Trees not suggested: ailanthus (tree of heaven), Robinia (black locust), and Ulmus Americana (American elm).

(Code 2004, § 54-1355; Zoning Ord. 1999, § 2313(5))

Sec. 54-1142. - Same—Alternatives.

Where it can be shown that physical constraints on the land, such as shallow or narrow parcel size, adverse soil conditions, substantial changes in topography, or a similarly adverse physical condition, exist in the area of the screen, and which would make compliance with the conventional landscape screening requirements of this division, or erection of a masonry wall or earth berm, impractical or ineffective with respect to adequate visual screening, the following alternate planting screens may be permitted after review of site conditions by the planning commission:

- (1) The use of creeping-type deciduous or evergreen planting material, such as Boston ivy, big leaf winter creeper, Virginia creeper, etc., may be used. Wherever such planting material shall be permitted, it shall be extensively planted along a chainlink fence. When this type of planting screen is used, it shall be augmented by informal groupings of evergreen planting materials and with deciduous tree or shrub planting materials. Evergreen planting clusters or groupings shall be planted in accordance with the guidelines set forth in this division for such planting clusters. The chainlink fence shall consist of a horizontal top bar to which the chainlink fence shall be firmly secured as well as to the vertical posts. Vertical posts shall not be further than ten feet apart. When a chainlink fence shall be erected to a height of over six feet, the vertical posts shall be supported by diagonal braces attached to the vertical post and to the ground.
- (2) The planning commission may permit a four-foot, six-inch-high screening wall between off-street parking spaces in a front or exterior side yard, in lieu of the landscaped area as provided in subsection (1) of this section, when it determines that the parcel size and configuration are such as to make the provision of the minimum landscaped area impractical or overly restrictive as to the development of the site. Such screening walls shall be common face brick or of an architectural masonry or concrete material which is compatible with that of the principal building on the site. Such walls shall otherwise conform to the provisions of sections 54-1107 through 54-1114.
- (3) The planning commission may require any of the screening alternatives in subsections (1) and (2) of this section, singularly or in combination with the conventional screening requirements of this chapter, when such alternative planting materials will serve to augment the conventional screening requirements, resulting in a more effective visual screen.

(Code 2004, § 54-1356; Zoning Ord. 1999, § 2313(6))

Sec. 54-1143. - Selection, spacing and sizing of plant materials.

- (a) The selection, spacing and sizing of plant materials shall depend, in part, on the use the planting materials are to screen.
- (b) A mixture of plant materials (evergreen and deciduous trees and shrubs) is suggested in all landscape plans as a protective measure against disease and insect infestation. Plant materials used together in informal groupings shall meet the on-center spacing requirements as set forth in the table of recommended planting distances between like and unlike planting materials, which is set out in section 54-1141.
 - (1) To determine the recommended distance between like planting material, read down the left-hand column or across the top of the table to be used. Then read down or across the table to the column identifying the same planting materials. The corresponding figure is the minimum and/or maximum recommended spacing between like planting material.
 - (2) To find the minimum recommended distances between unlike plant material, the same procedure set forth in subsection (1) of this section is followed. By example, the minimum recommended distance between two like planting materials (evergreen trees) would be a minimum of ten feet and a maximum of 20 feet; and between unlike planting materials (narrow evergreen trees and small deciduous trees), a minimum of ten feet.

(Code 2004, § 54-1357; Zoning Ord. 1999, § 2313(7))

Sec. 54-1144. - Cosmetic landscape planting materials.

- (a) Landscape planting materials used for cosmetic purposes and not as required screen planting materials may be planted as desired throughout the site, but shall at least be planted within those minimum-required landscape planting areas set forth in this division.

- (b) Planting materials used for cosmetic purposes may consist of the suggested plant materials outlined in this division; except that red maple trees may be used within interior lawn or planting areas when they are located safely away from any building, driveway, street frontage, or off-street parking area.

(Code 2004, § 54-1358; Zoning Ord. 1999, § 2313(8))

Sec. 54-1145. - Cosmetic landscape areas.

Landscape planting materials shall be installed and maintained, wherever called for in this chapter, between public rights-of-way, existing or proposed, off-street parking lots, or vehicular use areas, according to the standards established as follows:

- (1) A strip of land, the minimum width of which shall be provided in accordance with the guidelines set forth in section 54-506(b)(4), shall be located between the abutting public right-of-way, existing or proposed; and any off-street parking or vehicular use areas shall be landscaped in grass, ground cover, shrubs or other living plant materials, or other specified nonliving durable materials. Low undulating earth berms may be utilized as a landscape feature within such landscape areas.
- (2) The land area which lies between the designated landscape strip and the edge of the pavement of the public street shall be landscaped and maintained with a minimum of grass or ground cover and select evergreen and/or deciduous trees.
- (3) Necessary access ways from public rights-of-way through such landscaped areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- (4) Development.
 - a. Development which occurs in the RC, OS-1, B-1, B-2 and B-3 districts shall provide, in addition to any required greenbelt buffer in the front and exterior side yards, further on-site landscaped areas. These additional landscaped areas shall be equal in area to at least eight percent of the total area of the site, or equal to a ratio of ten to one: ten square feet of landscaping for each off-street parking space provided on-site. These landscaped areas shall be distributed throughout the site and may include:
 1. Tree islands within the parking lot, preferably at parking row ends, but, in the case of large parking lots, such islands may be distributed throughout the lot at a ratio of not less than one planting island per every ten to 15 spaces. Wherever this landscape feature is used, the islands shall be located so as to offer not only a visually attractive and shading feature, but to help provide for improved traffic circulation.
 2. Pedestrian sidewalks, planters and other decorative features, such as plazas, when all are made an integral part of a site's overall landscaping.
 - b. Development which occurs in the TR, I-1 and I-2 districts shall provide, in addition to any existing or proposed street rights-of-way, at least ten percent of the net site area (exclusive of buildings) as landscaped open space. Pedestrian walkways, plazas, planters and other decorative elements may be included in such landscape areas.

(Code 2004, § 54-1359; Zoning Ord. 1999, § 2313(9))

Secs. 54-1146—54-1168. - Reserved.

DIVISION 3. - EXTERIOR EQUIPMENT AND TRASH RECEPTACLE SCREENS

Sec. 54-1169. - Standards.

Wherever exterior equipment associated with a particular use on the property shall be placed on or next to the building, or in any permitted yard, the following standards shall apply:

- (1) All exterior climate control and other such mechanical equipment, including utility outlets; i.e., electrical and gas regulators and monitors, compressors, etc., shall be effectively screened from view and no such equipment shall be placed in any yard which abuts a residential district when such equipment may generate noise or vibration that would be annoying to residents in the abutting residential district. To ensure that annoying sounds or vibration shall not extend into an abutting residential district, the township may require an applicant to submit specifications concerning noise and vibration levels emitted from such equipment. The township may require devices designed to mute noise or vibration to be installed on or around equipment to effectively diminish an annoyance, or may require such equipment to be placed within a fully enclosed building or on a rooftop. Rooftop equipment shall be screened by material which shall extend at least one-eighth time higher than the object being screened.
- (2) Trash receptacles shall be screened by placing them in architectural masonry enclosures. The masonry materials shall consist of the same masonry materials used in the front exterior building wall of the principal building; except, the use of cinderblock or conventional concrete masonry units (SCMU) is prohibited. The minimum height of a trash receptacle screen wall shall be six feet. All such trash receptacle screening structures shall include a gate consisting of opaque materials. Wherever trash receptacle screens are erected, they shall be maintained in an ordinary and structurally sound condition and the interior shall be kept clean and free of refuse clutter.

(Code 2004, § 54-1391; Zoning Ord. 1999, § 2314)

Secs. 54-1170—54-1186. - Reserved.

ARTICLE XI. - USES NOT INCLUDED WITHIN A SPECIFIC USE DISTRICT [\[1\]](#)

Footnotes:

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State Law reference— Special land uses, MCL 125.3502 et seq.

DIVISION 1. - GENERALLY

Sec. 54-1187. - Purpose; qualification.

Since the uses included in this article possess unique characteristics making it impractical to include them in a specific use district without further qualification, they shall be permitted only upon approval by the planning commission as a special land use pursuant to the applicable requirements and standards of this chapter, including those requirements and conditions assigned to each use as set forth in this article. All requirements and procedures of the special land use approval process shall be complied with prior to any action by the planning commission. These uses require special consideration since they may serve an area larger than the township, require sizeable land areas, or create unusual problems of control and/or safety affecting the surrounding area.

(Code 2004, § 54-1421; Zoning Ord. 1999, § 2309)

Sec. 54-1188. - Outdoor theaters.

Because outdoor theaters possess the unique characteristics of being used only after dark and since they develop a concentration of vehicular traffic in connection with ingress and egress from their parking area, they shall be permitted only in I-1 light industrial districts, subject to the following conditions:

- (1) The proposed internal site design of the facility shall meet township standards relative to adequacy of drainage, lighting and other technical aspects.
- (2) Outdoor theaters shall abut directly on a major thoroughfare having not less than 120 feet of right-of-way or greater, as indicated on the township master plan map.
- (3) Points of ingress and egress shall be available to the outdoor theater only from abutting major thoroughfares and shall not be available from any residential street. All standards of the township and other affected governmental agencies relative to driveways, acceleration and deceleration lanes, and related items shall be met.
- (4) Adequate off-street vehicle stacking space shall be provided for vehicles waiting to enter the facility. Vehicles shall not be permitted to wait or stand within a public right-of-way.
- (5) The facility shall be laid out so that the movie screen cannot be viewed from any abutting major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

(Code 2004, § 54-1422; Zoning Ord. 1999, § 2309(1))

Sec. 54-1189. - Non-essential wireless telecommunication facilities.

(a) *Identification; approval and authorization.*

- (1) Non-essential wireless telecommunication antenna arrays and, where permitted, related support structures are special uses and are subject to the requirements of this section.
- (2) Non-essential wireless telecommunication antenna arrays and, when permitted, their support structures shall require approval by the township as set forth in this section.
- (3) The township shall authorize the establishment of a telecommunications antenna array and, as permitted in this section, a support structure only when such facility is fully in compliance with the applicable requirements and guidelines of this section and only in a manner which will preserve the integrity, character, property values and aesthetic quality of the site, the area around it and the community at large.

(b) *Intent.* Recognizing the increasing number of providers authorized to establish and operate wireless telecommunication services within a defined service area, it is further the intent and purpose of this section to:

- (1) Facilitate adequate and efficient provision of sites for wireless telecommunication facilities;
- (2) Establish predetermined locations for the placement of wireless telecommunication antenna arrays and, when permitted, the erection of support structures in accordance with the applicable requirements of this section;
- (3) Ensure that wireless telecommunication facilities are appropriately located so as to minimize any adverse impact they may have on other land uses on the site or on surrounding properties;
- (4) Promote the public health, safety and general welfare of the community;
- (5) Provide for adequate information about plans for the location of wireless telecommunication facilities in the township, so that the township may determine the proper location and development of telecommunication facilities in accordance with the location guidelines and applicable site requirements of this section;
- (6) Minimize the adverse impact of technological obsolescence of such facilities, including requirements to remove and restore sites where such facilities are no longer in use, or which have become unnecessary, in a timely manner; and

- (7) Minimize the negative visual impact of wireless telecommunication facilities on residential areas; office, commercial and industrial sites; public and quasi-public sites; community landmarks, including historic sites; natural beauty areas; and in public rights-of-way.
- (c) *Existing facilities.* Achieving the end specified in subsection (b) of this section contemplates the establishment of as few tower type support structures as reasonably feasible, instead relying on the use of existing support structures and other existing structures in the community or in adjoining communities that could meet the applicant's service area needs.
- (d) *Adverse impact.* The township board believes that the presence of numerous wireless telecommunication support structures located in residential areas could diminish the attractiveness of the community, thereby destroying its character, which in turn could have an adverse impact upon property values. Therefore, the township board believes it is necessary to minimize the adverse impact on the community that the presence of numerous relatively tall wireless telecommunication support structures, with their characteristically low architectural and aesthetic appeal, could have on the township, while at the same time recognizing that the absence of any regulation would likely result in a material impediment to the maintenance and promotion of property values, and further recognizing that this growing service is promoting economic gain and aiding the health, safety and general welfare of the community.
- (e) *Location by order of priority.* A wireless telecommunications antenna array may be permitted in one of the following locations by order of priority, subject to review and approval of the site and of a site plan by the planning commission:
 - (1) On a wireless telecommunication support structure already existing on property located between Dixie Highway and I-75;
 - (2) When the planning commission is satisfied that no colocation possibility exists, then the antenna array may be located on a structure already existing on property located between Dixie Highway and I-75;
 - (3) When the planning commission is satisfied that no existing structure may be used, then the antenna array may be located on a new wireless telecommunications support structure located on property between Dixie Highway and I-75 that is zoned RC, TR, I-1, I-2 or E-1; or
 - (4) In those instances where an applicant can show that locating a wireless telecommunications antenna array in any of the priority locations set forth in subsections (e)(1) through (3) of this section cannot be achieved, and when the planning commission is satisfied that a location elsewhere in the township east of Dixie Highway is essential to the successful operation of a wireless telecommunication system, the planning commission may permit the establishment of a wireless telecommunications antenna array in the following locations, by priority:
 - a. On an existing wireless telecommunications support structure on property located east of Dixie Highway;
 - b. When the planning commission is satisfied that no colocation possibility exists, then the antenna array may be located on or within an existing structure located on property east of Dixie Highway;
 - c. When the planning commission is satisfied that no existing structure may be used, then the antenna array may be located on a new wireless telecommunications support structure located on land east of Dixie Highway that is public property owned by the township;
 - d. When the planning commission is satisfied that no possibility exists to locate the facility on township property, then the facility may be located on publicly or quasi-publicly owned land east of Dixie Highway that is zoned RC; or
 - e. When the planning commission is satisfied that no possibility exists to locate the facility on publicly or quasi-publicly owned land that is zoned RC, then the facility may be located on privately owned property east of Dixie Highway that is zoned B-2, I-1, I-2 or E-1.

- (f) *Required conditions.* The following standards shall apply to all applications to locate a wireless telecommunications antenna array or, when permitted, an antenna support structure in the township:
- (1) Each site location outlined in subsection (e) of this section shall apply in order of priority, subsection (e)(1) of this section being the highest priority site and subsection (e)(4)e of this section being the lowest priority site location.
 - (2) Before an applicant may locate on a site of lower priority than the site priority in subsection (e)(1) of this section, the applicant shall prepare and submit sufficient information to clearly show why the applicant must locate at a lower priority site. For each location of lower priority than any higher priority location, sufficient explanation shall be provided as to why none of the higher priority locations can be used by the applicant. This information shall take into consideration any existing structure located beyond the township limits that could serve the applicant's needs.
 - (3) For sites involving the priority locations in subsection (e)(3) of this section and subsections (e)(4)d and e of this section, a site plan shall be submitted to the township for review and approval by the planning commission at a duly advertised public hearing. The site plan shall be drawn to scale and shall include all applicable information set forth in section 54-951 et seq., pertaining to site plan review, and in the township site plan review procedures manual.
 - (4) For sites involving priority locations in subsections (e)(1) and (2) and (e)(4)b and c of this section, a site plan will not be required unless ground equipment cabinets and related accessories will be visible from a public road, from existing development on the property where the site is located, or from existing development on property next to the site. In such instances, the compound or area containing the equipment shall be screened in accordance with the screening requirements of subsection (f)(11) of this section and shall be subject to review and approval by the planning commission as an agenda item not requiring a public hearing.
 - (5) Any wireless telecommunications support structure, constructed after September 13, 1999, as approved by the planning commission for a priority location in subsections (e)(3) and (e)(4)d and e of this section, shall be a monopole structure only, shall not exceed 199 feet in height, and shall provide colocation capability for not less than, nor more than, three separate antenna arrays. The support structure shall not require any guy wire support and shall be lighted only when required to meet applicable Federal Aviation Association (FAA) guidelines. If the support structure and/or its antenna array is painted, it shall be painted in light blue or gray tones.
 - (6) Access shall be provided to any antenna array for service. When the array is located on a site in the interior of a property, which does not have any other means of access, access shall be provided by a gravel lane to the antenna support structure and the equipment cabinets, and adequate gravel area shall be provided within the fenced compound for a service vehicle to be parked and thereafter turned around before exiting the compound.
 - (7) Unless the antenna array and its ancillary equipment cabinets will be housed within a building, all such cabinets and related equipment shall be located within a fenced compound and, if required as set forth in subsection (e)(4)b of this section, the compound shall be screened in accordance with the screening requirements of subsection (f)(11) of this section.
 - (8) When a new telecommunications support structure shall be permitted to be erected as outlined in the priority locations in subsections (e)(3) and (e)(4)d and e of this section, the support structure shall observe the minimum building setback requirements of the district it is located in, measured from the edge of the fenced compound to the property lines; except, when the support structure is located on property occupied by a residential dwelling, or is located in a site on property next to property containing a residential dwelling, the support structure, but only the support structure, shall be separated from the residential dwelling by a distance equal to the full height of the support structure. This distance shall be measured from the outer face of the support structure nearest the residential dwelling to the nearest wall of the residential dwelling. When the support structure will be located on property occupied by a nonresidential use in a nonresidential building, the support structure shall set back not less than ten feet from the nonresidential building, unless a greater setback is required by other applicable local, state or federal codes.

- (9) An applicant shall submit written assurances that the owner or operator of any telecommunications system permitted in this section shall at all times conduct operations of the system in full compliance with all applicable Federal Communications Commission (FCC) permits and conditions, including preventing any objectionable levels of interference.
 - (10) An applicant shall submit written assurances that the owner or operator of any telecommunications system permitted in this section shall at all times conduct operations of the system in full compliance with all current state or federal regulations pertaining to non-ionizing electromagnetic radiation; and the owner or operator further agrees in writing that if more restrictive state or federal regulations are adopted during the operating life of the facility, the applicant or owner shall commence efforts to bring the facility into compliance with the new standards within 60 days of the adoption of any such standards, and the owner or operator agrees that he will bear the costs of testing and verification of compliance with such standards.
 - (11) When screening shall be required as set forth in subsection (f)(4) of this section a planting screen consisting of a single row of narrow evergreen trees shall be placed not more than three feet on-center around the fenced compound. The evergreen trees shall be not less than five feet in height at the time of planting and shall be maintained in a living, growing condition, neat and orderly in appearance.
- (g) *Surety.* Sufficient surety acceptable to the township shall be provided by the applicant to adequately cover the cost of removing the facility, along with any accessory equipment, including fencing, and restoring the site when its usefulness as a wireless telecommunications facility is concluded. Estimates for removing the entire facility and carrying out site restoration shall be prepared and submitted to the township by the applicant for review and acceptance by the township.
 - (h) *Permit.* A special use permit shall be issued by the township for an approved wireless telecommunications antenna array and, where permitted, for a support structure and related equipment cabinets, but only after review and approval of an application, in the manner set forth in this section, has been approved by the planning commission or, when applicable, by the township.
 - (i) *Colocation sharing.*
 - (1) The policy of the township towards wireless telecommunication facilities is for colocation; therefore, the entity who owns a wireless telecommunication support structure shall not fail or refuse to alter their structure so as to accommodate other antenna arrays on the support structure, particularly when such alteration would permit the support structure to remain within the structural guidelines of this section.
 - (2) Failure or refusal of the owner of a wireless telecommunications facility to alter his structure to accommodate colocation, to the maximum extent permitted in this section, shall be deemed to be in direct violation and contradiction of the township's colocation first policy. Consequently, the owner shall be regarded by the township as having taken full responsibility for the violation and contradiction and shall be prohibited by the township from receiving any additional approval for the location of any more of his antenna arrays or related support structures in the township for a period of not less than seven years, commencing on the date of failure or refusal to permit colocation on his support structure. Such an entity may seek a variance and obtain relief from the township board of zoning appeals, provided the owner can clearly demonstrate entitlement to a variance. To that extent, the owner must demonstrate to the board of zoning appeals that enforcement of the seven-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless telecommunication services, or that such enforcement would have the effect of prohibiting the provision of any personal wireless telecommunication services in the township.

(Code 2004, § 54-1423; Zoning Ord. 1999, § 2309(2))

Sec. 54-1190. - Essential service commercial and public communication towers.

Essential service commercial and public communication towers, subject to the requirements of section 54-1294, pertaining to essential services, are a special land use.

(Code 2004, § 54-1424; Zoning Ord. 1999, § 2309(3))

Sec. 54-1191. - Overnight camping facilities.

Overnight camping facilities for tents, campers and travel trailers may be allowed in the B-2 district only, provided the following conditions are met:

- (1) There will be no permanent storage of tents, campers, travel trailers, or mobile home units designed for permanent residency.
- (2) Sanitary facilities must meet the minimum requirements of the county health department and any other responsible health agency.
- (3) Any commercial facilities in the development must meet the requirements of section 54-506.
- (4) A detailed site plan must be submitted for any overnight camping facility request.

(Code 2004, § 54-1425; Zoning Ord. 1999, § 2309(4))

Sec. 54-1192. - Commercial airports and related uses.

Commercial airports, including runways, landing platforms, taxiways, terminals, hangars, communication facilities, beacons, service facilities and similar uses ancillary to the operation of a commercial airport, may be permitted in the I-1 and I-2 districts; provided all such uses shall be at least 500 feet from a residential district and, provided further, that all applicable state and federal codes pertaining to the location, development and operation of a commercial airport shall be fully complied with.

(Code 2004, § 54-1426; Zoning Ord. 1999, § 2309(5))

Sec. 54-1193. - Private airports.

Privately owned and operated airports may be permitted in the RE/F, I-1 and I-2 districts, provided the following conditions are ascribed to:

- (1) No such facility shall be located on land incapable of containing one runway of at least 250 feet in width and 2,000 feet in length; except, upon receipt of documented verification by the FAA that a runway of lesser width and length may safely accommodate the type of aircraft that will use the airstrip, the minimum runway width and length requirements set forth in this subsection may be so varied by the township's board of zoning appeals.
- (2) No such facility shall be located closer than 350 feet to an existing permitted dwelling or any residential district.
- (3) No such facility shall contain fuel storage capability or equipment to dispense fuel.
- (4) All exterior lighting shall be located so as not to shine on adjacent property.
- (5) One hangar structure shall be permitted in which a privately owned aircraft may be stored and within which light mechanical service may be performed on that aircraft.
- (6) Because of the potentially hazardous impact such uses can have on adjacent land use, the following additional conditions shall apply:
 - a. All applicable state and federal codes shall be met and all plans shall have been reviewed and approved by the appropriate state and/or federal agencies prior to recommendation of

such plans by the township planning commission and recommendations made to the board of zoning appeals.

- b. Private airports, the plans of which shall have been approved by the appropriate state and/or federal agencies, shall thereafter be reviewed by the planning commission and recommendations made to the board of zoning appeals.
- c. The township board of zoning appeals, upon review of all plans and the recommendations of the planning commission, may grant temporary approval to establish a private airport for a period not to exceed one year in developed or developing areas and two years in undeveloped areas.

(Code 2004, § 54-1427; Zoning Ord. 1999, § 2309(6); Ord. No. 143, § 403, 3-9-2004)

Sec. 54-1194. - Accommodations for helicopters.

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

Facilities. For the purposes of accommodating helicopters, the term "facilities" is defined as the following:

- (1) *Helipad* means an area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging passengers or cargo, but not including fuel service, maintenance or overhaul.
 - (2) *Heliport* means an area used by helicopters or by other steep-gradient aircraft which includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangars and other accessory buildings and open spaces customarily associated with such facilities.
 - (3) *Helistop* means an area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo, including tie-down space and a hangar in which light mechanical service may be performed on the aircraft, but not including fuel service.
- (b) Facilities for the accommodation of helicopters are special land uses and are considered separately under this section.
 - (c) These facilities shall be subject to the review procedures and applicable criteria for airports, and the following:
 - (1) Heliports shall be permitted in the I-1 and I-2 industrial districts only. Helistops shall be permitted in all districts except the R residential districts. Helipads may be established in any zoning district.
 - (2) When reviewing an application for a heliport, helistop or helipad, the township shall require contemporary standards recommended by the appropriate federal and state agencies for the proper operation of such facilities.
 - (3) Particular attention shall be given to the following:
 - a. Adequate provision is made to control access to the facility.
 - b. The surface of the facility is such that dust, dirt or other matter will not be blown onto adjacent property by helicopter operations.
 - c. All applicable provisions of building, fire and health codes are met, including special provisions applicable in the case of rooftop heliports.
 - d. Appropriate provision is made for off-street parking.

- (4) If approved, the application for use shall be granted on a temporary basis for any helipad proposed in a residential district. All such approvals shall be granted by the planning commission in accordance with the guidelines set forth in this section and in section 54-956, including review and recommendation from the planning commission.

(Code 2004, § 54-1428; Zoning Ord. 1999, § 2309(7))

Sec. 54-1195. - Seasonal outdoor festivals and related traffic control.

A seasonal outdoor festival ("festival") may be permitted, provided all the conditions set forth in this section are met and, provided further, that the applicant shall submit, in conjunction with this application, a companion application for an outdoor gathering license, as set forth and regulated in section 26-84 et seq. If the festival overlaps a community with a common border to the township, the applicant may submit, in lieu of an application for an outdoor gathering license as required in this section, an approved license application from the adjacent community covering similar public health, safety and welfare issues for consideration by the township in connection with this application.

- (1) A festival and related parking may be permitted in any multiple-family residential district and in any nonresidential district, there being no such use permitted in any one-family residential district; except, a festival conducted solely by and for the benefit of a public or quasi-public use, such as a municipality, church, school or fraternal organization, may be permitted in any zoning district on the site of the use, provided all conditions set forth in this section for such festivals are met. Parking shall also comply with the special event off-street parking regulations in section 26-143 et seq. If there is a conflict between this section and the special event off-street parking regulations, the more stringent shall apply.
- (2) Application for establishment of a festival on land that is not owned by the applicant shall require submittal of a notarized, signed statement by the owner of the property on which the festival is to be held, acknowledging the use of the owner's land for such purposes and approving such use.
- (3) Application for approval of a festival, related parking, and for granting an outdoor gathering license shall be submitted to the township planning commission for review and recommendation to the township board. The township planning commission shall review both applications at a public hearing, as set forth in Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (4) No such festival shall be conducted for a period exceeding ten consecutive days or more than a total of 12 consecutive weekends in one year. Festivals permitted in this section shall limit their hours of operation to a weekday time period of 7:30 a.m. to 7:30 p.m. and on weekends and holidays from 7:30 a.m. to 10:30 p.m.
- (5) All access to and from the site shall be from a major or secondary thoroughfare, as designated on the township master plan.
- (6) There shall be no on-street festival parking allowed.
- (7) Adequate area shall be provided on-site for off-street parking at a ratio of one parking space for each three persons anticipated to attend the festival. Anticipated attendance shall be based on the preceding year's attendance records and shall include any percent increase experienced from one year to the next. The attendance records shall be regularly and/or annually maintained and shall be subject to professional audit.
- (8) An area equal to 300 square feet of parking area shall be provided for each motor vehicle, defined as cars, trucks, SUV's, motorcycles, trailers/carriers, motor homes and camping or recreational vehicles, or other similar form of personal transportation. An area equal to ten percent of the total number of required parking spaces shall be provided within the designated parking area for the parking of larger recreational vehicles and buses.
- (9) Within all off-street parking areas, all vehicles shall be parked in orderly rows and each row shall be provided with open and unobstructed access to vehicle maneuvering lanes. All vehicle

maneuvering lanes and service drives shall remain open and unobstructed so that access to any parking space may be gained by emergency vehicles.

- (10) Vehicular and pedestrian traffic to and from festival parking areas accommodating in excess of 1,000 vehicles at any one time, by specific count and/or on average, at any and all such times as the festival is open to the public shall be directed by parking control personnel. The following additional requirements shall apply:
 - a. There shall be a minimum of five parking control personnel within and working the festival parking area for every one county deputy sheriff, or the law enforcement equivalent thereof, required under this section for traffic control.
 1. All such personnel shall be professionals or professionally trained;
 2. All such personnel shall be equipped with highly visible uniformed clothing;
 3. All such personnel shall be equipped with two-way radios or other similar personal communication devices; and
 4. If the authorized maximum number of motor vehicles for the applicant's parking facility has been reached at any time during the festival's daily operation, the traffic control personnel shall be instructed to immediately place a "LOT FULL" sign at each and every point of ingress and egress to the festival parking facilities. No further motor vehicles shall be permitted access to the festival parking unless and until an equal amount of motor vehicles have left the festival parking, releasing open parking spaces.
 - b. There shall be a minimum of one county deputy sheriff, or the law enforcement equivalent thereof, present and actively engaged in traffic control in and around the entire festival parking area, and all surrounding roads, streets, and/or public thoroughfares into and out of the festival parking area, for each 1,000 vehicles parked on-site at any one time.
- (11) There shall be adequate signage directing traffic to and from the festival, both at the location of the parking and also at all such other locations in the vicinity as may be requested by township, county and/or state officials.
- (12) There shall be no festival parking permitted on any off-site public or private locations, unless the applicant has obtained site plan approval and/or has otherwise complied with section 26-143 et seq., pertaining to the licensing of special events parking.
- (13) Any application for off-site parking for the festival shall also be submitted to the township board for prior approval. The township board shall impose such conditions, restrictions and requirements deemed necessary to promote the public health, safety and welfare.
- (14) Any and all pedestrian pathways to or from the festival parking area shall be clearly marked and segregated from vehicular traffic. All such pedestrian pathways shall be regularly groomed and shall be wheelchair- and stroller-accessible at all times.
- (15) For any festival parking accommodating in excess of 1,000 vehicles at any one time, the applicant shall provide, maintain and operate an on-site watering truck to regularly suppress dust and maintain landscaping.
- (16) For any festival parking accommodating in excess of 1,000 vehicles at any one time, the applicant shall obtain and provide annual parking permit tags for the vehicles of neighboring residents within 300 feet of the festival.
- (17) There shall be one trash receptacle located within the festival parking area for and/or at every row of vehicle parking spaces.
- (18) There shall be a sufficient number of "port-a-potties" or similar portable restroom facilities, including, but not limited to, handicapped facilities, located within the festival parking area. All such facilities shall be maintained in a healthy, clean and sanitary condition.

- (19) There shall be a landscape evaluation as part of the permit process to determine whether screening of the festival parking facilities is advisable. The applicant may be required to post a bond for tree planting.
- (20) Noise generated by a festival and related parking shall not exceed a sound pressure level of 75 dB-C measured at the property line.
- (21) No festival activities other than off-street parking, shall be permitted within:
 - a. Fifty feet of any property line;
 - b. Two hundred and fifty feet from any residential dwelling; and
 - c. Seventy-five feet of a major thoroughfare as designated on the township master plan map.

No parking space shall be permitted within 100 feet of any residential dwelling and all such parking shall be screened by a live planting screen which shall be maintained in a living, growing condition and which shall be placed between the parking space and the residential dwelling. Parking may be permitted to the property line in all other instances except, when parking attendants are not on duty, a 25-foot setback shall be maintained from all property lines for vehicle circulation.

- (22) If overnight camping facilities are to be made available, their location shall be shown on the site plan, including roadway access. All such campgrounds shall meet applicable state, county, and/or local regulatory standards.
- (23) Before recommending to the township board that a request for an outdoor gathering license be granted, the planning commission shall find that all requirements and conditions of this section, and of section 26-84 et seq., are met. Any approval or issuance of an outdoor gathering license or permit by the township board shall be done in accordance with the following schedule:
 - a. The initial (first) license shall be granted for one year, commencing on the date the license is issued and terminating on the same date one year later.
 - b. The second and third licenses shall be issued in the same manner and shall require the same review procedure as the initial license. Each license shall be effective for a period of one year, commencing on the date the license is issued and terminating on the same date one year later.
 - c. The fourth license may be issued for up to three years, commencing on the date the license is issued and terminating on the same date three years later, unless:
 1. Written complaints concerning operations or activities of the preceding festival are received in the following year.
 2. Concerns with the operations or activities of the preceding festival are raised by the township board in the following year.
 3. Revisions or changes are proposed to previously approved festival access points, the number of off-street parking spaces, the location of parking areas, or festival activity areas.
 - d. Subsequent to issuance of the fourth license, the township board may thereafter require reapplication and issuance of future licenses on an annual basis. In making this decision, the township board shall consider the extent and severity of complaints received and the overall performance record of the management of the facility.
- (24) Application for subsequent approvals of an annual outdoor gathering license shall be submitted to the township clerk at least 90 days prior to the expiration date posted on the current approved application and license.
- (25) The applicant shall provide all required insurance endorsements to the township, including, but not limited to, a general liability and casualty rider in limits of as currently established or as

hereafter adopted by resolution of the township board from time to time, naming the township an additional named insured.

- (26) A site plan of the area to be used for an outdoor festival shall be submitted for review and recommendation by the planning commission. The site plan shall be drawn to scale and shall include at least the following information:
- a. Legal description of the site, including the site acreage.
 - b. North arrow and the scale of the site plan.
 - c. Vicinity sketch.
 - d. Name, address, e-mail address and telephone number of the applicant, the owner/proprietor if different, and the person or firm who prepared the site plan, as well as all persons owning land in the township who are within 300 feet of the festival property in the township.
 - e. Location of all points of ingress and egress to the site.
 - f. Location and layout of all off-street parking, as set forth in this section.
 - g. All critical dimensions; i.e., along all peripheral site or property lines, all setbacks, etc.
 - h. Location of all temporary structures and activity areas, including campsites.
 - i. Statement as to how dust generated by motor vehicles will be controlled.
- (27) In the process of reviewing the site plan, the planning commission shall determine that there has been compliance with the following requirements before approval:
- a. All requirements and standards of this section and other township ordinances shall have been met.
 - b. The location and design of driveways providing vehicular ingress and egress from the site shall promote safety and convenience of both vehicular and pedestrian traffic, both within the site and on access and adjoining streets.
 - c. The traffic circulation features within the site and the location of automobile parking areas are designed to avoid common traffic problems and promote safety.
 - d. There shall be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - e. The proposed use shall not cause transportation, safety, or congestion problems. The planning commission shall consider:
 1. Location and design of driveways providing ingress and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 2. Traffic circulation features within the site and the location of automobile parking areas.
 3. Adequacy of the existing surrounding transportation system to handle the added vehicular activity proposed by the new use without undue congestion and safety problems.
- (28) It shall be unlawful for any person attending or attempting to attend any festival and/or be in the vicinity of any festival to park or permit a vehicle to remain standing or be parked on public or private property, or on a public or private highway, road, street, easement, or right-of-way, in violation of this section. This prohibition includes, but shall not be limited to, cars, trucks, SUV's, motorcycles, trailers/carriers, motor homes and camping or recreational vehicles.
- (29) The township board shall enforce the parking and traffic control aspect of this section by the creation of special township deputies, to be appointed by the township or as may be required by law. The power and authority of the deputies shall include, but not be limited to:

- a. Issuing ordinance violation notices, citations, and/or tickets.
 - b. Summoning tow trucks to remove vehicles violating this section.
 - c. Perform all other activities deemed necessary and consistent with the enforcement of this section.
- (30) A vehicle is subject to being immediately removed from public or private property, and/or a public or private highway, road, street, easement, or right-of-way, and towed to a place of safekeeping at the expense of the registered owner of the vehicle in any of the following circumstances:
- a. The vehicle is in such a condition that the continued operation of the vehicle upon the property or highway would constitute an immediate hazard to the public.
 - b. The vehicle is parked or standing upon the property or highway in such a manner as to create an immediate public hazard or an obstruction of traffic.
 - c. A vehicle is parked in a posted no parking and/or tow-away zone.
 - d. There is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
 - e. The vehicle must be seized to preserve evidence of a crime, or when there is reasonable cause to believe that the vehicle was used in the commission of a crime.
 - f. Removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or manmade disaster, or other emergency.
 - g. The vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner which impedes the movement of another vehicle.
- (31) A township deputy and/or a police agency which authorizes the removal of a vehicle under this subsection shall do all of the following:
- a. Check to determine if the vehicle has been reported stolen.
 - b. Within 24 hours after removing the vehicle, enter the vehicle into the law enforcement information network if the vehicle has not been redeemed. This subsection does not apply to a vehicle that is removed from the scene of a motor vehicle traffic accident.
 - c. If the vehicle has not been redeemed within ten days after moving the vehicle, a notice shall be sent to the registered owner and any secured party, as shown by the records of the secretary of state, by first class mail or personal service, that the vehicle has been removed. However, if the township deputy and/or police agency informs the owner or operator of the vehicle of the removal and the location of the vehicle within 24 hours after the removal, and if the vehicle has not been redeemed within 30 days, and upon complaint from the towing service, the township deputy and/or police agency shall send the notice within 30 days after the removal. The notice shall be by a form furnished by the secretary of state and/or as may be required by law and/or this section.
- (32) A violation of this section is a civil infraction. A person determined to be responsible or responsible with explanation for a violation of this section which is a civil infraction may be ordered to pay a civil fine of not more than \$300.00, plus costs and penalties as may be authorized by law or ordinance, plus any costs of towing, storage and redemption of the vehicle. A vehicle towed for a parking violation shall be held until the towing fees and penalties related to all outstanding parking tickets and penalties owed to the towing company and/or the township are paid in full, or a bond is posted in like amount. A violation shall not be punished by imprisonment or a penal fine. A civil infraction shall not be considered a lesser included offense of any criminal offense.

(Code 2004, § 54-1429; Zoning Ord. 1999, § 2309(8); Ord. No. 136, 6-9-2003)

Secs. 54-1196—54-1223. - Reserved.

DIVISION 2. - SEXUALLY ORIENTED BUSINESSES (ADULT ENTERTAINMENT USES)

Sec. 54-1224. - Findings; purpose and intent.

- (a) Sexually oriented businesses require special supervision from the public safety agencies in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses, as well as the citizens of the township. The township board finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
- (b) The township board's concern over sexually transmitted diseases is a legitimate health concern of the township which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of its citizens. To that end, the board has determined that licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation. Because there is convincing documented evidence that sexually oriented businesses, because of their very nature, have deleterious effects on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values, the township board recognizes that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area.
- (c) Because of these concerns, the township board desires to minimize and control these adverse effects, thereby protecting the health, safety, and welfare of its residents; protecting them from increased crime; preserving the quality of life; preserving the property values and character of surrounding neighborhoods; and deterring the spread of urban blight. The township board has further determined that location criteria alone is not likely to adequately protect the health, safety, and general welfare of the people of the township.
- (d) Though it is not the intent of this division to suppress any speech activities protected by the First Amendment, it is its intent to enact a content-neutral ordinance which addresses the secondary effects of sexually oriented businesses. It is also not the intent of the township board to condone or legitimize the distribution of obscene material; and the board recognizes that state and federal law prohibits the distribution of obscene materials, and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the township.
- (e) It shall be the purpose of this division to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the township. The provisions of this division have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this division to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this division to condone or legitimize the distribution of obscene material.
- (f) Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the township, and on findings incorporated in the cases of *City of Renton v Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theaters, Inc.*, 426 U.S. 50 (1976); and *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991); and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma Township, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; also on findings from the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the township finds that:

- (1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
- (2) Certain employees of adult theaters and cabarets engage in higher incidences of certain types of illicit sexual behavior than employees of other establishments.
- (3) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.
- (4) Offering and providing such space encourages such activities, which create unhealthy conditions.
- (5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A and Non B amebiasis, salmonella infections and shigella infections.
- (7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985 and 253,448 through December 31, 1992.
- (8) As of July 2000, there were 10,817 reported cases of AIDS in the state.
- (9) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in the state.
- (10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.
- (11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over 500,000 cases being reported in 1990.
- (12) The surgeon general of the United States, in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and operators of the facilities to self-regulate those activities and maintain those facilities.
- (15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view adult-oriented films.
- (16) The findings noted in subsections (f)(1) through (15) of this section raise substantial governmental concerns.
- (17) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (18) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore non-existent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and

welfare of its patrons and employees, as well as the citizens of the township. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

- (19) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.
- (20) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
- (21) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
- (22) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this division is designed to prevent or who are likely to be witnesses to such activity.
- (23) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this division.
- (24) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to, and prevents conduct which leads to, the transmission of sexually transmitted diseases.
- (25) The general welfare, health, morals and safety of the citizens of the township will be promoted, in accordance with the land use recommendations of the township's adopted master plan and zoning map, by enactment of this division.

(Code 2004, § 54-1461; Zoning Ord. 1999, § 2309(9)(a), (b))

Sec. 54-1225. - Classification.

Sexually oriented businesses are classified as follows:

- (1) Adult arcades;
- (2) Adult bookstores, adult novelty stores, or adult video stores;
- (3) Adult cabarets;
- (4) Adult motels;
- (5) Adult motion picture theaters;
- (6) Adult theaters;
- (7) Escort agencies;
- (8) Nude model studios; and
- (9) Sexual encounter centers.

(Code 2004, § 54-1462; Zoning Ord. 1999, § 2309(9)(c))

Sec. 54-1226. - License—Required.

A license shall be required to operate a sexually oriented business in the township, and in accordance with the following requirements, it shall be unlawful:

- (1) To operate a sexually oriented business without a valid sexually oriented business license issued by the township pursuant to this division.
- (2) For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the township pursuant to this division.
- (3) To obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this division.

(Code 2004, § 54-1463; Zoning Ord. 1999, § 2309(9)(d)(1))

Sec. 54-1227. - Same—Application.

- (a) An application for a license required by this division must be made on a form provided by the township.
- (b) All applicants must be qualified according to the provisions of this division. The application may request, and the applicant shall provide, such information (including fingerprints) as to enable the township to determine whether the applicant meets the qualifications established in this division.
- (c) If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 20 percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under subsection (d) of this section and shall be considered a licensee if a license is granted.
- (d) The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:
 - (1) If the applicant is:
 - a. An individual, the individual shall state his legal name, and any aliases, and submit proof that he is 18 years of age;
 - b. A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - c. A corporation, LLC or PC, the corporation shall state its complete name; the date of its incorporation, or date it was formed; evidence that the corporation or company is in good standing under the laws of its state of incorporation; the names and addresses of all officers, directors and principal stockholders; and the name of the registered corporate agent and the address of the registered office for service of process.
 - (2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, he must state the sexually oriented business's fictitious name and submit the required registration documents.
 - (3) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
 - (4) Whether the applicant, or a person residing with the applicant, has had a previous license under this division, or other similar sexually oriented business ordinances from another township, county, or state, denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant, or a person residing with the applicant, has been a partner in a partnership or an officer, director or principal stockholder of a

corporation that is licensed under this division, whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation.

- (5) Whether the applicant, or a person residing with the applicant, holds any other licenses under this division or other similar sexually oriented business ordinances from another township, county, or state, and, if so, the names and locations of such other licensed businesses.
 - (6) The single classification of license for which the applicant is filing.
 - (7) The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number, if any.
 - (8) The applicant's mailing address, e-mail address, residential address and telephone number.
 - (9) A recent photograph of the applicant.
 - (10) The applicant's driver's license number, social security number, and/or his state or federally issued tax identification number.
 - (11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
 - (12) A current certificate and straight-line drawing prepared within 30 days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 500 feet of the property to be certified and the property lines of any established religious institution/synagogue, school, or public park or recreation area within 1,000 feet of the property to be certified. For purposes of this subsection, a use shall be considered existing or established if it is in existence at the time an application is submitted.
 - (13) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than 150 square feet of floor space, films, videocassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in section 54-1238.
- (e) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit, on a form to be provided by the township, the following information:
- (1) Applicant's name or any other name (including "stage" names) or aliases used by the individual;
 - (2) Age, date, and place of birth;
 - (3) Height, weight, hair and eye color;
 - (4) Present residence address, e-mail address and telephone number;
 - (5) Present business' address and telephone number;
 - (6) Date, issuing state and number of driver's permit or other identification card information;
 - (7) Social security number; and
 - (8) Proof that the individual is at least 18 years of age.
- (f) Attached to the application form for a sexually oriented business employee license, as provided in subsection (e) of this section, shall be the following:
- (1) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.

- (2) A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate in this township or any other township, county, state, or country; has ever had a license, permit, or authorization to do business denied, revoked, or suspended; or has had any profession or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, there shall be stated the name, the name of the issuing or denying jurisdiction, and description in full of the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
- (3) A statement as to whether the applicant has been convicted of a specified criminal activity and, if so, the specified criminal activity involved and the date, place and jurisdiction of each.

(Code 2004, § 54-1464; Zoning Ord. 1999, § 2309(9)(d)(2)—(7))

Sec. 54-1228. - Processing of license application.

The township shall refer an application to the appropriate township departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within 90 days from the date the completed application with all required documents attached thereto, is filed. After the investigation, the township shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- (1) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
- (2) The applicant is under the age of 18 years;
- (3) The applicant has been convicted of a specified criminal activity as defined in this chapter;
- (4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule of regulation, or prohibited by a particular provision of this chapter; or
- (5) The applicant has had a sexually oriented business employee license revoked by the township, county, state or nation, within two years of the date of the current application. If the sexually oriented business employee license is denied, any previously issued license shall be immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in section 54-1233.

(Code 2004, § 54-1465; Zoning Ord. 1999, § 2309(9)(e))

Sec. 54-1229. - Granting of license.

- (a) A license granted pursuant to this division shall be subject to annual renewal upon the written application of the applicant and a finding by the township that the applicant has not been convicted of any specified criminal activity as defined in this article or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in section 54-1230.
- (b) Within 90 days after receipt of a completed sexually oriented business application, or sexually oriented business employee license application, the township shall approve or deny the issuance of a license to an applicant. The township shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
 - (1) An applicant is under 18 years of age.

- (2) An applicant or a person with whom applicant is residing is overdue in payment to the township of taxes, fees, fines, or penalties assessed against or imposed upon him in relation to any business.
 - (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
 - (4) An applicant or a person with whom the applicant is residing has been denied a license by the township, county, state or nation to operate a sexually oriented business within the preceding 12 months or whose license to operate a sexually oriented business has been revoked within the preceding 12 months.
 - (5) An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this chapter.
 - (6) The premises to be used for the sexually oriented business have not been approved by the county health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
 - (7) The license fee required by this chapter has not been paid.
 - (8) An applicant of the proposed establishment is in violation of or is not in compliance with any of this chapter.
- (c) The license, if granted shall state on its face the name of the person to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to section 54-1225. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
 - (d) The county health department, fire department, and the township building official shall complete their certification that the premises is in compliance or not in compliance with 45 days of receipt of the documents from the applicant.
 - (e) A sexually oriented business or employee license shall be issued for only one classification as found in section 54-1225.

(Code 2004, § 54-1466; Zoning Ord. 1999 § 2309(9)(f))

Sec. 54-1230. - Fees.

- (a) Every application for a sexually oriented business or employee license, whether for a new license or for renewal of an existing license, shall be accompanied by fees as currently established or as hereafter adopted by resolution of the township board from time to time.
- (b) All license applications and fees shall be submitted to the township clerk.

(Code 2004, § 54-1467; Zoning Ord. 1999, § 2309(9)(g))

Sec. 54-1231. - Inspection.

Officials may inspect a sexually oriented business at any time, as set forth in this section.

- (1) An applicant or licensee shall permit representatives of the police department, county health department, fire department, zoning department, or other township departments or agencies to inspect the premises of a sexually oriented business, for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- (2) A person who operates a sexually oriented business, or his agent or employee, commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.

(Code 2004, § 54-1468; Zoning Ord. 1999, § 2309(9)(h))

Sec. 54-1232. - Expiration of license.

A license to operate a sexually oriented business shall be subject to the following renewal process:

- (1) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in section 54-1227. Application for renewal shall be made at least 30 days before the expiration date, and, when made less than 30 days before the expiration date, the license will not expire so long as the license is under active review by the township.
- (2) When the township denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the township finds that the basis for denial of the renewal of the license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the denial became final.

(Code 2004, § 54-1469; Zoning Ord. 1999, § 2309(9)(i))

Sec. 54-1233. - Suspension of license; appeals.

The township shall suspend a license for a period not to exceed 30 days if it determines that a licensee, or an employee of a licensee, has:

- (1) Violated or is not in compliance with any section of this division;
- (2) Refused to allow an inspection of the sexually oriented business premises as authorized by this division.

(Code 2004, § 54-1470; Zoning Ord. 1999, § 2309(9)(j))

Sec. 54-1234. - Revocation of license.

(a) The township shall revoke a license if the following occurs:

- (1) A cause of suspension as set forth in section 54-1233 occurs and the license has been suspended within the preceding 12 months;
- (2) A licensee gave false or misleading information in the material submitted during the application process;
- (3) A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (4) A licensee has knowingly allowed prostitution on the premises;
- (5) A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
- (6) Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or
- (7) A licensee is delinquent in payment to the township, county, or state for any taxes or fees past due.

(b) When the township revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the township finds that the basis for the revocation has

been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.

- (c) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

(Code 2004, § 54-1471; Zoning Ord. 1999, § 2309(9)(k))

Sec. 54-1235. - Transfer of license.

A licensee shall not transfer his license to another; nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

(Code 2004, § 54-1472; Zoning Ord. 1999, § 2309(9)(l))

Sec. 54-1236. - Location restrictions.

- (a) A person commits a misdemeanor if such person:

- (1) Operates, or causes to be operated, a sexually oriented business:

- a. In any zoning district other than in the TR technical research, I-1 light industrial, I-2 general industrial, or E-1 extractive zoning districts, as set forth in this chapter, and the township's adopted master plan.
- b. Within 1,000 feet of:
 - 1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - 2. A public or private educational facility, including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school; or
 - 3. An entertainment business which is oriented primarily towards children or family entertainment.
- c. Within 300 feet of:
 - 1. The boundary of a residential zoning district, as depicted on the township zoning map.
 - 2. The property line of a lot or parcel devoted to a residential use.
 - 3. A public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land within the township which is under the control, operation, or management of the township, county or state, or park and recreation authorities.
- d. Within 250 feet of a premises, licensed pursuant to the alcoholic beverage control regulations of the state.

- (2) Causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 100 feet of another sexually oriented business.
 - (3) Causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
- (b) For the purpose of subsection (a)(1)b of this section, measurement shall be made in a straight line, without regard to the intervening structure or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a use listed in subsection (a)(1)b of this section. Presence of a township, village, county, state, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
 - (c) For purposes of subsection (a)(3) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
 - (d) Any sexually oriented business lawfully operating in the township on or before September 13, 1999, that is in violation of subsection (a) of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming use shall not be increased, enlarged, extended, or altered; except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business or businesses are nonconforming.
 - (e) A sexually oriented business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in this subsection, locating within the restricted distance requirements of this subsection as they pertain to a sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

(Code 2004, § 54-1473; Zoning Ord. 1999, § 2309(9)(m))

Sec. 54-1237. - Adult motels.

The following requirements shall apply to an adult motel:

- (1) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a prima facie presumption that the establishment is an adult motel.
- (2) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented license, he rents or sub-rents a sleeping room to a person and, within ten hours from the time the room is rented, he rents or sub-rents the same sleeping room again.
- (3) For purposes of subsection (2) of this section the terms "rent" and "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.
- (4) No video equipment shall be covertly placed in any room.

(Code 2004, § 54-1474; Zoning Ord. 1999, § 2309(9)(n))

Sec. 54-1238. - Exhibitions of sexually explicit films, videos or live entertainment in viewing rooms.

- (a) A person who operates, or causes to be operated, a sexually oriented business, other than an adult motel, which exhibits on the premises, in a viewing room of less than 150 square feet of floor space, a film, videocassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas shall comply with the following requirements:
- (1) Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures, and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram, in the nature of an engineer's or architect's blueprint, shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The township may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - (2) The application described in subsection (1) of this section shall be sworn to be true and correct by the applicant.
 - (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the township.
 - (4) It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - (6) It shall be the duty of the licensee to ensure that the view area specified in subsection (5) of this section remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this section.
 - (7) No viewing room may be occupied by more than one person at any time.
 - (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot-candles, as measured at the floor level.
 - (9) It shall be the duty of the licensee to ensure that the illumination described in subsection (8) of this section is maintained at all times that any patron is present in the premises.
 - (10) No licensee shall allow openings of any kind to exist between viewing rooms or booths.
 - (11) No person shall make, or attempt to make, an opening of any kind between viewing booths or rooms.

- (12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
 - (13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
 - (14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.
- (b) A person having a duty under subsections (a)(1)—(14) of this section commits a misdemeanor if he knowingly fails to fulfill that duty.

(Code 2004, § 54-1475; Zoning Ord. 1999, § 2309(9)(o))

Sec. 54-1239. - Escort agencies.

An escort agency shall comply with the following regulations:

- (1) An escort agency shall not employ any person under the age of 18 years.
- (2) A person commits an offense if the person acts as an escort, or agrees to act as an escort, for any person under the age of 18 years.

(Code 2004, § 54-1476; Zoning Ord. 1999, § 2309(9)(p))

Sec. 54-1240. - Nude model studios.

Nude model studios shall comply with the following requirements:

- (1) A nude model studio shall not employ any person under the age of 18 years.
- (2) A person under the age of 18 years commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this section if the person under 18 years was in a restroom not open to public view or visible to any other person.
- (3) A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity, in an area of a nude model studio premises which can be viewed from the public right-of-way.
- (4) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises; except that a sofa may be placed in a reception room open to the public.

(Code 2004, § 54-1477; Zoning Ord. 1999, § 2309(9)(q))

Sec. 54-1241. - Public nudity.

The following conditions shall apply to public nudity:

- (1) It shall be a misdemeanor for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.
- (2) It shall be a misdemeanor for a person who knowingly or intentionally, in a sexually oriented business, appears in a seminude condition unless the person is an employee who, while seminude, shall be at least ten feet from any patron or customer and on a stage at least two feet from the floor.

- (3) It shall be a misdemeanor for an employee, while seminude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee while such employee is seminude in a sexually oriented business.
- (4) It shall be a misdemeanor for an employee, while seminude, to touch a customer or the clothing of a customer.

(Code 2004, § 54-1478; Zoning Ord. 1999, § 2309(9)(r))

Sec. 54-1242. - Children on premises.

A person commits a misdemeanor if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business.

(Code 2004, § 54-1479; Zoning Ord. 1999, § 2309(9)(s))

Sec. 54-1243. - Hours of operation.

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on weekdays and Saturdays, and 1:00 a.m. and 12:00 noon on Sundays.

(Code 2004, § 54-1480; Zoning Ord. 1999, § 2309(9)(t))

Sec. 54-1244. - Exemptions.

It is a defense to prosecution under section 54-1240 that a person appearing in a state of nudity did so in a modeling class operated:

- (1) By a proprietary school, licensed by the state, or a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
 - b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
 - c. Where no more than one nude model is on the premises at any one time.

(Code 2004, § 54-1481; Zoning Ord. 1999, § 2309(9)(u))

Secs. 54-1245—54-1261. - Reserved.

ARTICLE XII. - BOARD OF ZONING APPEALS⁽⁸⁾

Footnotes:

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State Law reference— Zoning board of appeals, MCL 125.3601 et seq.

Sec. 54-1262. - Membership, terms and officers.

- (a) *Appointment; membership.* There shall be a township board of zoning appeals appointed by the township board as prescribed or delegated to it under specific provisions of this chapter. The board of zoning appeals shall consist of five members.
 - (1) *Planning commission member.* The first member of the board of zoning appeals shall be a member of the township planning commission.
 - (2) *Elected trustee.* The second member shall be an elected trustee of the township board and shall not serve as the chair of the board of zoning appeals.
 - (3) *Appointed electors.* The remaining three members of the board of zoning appeals shall be appointed by the township board from among electors residing in the township.
 - (4) *Employees or contractors excluded.* An employee or contractor of the township board shall not serve as a member of the board of zoning appeals.
- (b) *Terms; vacancies.* The term of each member of the board of zoning appeals shall be for three years, except for members serving because of their membership on the planning commission or township board, whose terms shall be limited to the time they are members of the planning commission or township board, respectively, and the period stated in the resolution appointing them.
 - (1) *Staggered terms.* When members are first appointed, the appointments may be for less than three years to provide for staggered terms.
 - (2) *Vacancies.* A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (c) *Elected officers.* The members of the board of zoning appeals shall annually elect a chair, vice-chair, and secretary. An elected officer of the township shall not serve as the chair of the board of zoning appeals.

(Code 2004, § 54-1511; Zoning Ord. 1999, § 2400)

State Law reference— Similar provisions, MCL 125.3601.

Sec. 54-1263. - Meetings and hearings.

- (a) All meetings of the board of zoning appeals shall be held at the call of the chair and at such other times as the board of zoning appeals, in its rules of procedure, may specify.
- (b) The board of zoning appeals shall make no recommendation, except in a specific case and after a public hearing conducted by the board of zoning appeals. All hearings conducted by the board of zoning appeals shall be open to the public and be subject to section 54-1333.
- (c) The board of zoning appeals shall, by general rule or in specific cases, determine the interested parties who, in the opinion of the board of zoning appeals, may be affected by any matter brought before it, which shall in all cases include all persons required to be notified under state law.
- (d) The board of zoning appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

- (e) The concurring vote of a majority of the members of the board of zoning appeals shall be necessary to reverse any order, requirement, decision, or determination of the building inspector or township planning commission, or to decide, in favor of an applicant, any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.
- (f) The board of zoning appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and shall file a record of its proceedings in the office of the township clerk, which record shall be public.

(Code 2004, § 54-1512; Zoning Ord. 1999, § 2401)

State Law reference— Similar provisions, MCL 125.3602 et seq.

Sec. 54-1264. - Appeal of decision.

- (a) *Authorized.* An appeal may be taken to the board of zoning appeals by any person or by any officer, department, board, or bureau affected by a decision of the building inspector or the planning commission.
- (b) *Procedure.* The following procedure shall be followed for the appeal of a decision of the building inspector or planning commission:
 - (1) *Notice of appeal filed.* Such appeal shall be taken within such time as shall be prescribed by the board of zoning appeals by general rule, by filing with the building official and board of zoning appeals a notice of appeal, specifying the grounds thereof.
 - (2) *Transmittal of pertinent documents.* The building official shall forthwith transmit to the board of zoning appeals all of the papers constituting the record upon which the action appealed from was taken.
 - (3) *Notice of public hearing.* The board of zoning appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties.
 - (4) *Right to testify.* Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
 - (5) *Decision without unreasonable delay.* The board of zoning appeals shall render a decision on the appeal without unreasonable delay.
- (c) *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board of zoning appeals, after a notice of appeal has 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 the proceedings shall not be stayed, otherwise than by a restraining order which may be granted by a court of record.

(Code 2004, § 54-1513; Zoning Ord. 1999, § 2402)

State Law reference— Similar provisions, MCL 125.3604.

Sec. 54-1265. - Administrative review, interpretation, exceptions and special approval permits; variances.

- (a) The board of zoning appeals is empowered to act on those matters where this chapter provides for an administrative review, interpretation, exception or special approval permit, and to authorize a variance as provided for in this section and as defined in state law. Such powers include:

- (1) Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the building official, or any other administrative official, or the township planning commission in carrying out or enforcing any provision of this chapter.
- (2) Authorize, upon an appeal, a variance from the strict applications of the provisions of this chapter where, by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property as of September 13, 1999, or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property; provided, such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.
 - a. *Attachment of conditions.* In considering a variance, the board of zoning appeals may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter.
 - b. *Statement of justifying grounds.* In considering a variance, the board of zoning appeals shall state the reason upon which it justifies the granting or denying of a variance.
 - c. *Determinations.* In consideration of all appeals and all proposed variations to this chapter, the board of zoning appeals shall, before making any variations from the chapter in a specific case, first determine that the proposed variation will not:
 1. Impair an adequate supply of light and air to adjacent property;
 2. Unreasonably increase the congestion in public streets;
 3. Increase the danger of fire or endanger the public safety;
 4. Unreasonably diminish or impair established property values within the surrounding area; or
 5. In any other respect, impair the public health, safety, comfort, morals or welfare of the inhabitants of the township.
- (3) Hear and decide, in accordance with the provisions of this chapter, requests for exceptions, interpretations of the zoning map, and decisions on special approval situations on which this chapter specifically authorizes the board of zoning appeals to pass. Any exception or special approval shall be subject to such conditions as the board of zoning appeals may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this chapter, including the following:
 - a. *Interpret zoning map.* Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the zoning plan, as shown upon the zoning map, fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the zoning map.
 - b. *Permit public utility uses.* Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the planning commission.
 - c. *Permit modifying parking/loading space.* Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - d. *Permit modifying height/area regulations.* Permit such modifications of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

- e. *Permit modification of wall requirements.* Permit modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.
 - f. *Permit decks which exceed height limits.* Permit construction of a deck within a required setback area that exceeds the limitations of section 54-1297, pertaining to projections into yards, in situations where the deck will not obscure or interfere with the view from adjacent property across the required yard because of special circumstances relating to topography, vegetation, or other existing features that make such exception reasonable. Plans showing dimensions of structures, topography, and adjoining structures or buildings shall be submitted to aid the board of zoning appeals in its decision.
- (b) The concurring vote of three members of the board of zoning appeals shall be necessary to reverse any other requirement, decision, or determination of the building official, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision.
 - (c) Nothing contained in this section shall be construed to give or grant to the board of zoning appeals the power or authority to alter or change this chapter or the zoning map, such power and authority being reserved to the township board in the manner provided by law.
 - (d) In exercising the powers set out in this section, the board of zoning appeals may reverse or affirm, wholly or partly, or modify the orders, requirement, decision or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and, to that end, shall have all the powers of the building inspector from whom the appeal is taken.
 - (e) The board of zoning appeals is not empowered to alter or change the zoning district classification of any property, or make any change in the terms of this chapter, or permit the establishment of any permanent use of land in a district in which the use is not permitted.

(Code 2004, § 54-1514; Zoning Ord. 1999, § 2403)

Sec. 54-1266. - Fees.

The township board may prescribe and amend a reasonable schedule of fees to be charged to applicants for appeals to the board of zoning appeals as currently established or as hereafter adopted by resolution of the township board from time to time. At the time the notice for appeal is filed, such fee shall be paid to the township.

(Code 2004, § 54-1515; Zoning Ord. 1999, § 2404)

Sec. 54-1267. - Duration of order.

- (a) *Erection of building.* No order of the board permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- (b) *Use of building or premises.* No order of the board of zoning appeals permitting a use of a building or premises shall be valid for a period longer than one year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Code 2004, § 54-1516; Zoning Ord. 1999, § 2405)

Secs. 54-1268—54-1292. - Reserved.

ARTICLE XIII. - GENERAL EXCEPTIONS

Sec. 54-1293. - Scope.

The regulations of this chapter governing area, height, placement and use of land and buildings shall be subject to the provisions, interpretations and exceptions set forth in this article.

(Code 2004, § 54-1541; Zoning Ord. 1999, § 2500)

Sec. 54-1294. - Essential services.

Essential services serving the township shall be permitted as authorized and regulated by law and other ordinances of the township. Overhead or underground lines and necessary poles and towers to be erected to serve those areas primarily beyond the township shall receive the review and recommendation from the township planning commission to the township board. In making their review, the planning commission and township board shall take into consideration the possible impact of such lines on:

- (1) Abutting land use.
- (2) Other utility easements in the area, public rights-of-way, and the general route of the proposed utility line through the township, and the impact the proposed route may have on future land use development in the township, as proposed on the township's adopted master plan for future land use map, and the general orderly appearance of the township.

(Code 2004, § 54-1542; Zoning Ord. 1999, § 2501)

Sec. 54-1295. - Voting place.

The provisions of this chapter shall not be construed so as to interfere with the temporary use of any property or building as a voting place in connection with any public election.

(Code 2004, § 54-1543; Zoning Ord. 1999, § 2502)

Sec. 54-1296. - Height limits.

The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the planning commission may specify a height limit after review of plans for the proposed building or structure.

(Code 2004, § 54-1544; Zoning Ord. 1999, § 2503)

Sec. 54-1297. - Projections into yards.

- (a) In the one-family residential districts, an open, unenclosed, and uncovered porch or paved terrace may project into a required front yard up to a maximum of ten feet. An open, unenclosed, and uncovered deck or raised patio may extend into a required rear yard up to a maximum of 15 feet. These two permissives shall not be interpreted to include or permit fixed canopies or awnings.
- (b) In all districts, architectural features such as roof overhangs and bay windows, not including vertical projections, may extend or project into any required side yard not more than two inches for each foot

of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet.

(Code 2004, § 54-1545; Zoning Ord. 1999, § 2504)

Sec. 54-1298. - Access through yards.

For the purpose of this chapter, vehicle and pedestrian access drives and walks may be placed in any required front or side yard so as to provide access to a rear yard or to an accessory structure. These drives or walks shall not be considered as structural violations in front or side yards. Further, any walk or other pavement servicing a like function, and not in excess of nine inches above the grade upon which placed, shall, for the purpose of this chapter, not be considered to be a structure, and shall be permitted in any required yard.

(Code 2004, § 54-1546; Zoning Ord. 1999, § 2505)

Sec. 54-1299. - Basement dwellings.

The use of an existing basement, or the basement of a partially built or planned building, as a residence or dwelling unit is prohibited in any zoning district in the township; except, homes of a soil-sheltered nature that have been designed specifically for such purpose and which meet all applicable building and safety codes shall be permitted.

(Code 2004, § 54-1547; Zoning Ord. 1999, § 2506)

Secs. 54-1300—54-1326. - Reserved.

ARTICLE XIV. - ADMINISTRATION AND ENFORCEMENT

Sec. 54-1327. - Conformance with chapter provisions.

No building or structure, or part thereof, shall be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.

(Code 2004, § 54-1571; Zoning Ord. 1999, § 2600)

Sec. 54-1328. - Duties of building official.

The provisions of this chapter shall be administered and enforced by the building official or his deputies, or such other official or officials as may be designated by the township board. Specific duties of the building official include the following:

- (1) *Grant permits and make inspections.* The building official shall have the power to grant zoning compliance and occupancy permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter.
- (2) *Inspect plans for conformance.* It shall be unlawful for the building official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this chapter.

- (3) *Record nonconforming uses.* The building official shall record all nonconforming uses existing as of October 19, 1999, for the purpose of carrying out the provisions of section 54-761 et seq., pertaining to nonconformities.
- (4) *Carry out terms of the chapter.* Under no circumstances is the building official permitted to make changes to this chapter, nor to vary the terms of this chapter, in carrying out his duties as building official.
- (5) *Issue permits if chapter compliance exists.* The building official shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of such permit.

(Code 2004, § 54-1572; Zoning Ord. 1999, § 2601)

Sec. 54-1329. - Plot plans.

The building official shall require that all applications for a building permit to erect a new one-family detached dwelling, or to erect an addition to an existing one-family detached dwelling, or to erect an accessory building permitted in a one-family district, or to erect an addition to an existing accessory building, shall be accompanied by plans and drawings along with all applicable specifications. The application shall also include a plot plan which shall be submitted in triplicate and which shall be drawn to an appropriate scale, and which shall contain the following information:

- (1) The actual shape, location and dimensions of the lot.
- (2) The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the property.
- (3) The existing and intended use of the property and of all buildings and structures to be erected, altered, or moved and any building or other structures already on the property.
- (4) When deemed necessary by the township, a grading plan containing sufficient information to determine drainage courses, shall be prepared. Such plan shall be prepared by a registered engineer or licensed land surveyor. When a grading plan shall be required, the plan shall include:
 - a. Existing and proposed topography drawn at two-foot contour intervals for all necessary areas of the site including ten feet of any land along a property line that abuts the necessary areas of the subject parcel;
 - b. Proposed elevations for proposed structures or structures to remain including basement and first floor elevations;
 - c. Elevations of abutting roads and streets;
 - d. The location of all gate valves, hydrants and any water system appurtenances if provided; and
 - e. Invert elevation, rim elevation, percentage of grade and manhole and catch-basin locations, as well as the location of all storm and sanitary sewer lines, if provided.
- (5) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this section are being met.

(Code 2004, § 54-1573; Zoning Ord. 1999, § 2602; Ord. No. 134, 4-14-2003)

Sec. 54-1330. - Permits.

- (a) No building permit shall be issued for the erection, alteration or use of any building or structure, or part thereof, or for the use of any land, which is not in accordance with all provisions of this chapter.

- (b) No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (c) No building or structure, or part thereof, shall be erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts; stairways; type of construction; type, class or kind of occupancy; light or ventilation; means of egress and ingress; or other changes affecting or regulated by the state construction code, housing law, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.
- (d) The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the building official immediately upon the completion of the work authorized by such permit for a final inspection.
- (e) Mineral mining permit. A mineral mining permit shall be obtained in accordance with the E-1 extractive district provisions of this chapter, and section 14-79 et seq.
- (f) Filling permit. A permit shall be obtained for any landfill in accordance with section 14-207 et seq.

(Code 2004, § 54-1574; Zoning Ord. 1999, § 2603)

Sec. 54-1331. - Certificates of occupancy.

No land, building, or part thereof, shall be occupied by or used for any purpose unless or until a certificate of occupancy shall have first been issued for the use. The township shall not issue a certificate of occupancy until the following conditions have been met:

- (1) *One-family home.* A plot plan when applicable, has been submitted in accordance with the applicable requirements of this section, and required architectural drawings have been approved by the township, and a copy of the approved plot plan and architectural drawings are on file with the township and furthermore, the land, the building or part thereof, which has been improved or developed in accordance with an approved plan, has been inspected by an authorized township official who has found that all applicable codes and ordinances are met, including, but not limited to, codes pertaining to site grading and drainage, structural (building), electrical and plumbing improvements.
- (2) *Multiple-family dwelling buildings.* A site plan approved by the township in accordance with the applicable standards of section 54-955 has been approved and is on file with the township. Also, in the case of a new development a certificate has been issued by the township fire department stating that a fire safety inspection has been conducted. In the case of a new owner, the new owner has notified the township in writing of an exchange in ownership and in the case of a nonresidential building, a change in use if that is the case.
- (3) *Nonresidential buildings including accessory buildings.* Any new nonresidential building, or any additions to an existing nonresidential building shall comply with all of the requirements of this section applicable to a multiple-dwelling building.

(Code 2004, § 54-1575; Zoning Ord. 1999, § 2604; Ord. No. 135, 4-14-2003)

Sec. 54-1332. - Fees for inspection and permit/certificate issuance.

Fees for inspection and the issuance of permits or certificates, or copies thereof, required or issued under this chapter may be collected by the township in advance of issuance. The amount of such fees shall be as currently established or as hereafter adopted by resolution of the township board from time to time, and should cover the cost of administration of this chapter.

(Code 2004, § 54-1576; Zoning Ord. 1999, § 2605)

Sec. 54-1333. - Public hearings.

Whenever any section of this chapter refers to this section, notice of a public hearing shall be given in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Code 2004, § 54-1577; Zoning Ord. 1999, § 2606)

State Law reference— Public hearings, MCL 125.3103, 125.3203, 125.3301, 125.3306, 125.3307, 125.3308, 125.3401, 125.3502, 125.3503, 125.3513, 125.3601, 125.3604, 125.273a, 125.274, 125.279, 125.280, 125.281, 125.286b, 125.286c, 125.288, 125.293.

Sec. 54-1334. - Violation and penalty.

- (a) The owner of any building, structure or premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, who has assisted knowingly in the commission of such violation shall be responsible for a separate infraction and, upon a finding of responsibility therefor, shall be liable for the fine as provided in this section. The rights and remedies provided in this section are cumulative and in addition to any other remedies provided by law.
- (b) Except as otherwise provided, any person violating any of the provisions of this chapter shall be responsible for a municipal civil infraction and shall be subject to a fine for each infraction, as established by the township board, along with the costs for prosecution. The imposition of any penalty shall not exempt the offender from compliance with the requirements of this chapter.

(Code 2004, § 54-1578; Zoning Ord. 1999, § 2607)

State Law reference— Certain violations as nuisance per se, MCL 125.3407.

Sec. 54-1335. - Changes or amendments by township board.

The township board may from time to time, on recommendation from the planning commission or on petition, amend, supplement or change the district boundaries of the regulations in this chapter, or subsequently established in this chapter, pursuant to the authority and procedure established in Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Code 2004, § 54-1579; Zoning Ord. 1999, § 2612)

State Law reference— Zoning adoption and enforcement, MCL 125.3401 et seq.